

HB1117\_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB21-1117 be amended as follows:

1 Amend printed bill, page 2, line 20, after "(1)(e.5)" insert "and (1)(e.7)".

2 Page 3, strike lines 10 through 13 and substitute:

3 "LONG AS:

4 (I) THE LOCAL GOVERNMENT ADOPTING THE REGULATION HAS:

5 (A) PREPARED A QUANTITATIVE ANALYSIS OF HOUSING NEEDS  
6 WITHIN A DEFINED HOUSING MARKET AREA ENCOMPASSING THE LOCAL  
7 GOVERNMENT'S JURISDICTION; AND

8 (B) ADOPTED A PLAN FOR ADDRESSING SUCH NEEDS OVER THE  
9 SUBSEQUENT TWENTY-YEAR PERIOD;

10 (II) THE LOCAL GOVERNMENT ADOPTING THE REGULATION HAS  
11 PROVIDED REASONABLE NOTICE AND AN OPPORTUNITY FOR COMMENT ON  
12 THE PROPOSED REGULATION;

13 (III) THE REGULATION WILL FURTHER THE GOALS AND OBJECTIVES  
14 IDENTIFIED IN THE PLAN REQUIRED BY SUBSECTION (1)(e.5)(I)(B) OF THIS  
15 SECTION;

16 (IV) THE REGULATION CONTAINS MEASURES THAT ARE  
17 REASONABLY EXPECTED TO OFFSET THE FINANCIAL IMPACTS OF PROVIDING  
18 RENT OR SALES PRICE-RESTRICTED HOUSING UNITS, WHICH MEASURES MAY  
19 INCLUDE, WITHOUT LIMITATION:

20 (A) EXPEDITED PERMITTING PROCEDURES;

21 (B) BUILDING HEIGHT, BULK, OR UNIT DENSITY INCREASES;

22 (C) VEHICULAR PARKING RESTRICTIONS; OR

23 (D) PUBLIC INVESTMENTS IN DEVELOPMENT THAT INCREASE THE  
24 VALUE OF PRIVATE PROPERTY;

25 (V) THE REGULATION INCLUDES ALTERNATIVES TO ITS  
26 COMPLIANCE, WHICH ALTERNATIVES MAY INCLUDE, WITHOUT LIMITATION:

27 (A) THE CONSTRUCTION OF RENT OR SALES PRICE-RESTRICTED  
28 HOUSING UNITS AT OFF-SITE LOCATIONS; OR

29 (B) THE PAYMENT OF CASH IN LIEU OF CONSTRUCTING RENT OR  
30 SALES PRICE-RESTRICTED HOUSING UNITS; AND

31 (VI) THE LOCAL GOVERNMENT THAT HAS ADOPTED THE  
32 REGULATION CONDUCTS A REVIEW OF THE REGULATION NOT LESS THAN  
33 ONCE EVERY FIVE YEARS, WHICH REVIEW MUST BE DELIVERED TO THE  
34 GOVERNING BODY OF THE LOCAL GOVERNMENT AND MADE PUBLICLY  
35 AVAILABLE ON THE WEBSITE OF THE LOCAL GOVERNMENT. THE REVIEW  
36 REQUIRED BY THIS SUBSECTION (1)(e.5)(VI) MUST CONTAIN A  
37 COMPARISON OF THE NUMBER OF MARKET-RATE HOUSING UNITS  
38 CONSTRUCTED OR REDEVELOPED OVER THE PERTINENT TIME PERIOD WITH  
39 THE NUMBER OF RENT OR SALES PRICE-RESTRICTED HOUSING UNITS NEWLY

1 CONSTRUCTED OR REDEVELOPED PURSUANT TO THE REGULATION DURING  
2 THE PERIOD.

3 (e.7) ANY PERSON OR ENTITY THAT OWNS OR HAS AN INTEREST IN  
4 ANY REAL PROPERTY THAT IS OR BECOMES SUBJECT TO A REGULATION  
5 ENACTED PURSUANT TO SUBSECTION (1)(e.5) OF THIS SECTION SHALL, BY  
6 FILING AN APPLICATION FOR A DEVELOPMENT PERMIT, HAVE STANDING TO  
7 FILE AN ACTION FOR DECLARATORY JUDGMENT IN A COLORADO STATE  
8 COURT HAVING PROPER JURISDICTION SEEKING A DETERMINATION  
9 WHETHER THE REGULATION COMPLIES WITH THIS SECTION. AN APPLICANT  
10 FOR A DEVELOPMENT PERMIT WHO BELIEVES THAT A LOCAL GOVERNMENT  
11 HAS IMPROPERLY ADOPTED OR APPLIED A REGULATION ADOPTED  
12 PURSUANT TO SUBSECTION (1)(e.5) OF THIS SECTION TO THE DEVELOPMENT  
13 APPLICATION MAY COMPLY WITH THE REGULATION AND PROCEED WITH  
14 DEVELOPMENT WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO  
15 CHALLENGE THE REGULATION IN AN ACTION FOR DECLARATORY  
16 JUDGMENT OR CERTIORARI REVIEW UNDER THE COLORADO RULES OF CIVIL  
17 PROCEDURE. IF THE COURT DETERMINES THAT A LOCAL GOVERNMENT HAS  
18 IMPOSED A REGULATION THAT FAILS TO COMPLY WITH THIS SECTION, IT  
19 MAY ENTER JUDGMENT IN FAVOR OF THE APPLICANT FOR THE AMOUNT OF  
20 ANY COSTS WRONGLY IMPOSED WITH INTEREST ACCRUING ON THE  
21 AMOUNT FROM THE DATE COLLECTED AND MAY FURTHER ENTER  
22 DECLARATORY AND INJUNCTIVE RELIEF INVALIDATING THE REGULATION."

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