HB24-1007 Prohibit Residential Occupancy Limits

Comment:

Position: **Oppose**

Calendar Notification: NOT ON CALENDAR

Sponsors: M. Rutinel (D) | J. Mabrey (D) / T. Exum (D) | J. Gonzales (D)

Summary: The bill prohibits local governments from enacting or enforcing residential occupancy limits ~~unless those limits are tied to a minimum square footage per person requirement that is necessary to regulate safety, health, and welfare~~ *based on familial relationship while allowing local governments to implement residential occupancy limits based on demonstrated health and safety standards such as international building code standards, fire code regulations, or Colorado department of public health and environment wastewater and water quality standards.*

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

HB24-1052 Senior Housing Income Tax Credit

Comment:

Position: **Support**

Calendar Notification: NOT ON CALENDAR

Sponsors: M. Weissman (D) | B. Marshall (D) / C. Kolker (D) | C. Hansen (D)

Summary: **Legislative Oversight Committee Concerning Tax Policy. Section 2** of the bill reinstates a refundable income tax credit (credit) that was available for the income tax year commencing on January 1, 2022, so that the credit is available for the income tax year commencing on January 1, 2024, and is available in a different amount to joint-filers.

The credit is for a qualifying senior, which means a resident individual who:

- Is 65 years of age or older at the end of 2024;
- Has federal adjusted gross income (AGI) that is less than or equal to $75,000 if filing a single return, or less than or equal to $150,000 if filing a joint return; and
- Has not claimed the senior property tax exemption for the 2024 property tax year.

The amount of the credit is:

- $1,000 for a qualifying senior filing a single return with federal AGI that is $25,000 or less. For every $500 of AGI above $25,000, the amount of the credit is reduced by $10.
- $1,000 for a qualifying senior filing a joint return with another individual who is not a qualifying senior with federal AGI that is $50,000 or less. For every $500 of AGI above $50,000, the amount of the credit is reduced by $10.
- $2,000 for a qualifying senior filing a joint return with another qualifying senior with federal AGI that is $50,000 or less. For every $500 of AGI above $50,000, the amount of the credit is reduced by $10.

Notwithstanding the income-based reductions in the allowable credit amount, a taxpayer who also qualifies for a property tax and rent assistance grant or heat assistance grant during calendar year 2024 is eligible to receive the full credit amount.

Section 1 requires the property tax administrator to provide reports from counties related to taxpayers who are eligible for and actually claim the homestead property tax exemption.
(Note: This summary applies to this bill as introduced.)

HB24-1057 Prohibit Algorithmic Devices Used for Rent Setting

Comment:

Position: **Oppose**

Calendar Notification: Tuesday, April 2 2024
SENATE LOCAL GOVERNMENT & HOUSING COMMITTEE
2:00 PM SCR 352
(1) in senate calendar.

Sponsors: S. Woodrow (D) | J. Mabrey (D) / J. Gonzales (D) | N. Hinrichsen (D)

Summary: The bill states that a landlord, ~~may not employ or rely upon an algorithmic device~~ in setting the amount of rent to be charged to a tenant for the occupancy of a residential premises, *may not employ or rely upon an algorithmic device that uses, incorporates, or was trained with nonpublic competitor data* . A ~~violation of the prohibition is~~ *person who violates or assists another person in violating the prohibition commits* an unfair or deceptive trade practice under the "Colorado Consumer Protection Act" and may be punished accordingly.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

HB24-1098 Cause Required for Eviction of Residential Tenant

Comment:

Position: **Actively Oppose**

Calendar Notification: NOT ON CALENDAR

Sponsors: J. Mabrey (D) | M. Duran (D) / J. Gonzales (D) | N. Hinrichsen (D)

Summary: ~~The~~ *With certain exceptions, the* bill prohibits a landlord from evicting a residential tenant unless the landlord has cause for eviction. Cause exists only when:

- A tenant or lessee is guilty of an unlawful detention of real property under certain circumstances described in existing law, as amended by the bill; ~~or~~
- *A tenant has engaged in conduct that creates a nuisance or disturbance that interferes with the quiet enjoyment of the landlord or other tenants at the property or where the tenant is negligently damaging the property; or*
- Conditions exist constituting grounds for a "no-fault eviction".

The following conditions constitute grounds for a "no-fault eviction" of a residential tenant, with certain limitations:

- Demolition or conversion of the residential premises;
- Substantial repairs or renovations to the residential premises;
- Occupancy assumed by the landlord or a family member of the landlord;
- ~~Expiration of time-limited housing operated by a mission-driven organization; and~~
- Withdrawal of the residential premises from the rental market for the purpose of selling the residential premises;
- *A tenant refuses to sign a new lease with reasonable terms; and*
- *A tenant has a history of nonpayment of rent.*

~~A landlord that proceeds with a no-fault eviction in violation of certain notice requirements or other restrictions must provide relocation assistance to the tenant in the amount of 2 months' rent plus one additional month of rent if any of the following individuals reside in the residential premises:~~

- ~~An individual who is under 18 years of age or at least 60 years of age;~~
- ~~An individual whose income is no greater than 80% of the area median income; or~~
- ~~An individual with a disability.~~

If a landlord proceeds with an eviction of a tenant without cause, the tenant may seek relief as provided in existing laws concerning unlawful removal of a tenant and may assert the landlord's violation as an affirmative defense to an eviction proceeding.

Current law allows a tenant to terminate a tenancy by serving written notice to the landlord within a prescribed time period, based on the length of the tenancy. For the purpose of such notices, certain provisions apply, including the following:

- Any person in possession of real property with the assent of the owner is presumed to be a tenant at will until the contrary is shown; and
- Certain provisions concerning notices to quit do not apply to the termination of a residential tenancy if the residential premises is a condominium unit.

The bill eliminates these provisions.

Current law requires the management of a mobile home park to make a reasonable effort to notify a resident of the management's intention to enter the mobile home space at least 48 hours before entry. The bill increases this notice period to 72 hours.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

HB24-1099 Defendant Filing Fees in Evictions

Comment:

Position: **Deliberating**

Calendar Notification: NOT ON CALENDAR

Sponsors: M. Lindsay (D) | M. Soper (R) / J. Buckner (D) | B. Pelton (R)

Summary:

Current law establishes a schedule of filing fees for litigants in civil actions in county courts. The bill eliminates the fee for a defendant filing an answer in an eviction proceeding.

Current law permits a party to submit and a county court to grant a motion to waive filing fees in a residential eviction action. The bill removes the process for securing a waiver of these filing fees. Current law prohibits a county court from assessing fees when indigent parties e-file motions, answers, or documents in connection with evictions. The

bill removes the reference to indigent parties and instead prohibits a county court from charging defendants fees for filing motions, answers, or other documents in evictions. The bill requires a county court to timely mail copies of any answers or other filings to a plaintiff on a defendant's behalf. The bill prohibits the court from charging a fee related to the mailing.

(Note: This summary applies to this bill as introduced.)

Status:

HB24-1107 Judicial Review of Local Land Use Decision

Comment:

Position: **Actively Support**

Calendar Notification: Wednesday, April 10 2024
SENATE JUDICIARY COMMITTEE
1:30 PM Old Supreme Court
(1) in senate calendar.

Sponsors: W. Lindstedt (D) | S. Bird (D) / J. Bridges (D) | F. Winter (D)

Summary: The bill requires a court to award reasonable attorney fees to a prevailing ~~defendant~~ *governmental entity* in an action for judicial review of a local land use decision *involving residential use with a net project density of 5 dwelling units per acre or more* , except for an action brought by the land use applicant before the governmental entity. Filing an action for judicial review of a local land use decision does not affect the validity of the local land use decision. The bill authorizes a governmental entity and the public to rely on the local land use decision in good faith for all purposes until the action for judicial review is resolved.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

Status:

HB24-1152	**Accessory Dwelling Units**

Comment:

Position: **Amend**

Calendar Notification: NOT ON CALENDAR

Sponsors: J. Amabile (D) | R. Weinberg (R) / K. Mullica (D) | T. Exum (D)

Summary: **Section 1** of the bill creates a series of requirements related to accessory dwelling units. The bill establishes unique requirements for subject jurisdictions and for qualifying as an accessory dwelling unit supportive jurisdiction (supportive jurisdiction).

As established in the bill, a subject jurisdiction is either:

- A municipality that has a population of 1,000 or more and that is within the area of a metropolitan planning organization; or
- The portion of a county that is both within a census designated place with a population of ten thousand or more, as reported in the most recent decennial census, and within the area of a metropolitan planning organization.

The bill requires a subject jurisdiction to allow, subject to an administrative approval process, one accessory dwelling unit as an accessory use to a single-unit detached dwelling in any part of the subject jurisdiction where the subject jurisdiction allows single-unit detached dwellings. The bill also prohibits subject jurisdictions from enacting or enforcing certain local laws that would restrict the construction or conversion of an accessory dwelling unit.

In order to qualify as a supportive jurisdiction, a jurisdiction must submit a report to the division of local government in the department of local affairs (the division) demonstrating that the jurisdiction:

- Has complied with the accessory dwelling unit requirements the bill imposes on subject jurisdictions; and
- Has implemented one or more strategies to encourage and facilitate the construction or conversion of accessory dwelling units.

Section 1 also creates the accessory dwelling unit fee reduction and encouragement grant program within the division. The purpose of this grant program is for the division to provide grants to supportive jurisdictions for offsetting costs incurred in connection with developing pre-approved accessory dwelling unit plans, providing technical assistance to persons converting or constructing accessory dwelling units, or waiving or reducing accessory dwelling unit associated fees and other required costs. **Section 2** grants the Colorado economic development commission the power to expend $8 million to contract with the Colorado housing and finance authority to operate and establish the following programs to benefit the residents of supportive jurisdictions:

- An accessory dwelling unit loss reserve program that offers affordable loans for the construction or conversion of accessory dwelling units;
- A program that allows for the buying down of interest rates on loans made in connection with the construction or conversion of accessory dwelling units;
- A program that offers down payment assistance in connection with accessory dwelling units; and
- A program through which the Colorado housing and finance authority offers direct loans in connection with the construction or conversion of accessory dwelling units.

Section 3 prohibits a planned unit development resolution or ordinance for a planned unit development from restricting the permitting of an accessory dwelling unit more than the local law that applies to accessory dwelling units outside of the planned unit development. **Section 4** states that any prohibition on accessory dwelling units or the implementation of restrictive design or dimension standards by a unit owners' association in a supportive jurisdiction is void as a matter of public policy.
(Note: This summary applies to this bill as introduced.)

HB24-1175 Local Goverments Rights to Property for Affordable Housing

Comment:

Position: **Monitor**

Calendar Notification: Monday, April 1 2024
SPECIAL ORDERS - SECOND READING OF BILLS
(1) in house calendar.

Sponsors: A. Boesenecker (D) | E. Sirota (D) / F. Winter (D) | S. Jaquez Lewis (D)

Summary: The bill creates 2 property rights for local governments to certain types of multifamily rental properties: A right of first refusal and a right of first offer. The right of first offer is temporary and terminates on December 31, 2029. For multifamily rental properties that are existing affordable housing, a local government has a right of first refusal to match an acceptable offer for the purchase of such property, subject to the local government's commitment to using the property as long-term affordable housing. Existing affordable housing is housing that is currently receiving federal or local financial assistance.

The bill requires the seller of such property to give notice to the local government at least 2 years before the first expiration of an existing affordability restriction on the property and again when the seller takes certain actions as a precursor to selling the property. Upon receiving the notice indicating intent to sell the property or of a potential sale of the property, the local government has 14 calendar days to preserve its right of first refusal and an additional 60 calendar days to make an offer and must agree to close on the property within 120 calendar days of the acceptance of the local government's offer. If the price, terms, and conditions of an acceptable offer that has been communicated to the local government materially change, the seller must provide notice of the change within 7 days and the local government may exercise or re-exercise its right of first refusal. If the residential seller rejects an offer by the local government, the seller must provide a written explanation of the reasons and invite the local government to make a subsequent offer within 14 days.

For all other multifamily rental properties that are 20 years or older and have not more than 100 units and not less than 5 units in urban counties and 3 units in rural and rural resort counties, a local government has a right of first offer. A seller of such property must provide notice of intent to sell the property to the local government before the seller lists the property for sale. After receipt of the notice, the local government has 14 days to respond by either making an offer to purchase the property and stating an intent to perform due diligence and enter into a contract to purchase the property within 45 days of the date that the residential seller's notice was received or waiving its right to purchase the property. The local government's offer is subject to the property being used or converted for the purpose of providing long-term affordable housing or mixed-income development. If the local government does not provide a response in the 14-day period, the right of first offer is waived and the residential seller can proceed with listing and selling the property to any third-party buyer. The residential seller has 14 days to accept or reject the local government's offer and, if the offer is accepted, the local government has 30 days to close the transaction.

In exercising its right of first refusal or first offer, the local government may partner with certain other entities for financing of the transaction and may also assign either right to certain other entities that are then subject to all the rights and requirements of the local government in exercising either right.

The bill allows certain sales of property to be exempt from either the right of first refusal, the right of first offer, or both. The bill also allows the local government to waive its right of first refusal to purchase property qualifying for the right if the local government elects to disclaim its rights to any proposed transaction or for any duration of time.

The bill also requires the attorney general's office to enforce its provisions and grants the attorney general's office, the local government, or a mission-driven organization standing to bring a civil action for violations of the right of first refusal or first offer established by the bill. If a court finds that a seller has materially violated the law with respect to the right of first refusal or first offer, respectively, the court must award a statutory penalty of not less than $30,000.

(Note: This summary applies to this bill as introduced.)

HB24-1230 Protections for Real Property Owners

Comment:

Position: **Oppose**

Calendar Notification: Monday, April 1 2024
THIRD READING OF BILLS - FINAL PASSAGE
(47) in house calendar.

Sponsors: J. Parenti (D) | J. Bacon (D) / F. Winter (D) | L. Cutter (D)

Summary: Current law declares void any express waivers of or limitations on the legal rights or remedies provided by the "Construction Defect Action Reform Act" or the "Colorado Consumer Protection Act". **Sections 1 and 4** make it a violation of the "Colorado Consumer Protection Act" to obtain or attempt to obtain a waiver or limitation that violates the aforementioned current law. **Section 4** also requires a court to award to a claimant that prevails in a claim arising from alleged defects in a residential property construction, in addition to actual damages, prejudgment interest on the claim at a rate of 6% from the date the work is finished to the date it is sold to an occupant and 8% thereafter.

Current law requires that a lawsuit against an architect, a contractor, a builder or builder vendor, an engineer, or an inspector performing or furnishing the design, planning, supervision, inspection, construction, or observation of construction of an improvement to real property must be brought within 6 years after the claim arises. **Section 2** increases the amount of time in which a lawsuit may be brought from 6 to 10 years. Current law also provides that a claim of relief arises when a defect's physical manifestation was discovered or should have been discovered. **Section 2** also changes the time when a claim of relief arises to include both the discovery of the physical manifestation and the cause of the defect. **Section 3** voids a provision in a real estate contract that prohibits group lawsuits against a construction professional. **Section 5** of the bill prohibits governing documents of a common interest community from setting different or additional requirements than those in current law for a construction defect action. *(Note: This summary applies to this bill as introduced.)*

HB24-1300 Home Sale Wildfire Mitigation Requirements

Comment:

Position: **Oppose**

Calendar Notification: NOT ON CALENDAR

Sponsors: T. Story (D) | K. Brown (D) / J. Marchman (D)

Summary: Currently, 12 Colorado counties, including Archuleta, Boulder, Chaffee, Clear Creek, Douglas, Eagle, El Paso, Gilpin, Gunnison, Jefferson, Ouray, and Summit (affected counties), require some form of wildfire mitigation in connection with the construction of a new residence but not with the sale of an existing residence. Because the affected counties are among the most at-risk counties for wildfires, **section 2** of the bill requires the affected counties to leverage their existing wildfire mitigation expertise to establish a program for point-of-sale wildfire mitigation certification in connection with the sale of an existing residence located in the county. **Section 3** details the minimum requirements for a county point-of-sale wildfire mitigation certification program. The bill also specifies limitations on such programs and encourages counties to create and maintain a web-based clearing house of state and county-level technical assistance and funding resources. **Section 3** also authorizes any county that is not an affected county and any municipality to establish by ordinance or

regulation a program for a homeowner to obtain certification of compliance with the Colorado state forest service's phase one wildfire mitigation standards in connection with the sale of the homeowner's residence. **Section 4** makes a conforming amendment to the existing Colorado state forest service web-based clearing house to require the inclusion of information to educate and assist homeowners in accessing resources to comply with the county point-of-sale programs established pursuant to **section 3.**
(Note: This summary applies to this bill as introduced.)

HB24-1304 Minimum Parking Requirements

Comment:

Position: **Oppose**

Calendar Notification: NOT ON CALENDAR

Sponsors: S. Vigil (D) | S. Woodrow (D) / K. Priola (D) | N. Hinrichsen (D)

Summary: The bill prohibits a county or municipality, on or after January 1, 2025, from enforcing minimum parking requirements for real property that is within a metropolitan planning organization. This prohibition does not prohibit a county or municipality from:

- Lowering the protections provided for persons with disabilities;
- Preventing a county or municipality from enacting or enforcing a maximum parking requirement; or
- Preventing a county or municipality from enacting or enforcing a minimum parking requirement for bicycles.

The bill also allows a municipality or county, on or after January 1, 2025, to impose the following requirements on a motor vehicle parking space that is voluntarily provided in connection with a development project:

- That the owners of such a motor vehicle parking space charge for the use of the space; and
- That such a motor vehicle parking space allow for vehicle charging stations in accordance with existing law.

The bill requires a county or municipality that is subject to the bill, on or after June 30, 2025, to submit a report to the department of local affairs detailing the county or municipality's compliance with the requirements of the bill. The bill provides a process for the review of such a report.

(Note: This summary applies to this bill as introduced.)

HB24-1308	**Effective Implementation of Affordable Housing Programs**
Comment:	
Position:	**Deliberating**
Calendar Notification:	NOT ON CALENDAR
Sponsors:	L. Frizell (R) | W. Lindstedt (D)
Summary:	Under current law, the division of housing (division) within the department of local affairs must submit an annual public report on the funding of affordable housing preservation and production (public report). The bill requires the division to add to the public report information on applications for affordable housing programs that the division administers, including the number of applications approved, denied, and pending, the amount of money awarded from approved applications, and the amount of money applied for but not awarded from denied applications. The bill also requires the division to add to the public report information regarding money in the housing development grant fund, including amounts in the fund and the use of the money in the preceding year. The bill also establishes procedures and timelines for the division to follow for affordable housing programs administered by the division. The bill requires that the division accept applications once a month or on a rolling basis and requires that the division review applications and issue any requests for additional information, forms, or questions to applicants within 10 calendar days of an application period closing. The division must either issue final decisions on applications or submit applications to the board of housing for final decision within 45 days following the submission of completed applications. If applications are submitted to the state housing board, the state housing board must make a final decision on an application within 15 days of receiving the application. After a final decision approving an application, the division shall issue an award letter that includes information on the timeline for issuing

money to the applicant, any terms for a loan or grant period, and any conditions that must be met before a contract in connection with the approval is executed. The division shall also provide a draft contract to the approved applicant within 30 days of the application being approved. Within 90 days of the division receiving a substantially complete post-award due diligence package from an approved applicant, the division shall execute any required contracts for the affordable housing program and send it to the approved applicant within 10 days of execution.

The bill also amends existing grant, loan, or other affordable housing programs administered by the division to require the application process to be followed for any applications submitted under these programs and requires any programs that have adopted policies, procedures, or guidelines for the application process to be amended if they are inconsistent with the application process established by the bill.

Under current law, a local government or tribal government desiring to receive funding from the statewide affordable housing fund or desiring to make affordable housing projects within its territorial boundaries eligible for funding from the statewide affordable housing fund must establish a baseline number of affordable housing units within its territorial boundaries every 3 years, beginning in 2024, and commit to increasing affordable housing units by 3% each year over the baseline number within that 3-year period (affordable housing unit requirements).

The bill allows a local government or tribal government to donate land to a community land trust or a nonprofit affordable homeownership developer for development as affordable homeownership property and receive a credit for the purposes of calculating whether the local government or the tribal government has met the affordable housing unit requirements for the year in which the land is donated. The credit is in the amount of one and one-half units per unit constructed on the donated land and is claimed when the building permits for the project have been approved by the applicable building authority. Additionally, a school district that donates land in the same manner may assign its credit to the local government or tribal government.

(Note: This summary applies to this bill as introduced.)

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HB24-1313	Housing in Transit-Oriented Communities
Comment:	
Position:	**Oppose**
Calendar Notification:	NOT ON CALENDAR
Sponsors:	S. Woodrow (D) | I. Jodeh (D) / C. Hansen (D) | F. Winter (D)
Summary:	**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 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 is 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.
(Note: This summary applies to this bill as introduced.)

HB24-1316 Middle-Income Housing Tax Credit

Comment:

Position: **Actively Support**

Calendar Notification: NOT ON CALENDAR

Sponsors: W. Lindstedt (D) | M. Lindsay (D) / J. Bridges (D)

Summary: The bill creates a pilot program for an income tax credit for owners of qualified housing developments focused on rental housing for middle-income individuals and families. Middle-income individuals and families are those individuals and families with an annual household

income between 80% and 120% of the area median income of the households of the same size in the county in which the housing development is located; except that, for rural resort counties, the annual income is between 80% and 140% of the area median income of the households of the same size in the county in which the housing development is located.

During the calendar years commencing on January 1, 2025, and ending on December 31, 2027, the owner of a qualified housing development may be allocated a credit by the Colorado housing and finance authority (CHFA). The amount of the credit is determined by CHFA. The allocation of credits must follow CHFA's published allocation plan, and the aggregate amount of credits allocated in one calendar year cannot exceed $10 million. The allocated credit amount may be used to offset a qualified taxpayer's income taxes each year for a period of 5 years, beginning in the year that the qualified housing development is placed in service. Although the credit may only be claimed for a 5-year period, the owner is required to provide middle-income housing in the qualified housing development for 15 years. A portion of the credit may be recaptured under certain conditions, for instance when the owner reduces the number of units serving middle-income individuals and families. In addition, the credit is allowed against insurance premium taxes for eligible taxpayers that are not subject to income taxes.

The bill also requires CHFA to annually report on the middle-income tax credit pilot program to the general assembly and to make the report publicly available.

(Note: This summary applies to this bill as introduced.)

HB24-1366	**Sustainable Local Government Community Planning**
Comment:	
Position:	**Deliberating**
Calendar Notification:	Tuesday, April 9 2024 Transportation, Housing & Local Government 1:30 p.m. Room LSB-A (2) in house calendar.
Sponsors:	M. Froelich (D) | K. Brown (D)
Summary:	**Section 1** of the bill requires state agencies to prioritize awarding grants that satisfy a list of criteria described in the bill. **Sections 2 and 3** require, beginning January 1, 2025, upon updating a county or municipal master plan, a county or municipality (local government) to include a climate action element in its master plan. A climate action element must include climate-related goals, plans, or strategies and a description of any money from the federal, state, or a local government that a local government has received for the implementation of any of the plans or goals described in the climate action element. The bill requires a local government to provide the Colorado energy office (office) with the climate action element and then requires the office to deliver a copy of any climate element it receives to the department of local affairs, the Colorado department of transportation (CDOT), and any other state agency that the office determines. **Section 4** requires CDOT to coordinate with metropolitan planning organizations to establish criteria that define growth corridors and identify these growth corridors. Having identified these growth corridors, the department and metropolitan planning organizations shall coordinate with local governments to develop transportation demand management plans for these growth corridors. **Section 5** makes 2 changes related to the statewide transportation plan. First, the bill requires the statewide transportation plan to include: • An examination of the impact of transportation decisions on land use patterns; • The identification of highway segments where promotion of context-sensitive highway permitting and design can encourage the development of dense, walkable, and mixed-use neighborhoods in transit-oriented centers and neighborhood centers; and • An emphasis on integrating planning efforts within CDOT to support multimodal transportation, neighborhood centers, and transit-oriented centers in infill areas as well as growth corridors

through the associated transportation demand management corridor planning.

Second, the bill requires CDOT to conduct a study in connection with the statewide transportation plan that identifies:

- Policy barriers and opportunities for the implementation of context-sensitive design, complete streets, and pedestrian-bicycle safety measures in locally-identified urban centers and neighborhood centers; and
- The portions of state highways that pass through locally identified transit-oriented centers and neighborhood centers that are candidates for context-sensitive design, complete streets, and pedestrian-bicycle safety measures.

(Note: This summary applies to this bill as introduced.)

SB24-064 Monthly Residential Eviction Data & Report

Comment:

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Sponsors: K. Mullica (D) / S. Bird (D)

Summary: The bill requires the judicial department to collect, compile, and publish online, on a monthly basis, aggregate residential eviction data for all forcible entry and detainer actions filed in each county in the immediately preceding month. The judicial department shall make individual case level residential eviction data available upon request. The bill requires the judicial department to publish online in a searchable format, and make available free of charge, every final order issued by Colorado district courts regarding residential eviction actions.

The bill requires the complaint for an eviction action to include the street address and the zip code.

(Note: This summary applies to this bill as introduced.)

Status: 1/19/2024 Introduced In Senate - Assigned to Judiciary
2/7/2024 Senate Committee on Judiciary Refer Amended to Appropriations

Fiscal Notes: Fiscal Note

House Sponsors: Bird-

Senate Sponsors: Mullica--

SB24-094 Safe Housing for Residential Tenants

Comment:

Position: **Oppose**

Calendar Notification: Tuesday, April 2 2024
Transportation, Housing & Local Government
1:30 p.m. Room LSB-A
(1) in house calendar.

Sponsors: J. Gonzales (D) | T. Exum (D) / M. Lindsay (D) | M. Froelich (D)

Summary: The bill modifies existing warranty of habitability laws by clarifying actions that constitute a breach of the warranty of habitability (breach) and procedures for both landlords and tenants when a warranty of habitability claim (claim) is alleged by the tenant. Updates to existing warranty of habitability laws include:

- Establishing time frames for when a landlord must communicate with the tenant and commence remedial action after having ~~actual or constructive~~ notice of a condition related to the habitability of a residential premises;
- Requiring a landlord to perform conduct to address an uninhabitable condition until such condition is completely remedied or repaired;
- Establishing a rebuttable presumption that a landlord has failed the landlord's duty to remedy or repair a condition if the condition continues to exist either 7 or 14 days after the landlord has ~~actual or constructive~~ notice of the condition, depending on the condition at issue in the tenant's claim;
- Determining when a landlord is presumed to have ~~actual or constructive~~ notice of a condition;
- Requiring a landlord to provide a tenant with a comparable dwelling unit or hotel room ~~under certain circumstances~~ *for up to sixty days* while the landlord addresses any uninhabitable conditions that materially interfere with the tenant's life, health, or safety;

- Requiring a landlord to maintain all records, including correspondence and other documentation, relevant to a tenant's claim and any remedial actions taken by the landlord;
- *Requiring rental agreements entered into after January 1, 2025, to feature a statement regarding where a tenant can report or deliver written notice of an unsafe or uninhabitable condition;*
- Establishing procedures for when a landlord may enter the dwelling unit of a tenant to address an uninhabitable condition and identifying circumstances when a tenant may deny a landlord entry to the dwelling unit;
- Clarifying certain conditions or characteristics of residential premises that are considered uninhabitable;
- Establishing that there is a rebuttable presumption that certain conditions and characteristics of a residential premises materially interfere with a tenant's life, health, or safety; and
- Modifying and clarifying a tenant's option for remedies when bringing a claim against a landlord and modifying procedures for accessing those remedies.

The bill establishes legal standards and court procedures related to claims, including authorizing a tenant to raise a breach as an affirmative defense against a landlord's action for possession or action of collection against the tenant. The bill also establishes legal standards and procedures for a landlord's defense to a claim and limitations on a tenant's claim. The bill instructs the court in its calculation of actual and punitive damages for breach cases.

The bill prohibits retaliation and specifies what tenant actions are protected by the prohibition on retaliation and what actions constitute retaliation by the landlord.

The bill clarifies the jurisdiction of the attorney general and county and district courts over matters related to violations of the warranty of habitability.

The bill also modifies the statement included in a summons issued to a defendant in a court proceeding regarding an action for possession brought by a landlord.

(Note: Italicized words indicate new material added to the original summary; dashes through words indicate deletions from the original summary.)

(Note: This summary applies to the reengrossed version of this bill as introduced in the second house.)

SB24-106	Right to Remedy Construction Defects
Comment:	
Position:	**Actively Support**
Calendar Notification:	Monday, April 1 2024 GENERAL ORDERS - SECOND READING OF BILLS (2) in senate calendar.
Sponsors:	R. Zenzinger (D) | J. Coleman (D) / S. Bird (D)
Summary:	In the "Construction Defect Action Reform Act" (act), Colorado law establishes procedures for bringing a lawsuit for a construction defect (claim). **Section 2** of the bill clarifies that a person that has had a claim brought on the person's behalf is also considered a claimant, and therefore, the act applies to the person for whom the claim is brought. **Sections 3 and 6** create a right for a construction professional to remedy a claim made against the construction professional by doing remedial work or hiring another construction professional to perform the work. The following applies to the remedy: • The construction professional must notify the claimant and diligently make sure the remedial work is performed; and • Upon completion, the claimant is deemed to have settled and released the claim, and the claimant is limited to claims regarding improper performance of the remedial work. Currently, a claim may be held in abeyance if the parties have agreed to mediation. **Section 3** also adds other forms of alternative dispute resolution for which the claim would be held in abeyance. Alternative dispute resolution is binding. If a settlement offer of a payment is made and accepted in a claim, the payment constitutes a settlement of the claim and the cause of action is deemed to have been released, and an offer of settlement is not admissible in any subsequent action or legal proceeding unless the proceeding is to enforce the settlement. To bring a claim or related action, **section 4** requires a unit owners' association (association) to obtain the written consent of at least two-thirds of the actual owners of the units in the common interest

community. The consent must contain the currently required notices, must be signed by each consenting owner, and must have certain attestations.

Under the act, a claimant is barred from seeking damages for failing to comply with building codes or industry standards unless the failure results in:

- Actual damage to real or personal property;
- Actual loss of the use of real or personal property;
- Bodily injury or wrongful death; or
- A risk of bodily injury or death to, or a threat to the life, health, or safety of, the occupants.

Section 5 requires the actual property damage to be the result of a building code violation and requires the risk of injury or death or the threat to life, health, or safety to be imminent and unreasonable.

Under current law, an association may institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or 2 or more unit owners on matters affecting a common interest community. For a construction defect matter to affect a common interest community, **section 7** requires that the matter concern real estate that is owned by the association or by all members of the association. **Section 7** also establishes that, when an association makes a claim or takes legal action on behalf of unit owners when the matter does not concern real estate owned by the association:

- The association and each claim are subject to each defense, limitation, claim procedure, and alternative dispute resolution procedure that each unit owner would be subject to if the unit owner had brought the claim; and
- The association has a fiduciary duty to act in the best interest of each unit owner.

(Note: This summary applies to this bill as introduced.)

SB24-112	Construction Defect Action Procedures
Comment:	
Position:	**Support**
Calendar Notification:	NOT ON CALENDAR
Sponsors:	P. Lundeen (R)
Summary:	**Section 1** of the bill adds disclaimers to the "Construction Defect Action Reform Act" that:

- Are not intended to impose an obligation upon construction professionals to provide an express or implied warranty;
- Apply to implied warranty claims; and
- Do not amend or change the terms of or limitation upon an express or implied warranty.

The bill states that a construction professional is not vicariously liable for the acts or omissions of a licensed design professional for any construction defects.

Under current law regarding common interest communities, a unit owners' association (association) must follow a process to obtain the approval of a majority of the unit owners before initiating a construction defect action (action). The approval process:

- Requires that a meeting be held to consider whether or not to bring the action (meeting);
- Requires the association to give the unit owners information about the proposed action and certain notices and disclosures before the meeting;
- Allows the association to amend or supplement the proposed action after the meeting; and
- Allows the association to omit nonresponsive votes from the total vote count, but allows construction professionals to challenge whether the association made diligent efforts to contact the nonresponsive unit owners.

In connection with this process, **section 2** :

- Requires the association to give notice to unit owners and reobtain unit owner approval to amend or supplement a proposed action after the meeting;
- Raises the number of unit owners who need to approve the action from a majority to a two-thirds majority;
- Requires a unit owner to sign the unit owner's vote;

- Requires the association to give the construction professionals a list of nonresponsive unit owners; and
- When unit owners' nonresponsiveness is challenged in court:
- Requires the court to stay the action against the construction professionals and requires the notification and voting process to be performed again unless the court holds that the association diligently contacted the unit owners; and
- Requires the association to disclose to the construction professionals all information relevant to the unit owners' nonresponsiveness within 21 days after the challenge has been filed.

(Note: This summary applies to this bill as introduced.)

SB24-154 Accessory Dwelling Units

Comment:

Position: **Oppose**

Calendar Notification: NOT ON CALENDAR

Sponsors: S. Jaquez Lewis (D)

Summary: **Section 1** of the bill creates a series of requirements related to accessory dwelling units in subject jurisdictions.

As established in the bill, a subject jurisdiction is the unincorporated portion of a county that is not within:

- A unit owners' association; or
- An area identified as having a high fire intensity on the fire intensity scale published as part of the Colorado state forest service wildfire risk viewer.

The bill requires a subject jurisdiction to allow, on or after January 1, 2025, subject to an administrative approval process, the conversion of an accessory dwelling unit. The bill also prohibits subject jurisdictions from applying a restrictive design or dimension standard to an accessory dwelling unit.

Section 2 grants the Colorado economic development commission the power to contract with the Colorado housing and finance authority for the operation of a program in which the Colorado housing and finance authority offers direct loans for the conversion of accessory dwelling units on owner-occupied land.
(Note: This summary applies to this bill as introduced.)

Status: 2/12/2024 Introduced In Senate - Assigned to Local Government & Housing

SB24-174 Sustainable Affordable Housing Assistance

Comment:

Position: **Amend**

Calendar Notification: Tuesday, April 2 2024
SENATE LOCAL GOVERNMENT & HOUSING COMMITTEE
2:00 PM SCR 352
(2) in senate calendar.

Sponsors: B. Kirkmeyer (R) | R. Zenzinger (D) / S. Bird (D)

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

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

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

Relatedly, the bill allows a regional entity to conduct a regional housing needs assessment. If a regional entity conducts a regional housing needs assessment, the bill requires the regional entity to submit the assessment both to each local government in the region and to the

department, which shall publish those assessments on the department's website.

Housing action plans. A housing action plan is an advisory document that demonstrates a local government's commitment to address housing needs and that guides a local government in developing legislative actions, promoting regional coordination, and informing the public of the local government's efforts to address housing needs in the local government's jurisdiction. The bill requires a local government with a population of 1,000 or more to make a housing action plan no later than January 1, 2028, and every 6 years thereafter. The bill identifies the specific elements that a housing action plan must include, explains how a local government may update a housing action plan, requires a local government to report its progress in implementing the plan to the department, and requires a local government to submit a housing action plan to the department, which shall publish those assessments on the department's website. **Publishing of reports.** The bill requires the director to publish reports on the following no later than December 31, 2024:

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

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

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

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

- Establishing regional entities;
- Creating local and regional housing needs assessments;

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

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

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

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

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

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

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

- A narrative description of the procedure used for the development and adoption of the master plan;

- No later than December 31, 2026, a water supply element; and
- No later than December 31, 2026, a strategic growth element, so long as the county or municipality meets certain requirements.

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

The strategic growth element in a master plan must include:

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

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

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

Status: 3/5/2024 Introduced In Senate - Assigned to Local Government & Housing

Amendments: