

SB23-213

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

1 Amend the Appropriations Committee Report, dated April 26, 2023, page
2 13, strike lines 18 through 22 and substitute:

3 "(d) (I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE
4 URBAN MUNICIPALITY ADOPTS FROM THE MENU OF AFFORDABLE
5 DEVELOPMENT AND AT LEAST ONE STRATEGY FROM THE MENU OF
6 LONG-TERM AFFORDABILITY STRATEGIES DESCRIBED IN SECTION
7 29-33-106. THESE STRATEGIES MUST BOTH ADDRESS HOUSING NEEDS AND
8 MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING NEEDS FOR
9 LOW- AND MODERATE-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED
10 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND
11 HOUSING TYPES IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT;
12 AND
13 (II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES
14 FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION
15 (4)(d);".

16 Page 13, line 29, strike "AREAS." and substitute "AREAS; AND".

17 Page 13, after 29 insert:

18 "(f) IN THE CASE OF AN URBAN MUNICIPALITY WITH A
19 TRANSIT-ORIENTED AREA, AT LEAST THREE STRATEGIES FROM THE LIST OF
20 AFFORDABLE DEVELOPMENT STRATEGIES IN SECTION 29-33-106 (1) AND
21 AT LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY
22 STRATEGIES IN SECTION 29-33-106 (2).".

23 Page 15, strike lines 2 through 7. and substitute "**strategies.** (1) IN
24 ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING
25 NEEDS OF LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DEFINED BY
26 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
27 DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN
28 URBAN".

29 Page 15, line 8, strike "THE FOLLOWING:" and substitute "BOTH
30 AFFORDABLE DEVELOPMENT STRATEGIES AND LONG-TERM AFFORDABILITY
31 STRATEGIES. THE AFFORDABLE DEVELOPMENT STRATEGIES INCLUDED IN
32 THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY
33 MUST INCLUDE THE FOLLOWING:".

34 Page 15, line 9, strike "(1)" and substitute "(a)".

- 1 Page 15, line 12, strike "(2)" and substitute "(b)".
- 2 Page 15, line 13, strike "FEES," and substitute "FEES FOR REGULATED
3 AFFORDABLE HOUSING DEVELOPMENT,".
- 4 Page 15, line 14, strike "(a)" and substitute "(I)".
- 5 Page 15, line 15, strike "(b)" and substitute "(II)".
- 6 Page 15, line 16, strike "(c)" and substitute "(III)".
- 7 Page 15, strike lines 17 and 18 and substitute:
8 "(IV) INFRASTRUCTURE COSTS;".
- 9 Page 15, line 19, strike "(3)" and substitute "(c)".
- 10 Page 15, line 21, strike "(4)" and substitute "(d)".
- 11 Page 15, line 24, strike "(5)" and substitute "(e)".
- 12 Page 15, line 28, strike "(6)" and substitute "(f)".
- 13 Page 15, strike lines 31 through 35.
- 14 Page 15, line 36, strike "(9)" and substitute "(g)".
- 15 Page 15, strike lines 38 through 42.
- 16 Page 15, line 43, strike "(12)" and substitute "(h)".
- 17 Page 16, after line 3, insert:
18 "(i) THE PRIORITIZED APPLICATION OF MIDDLE HOUSING, KEY
19 CORRIDOR, AND TRANSIT-ORIENTED AREA DENSITIES IN THE
20 MUNICIPALITY'S HIGHEST-INCOME CENSUS TRACTS;".
- 21 Page 16, line 4, strike "(13)" and substitute "(j)".
- 22 Page 16, line 11, strike "(14)" and substitute "(k)".

1 Page 16, after line 15 insert:

2 "(2) THE LONG-TERM AFFORDABILITY STRATEGIES INCLUDED IN
3 THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY
4 MUST INCLUDE THE FOLLOWING:

5 (a) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
6 FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS
7 INSTITUTING A LINKAGE FEE ON NEW DEVELOPMENTS;

8 (b) THE REGULATION OF SHORT-TERM RENTALS, SECOND HOMES,
9 OR OTHER VACANT UNITS IN A WAY THAT PROMOTES THE MAXIMUM USE
10 OF LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS AS DETERMINED
11 THROUGH A HOUSING NEEDS ASSESSMENT. THIS REGULATION MAY
12 INCLUDE EXACTING A VACANCY FEE ON UNDERUTILIZED UNITS.

13 (c) MAKING COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
14 STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1);

15 (d) PRESERVING AFFORDABILITY OF BOTH REGULATED AND
16 UNREGULATED HOUSING THROUGH INTERVENTIONS SUCH AS CAPITAL
17 INVESTMENTS IN PROPERTY RESTORATION OR REHABILITATION, LOCAL
18 RIGHT OF FIRST REFUSAL PROGRAMS, OR PROGRAMS THAT TRANSITION
19 EXISTING HOUSING STOCK TO REGULATED AFFORDABLE HOUSING;

20 (e) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO
21 FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;

22 (f) THE ESTABLISHMENT OF AN AFFORDABLE HOMEOWNERSHIP
23 STRATEGY SUCH AS:

24 (I) THE ACQUISITION OR PRESERVATION OF DEED RESTRICTIONS ON
25 CURRENT HOUSING UNITS;

26 (II) THE ESTABLISHMENT OF AN INCENTIVE PROGRAM TO
27 ENCOURAGE REALTORS TO WORK WITH PROSPECTIVE LOW-INCOME AND
28 MINORITY HOMEBUYERS; OR

29 (III) THE ESTABLISHMENT OF AN AFFORDABLE RENT-TO-OWN
30 PROGRAM; AND

31 (g) PRIORITIZING THE USE OF MUNICIPALLY OWNED DEVELOPABLE
32 LAND FOR AFFORDABLE HOUSING DEVELOPMENT, INCLUDING
33 AFFORDABILITY DEED RESTRICTIONS OF AT LEAST SEVENTY-FIVE YEARS.

34 (3) URBAN MUNICIPALITIES SHALL DEMONSTRATE THE ADOPTION
35 OF THE NUMBER OF THE AFFORDABILITY STRATEGIES SPECIFIED IN SECTION
36 29-33-105 (4)(d)(I) AND SUBMIT A REPORT DETAILING THESE STRATEGIES
37 TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025.
38 IN DETERMINING WHICH STRATEGIES TO ADOPT, AN URBAN MUNICIPALITY
39 SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS OR OTHER
40 AVAILABLE DATA TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS
41 KNOWN HOUSING NEEDS. URBAN MUNICIPALITIES MUST ADOPT AT LEAST
42 TWO STRATEGIES FROM THE LIST OF AFFORDABLE DEVELOPMENT

1 STRATEGIES IN SUBSECTION (1) OF THIS SECTION AND AT LEAST ONE
2 STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY STRATEGIES IN
3 SUBSECTION (2) OF THIS SECTION.

4 (4) NOTWITHSTANDING SECTION 29-33-105 (4)(d)(I), AN URBAN
5 MUNICIPALITY MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL
6 AFFAIRS CONCERNING AFFORDABILITY STRATEGIES THAT THE
7 MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE LISTED IN THIS SECTION,
8 OR THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF
9 THIS SECTION, AND THE IMPACT OF THOSE STRATEGIES. THE DEPARTMENT
10 MAY DETERMINE WHETHER THOSE STRATEGIES MAY QUALIFY AS
11 AFFORDABILITY STRATEGIES FOR PURPOSES OF SECTION 29-33-105
12 (4)(d)(I).".

13 Page 19, line 5, after "INCREASING" insert "AND PRESERVING".

14 Page 21, strikes lines 33 through 35 and substitute:

15 "(2) **Rural resort job center municipality planning goals.** IN
16 ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING
17 NEEDS OF LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DEFINED BY
18 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
19 DEVELOPMENT,".

20 Page 21, line 37, strike "THE FOLLOWING:" and substitute "BOTH
21 AFFORDABLE DEVELOPMENT STRATEGIES AND LONG-TERM AFFORDABILITY
22 STRATEGIES. THE AFFORDABLE DEVELOPMENT STRATEGIES INCLUDED IN
23 THE MENU OF AFFORDABILITY STRATEGIES FOR A RURAL RESORT JOB
24 CENTER MUNICIPALITY MUST INCLUDE THE FOLLOWING:".

25 Page 22, strike lines 9 through 11 and substitute "CENTER MUNICIPALITY'S
26 DEMONSTRATED HOUSING AFFORDABILITY NEEDS AND SHORTAGES,
27 TAKING INTO CONSIDERATION REGIONAL WORKFORCE COMMUTING
28 TRENDS;".

29 Page 22, line 16, strike "FEES" and substitute "FEES FOR REGULATED
30 AFFORDABLE HOUSING DEVELOPMENT".

31 Page 22, after line 17, insert:

32 "(II) PLANNING WAIVERS;".

33 Renumber succeeding subparagraphs accordingly.

1 Page 22, lines 19 and 20, strike "COSTS FOR REGULATED AFFORDABLE
2 HOUSING DEVELOPMENT" and substitute "COSTS;".

3 Page 22, line 28, strike "RIGHT;" and substitute "RIGHT IN HOUSING TYPES
4 AND AREAS BEYOND WHAT IS REQUIRED BY THIS ARTICLE 33, SUCH AS
5 ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED DENSITIES, OR OTHER
6 APPROACHES CONSISTENT WITH THE GOALS OF INCREASING HOUSING
7 AFFORDABILITY, SUPPLY, AND HOUSING UNIT TYPE DIVERSITY;".

8 Page 23, after line 6, insert:

9 "(o) THE PRIORITIZED APPLICATION OF MIDDLE HOUSING, KEY
10 CORRIDOR, AND TRANSIT-ORIENTED AREA DENSITIES IN THE
11 MUNICIPALITY'S HIGHEST INCOME CENSUS TRACTS;

12 (p) THE ESTABLISHMENT OF POLICIES TO ALIGN INFRASTRUCTURE
13 STRATEGIES WITH THE NEEDS IDENTIFIED IN THE RELEVANT LOCAL
14 HOUSING NEEDS ASSESSMENT. THESE POLICIES MAY INCLUDE THE
15 PRIORITIZATION OF UTILITIES AND AVAILABLE AND USABLE WATER RIGHTS,
16 OR COST EXEMPTIONS AND DISCOUNTS, FOR REGULATED AFFORDABLE
17 HOUSING THAT MEETS NEEDS IDENTIFIED IN THE RELEVANT LOCAL
18 HOUSING NEEDS ASSESSMENT;".

19 Reletter succeeding paragraphs accordingly.

20 Page 23, after line 15, insert:

21 "(3) THE LONG-TERM AFFORDABILITY STRATEGIES INCLUDED IN
22 THE MENU OF AFFORDABILITY STRATEGIES FOR A RURAL RESORT JOB
23 CENTER MUNICIPALITY MUST INCLUDE THE FOLLOWING:

24 (a) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
25 FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS
26 INSTITUTING A LINKAGE FEE ON NEW DEVELOPMENTS;

27 (b) THE REGULATION OF SHORT-TERM RENTALS, SECOND HOMES,
28 OR OTHER VACANT UNITS IN A WAY THAT PROMOTES THE MAXIMUM USE
29 OF LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS AS DETERMINED
30 THROUGH A HOUSING NEEDS ASSESSMENT. THIS REGULATION MAY
31 INCLUDE EXACTING A VACANCY FEE ON UNDERUTILIZED UNITS.

32 (c) MAKING COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
33 STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1);

34 (d) THE ESTABLISHMENT OF AN AFFORDABLE HOMEOWNERSHIP
35 STRATEGY SUCH AS:

36 (I) THE ACQUISITION OF PRESERVATION OF DEED RESTRICTIONS ON
37 CURRENT HOUSING UNITS;

38 (II) THE ESTABLISHMENT OF AN INCENTIVE PROGRAM TO

1 ENCOURAGE REALTORS TO WORK WITH PROSPECTIVE LOW-INCOME AND
2 MINORITY HOMEBUYERS; OR
3 (III) THE ESTABLISHMENT OF AN AFFORDABLE RENT-TO-OWN
4 PROGRAM;
5 (e) PRIORITIZING THE USE OF MUNICIPALLY OWNED DEVELOPABLE
6 LAND FOR AFFORDABLE HOUSING DEVELOPMENT, INCLUDING
7 AFFORDABILITY DEED RESTRICTIONS OF AT LEAST SEVENTY-FIVE YEARS;
8 (f) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO
9 FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;
10 AND
11 (g) PRESERVING AFFORDABILITY OF BOTH REGULATED AND
12 UNREGULATED HOUSING THROUGH INTERVENTIONS SUCH AS CAPITAL
13 INVESTMENTS IN PROPERTY RESTORATION OR REHABILITATION, LOCAL
14 RIGHT OF FIRST REFUSAL PROGRAMS, OR PROGRAMS THAT TRANSITION
15 EXISTING HOUSING STOCK TO REGULATED AFFORDABLE HOUSING.
16 (4)(a) RURAL RESORT JOB CENTER MUNICIPALITIES MAY ADOPT AT
17 LEAST FIVE OF THE AFFORDABILITY STRATEGIES LISTED IN SUBSECTION (2)
18 OF THIS SECTION AND MUST SUBMIT A REPORT DETAILING THESE
19 STRATEGIES TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN
20 DECEMBER 31, 2026. IN DETERMINING WHICH STRATEGIES TO ADOPT, A
21 RURAL RESORT JOB CENTER MUNICIPALITY SHALL CONSIDER PREVIOUS
22 PLANS ADDRESSING HOUSING NEEDS OR OTHER AVAILABLE DATA TO
23 INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING
24 NEEDS.
25 (b) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, A
26 RURAL RESORT JOB CENTER MUNICIPALITY MUST ADOPT AT LEAST TWO
27 STRATEGIES FROM THE LIST OF AFFORDABLE DEVELOPMENT STRATEGIES
28 IN SUBSECTION (2) OF THIS SECTION AND AT LEAST ONE STRATEGY FROM
29 THE LIST OF LONG-TERM AFFORDABILITY STRATEGIES IN SUBSECTION (3)
30 OF THIS SECTION.
31 (c) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, A
32 RURAL RESORT JOB CENTER MUNICIPALITY MAY SUBMIT EVIDENCE TO THE
33 DEPARTMENT OF LOCAL AFFAIRS CONCERNING AFFORDABILITY
34 STRATEGIES THAT THE MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE
35 LISTED IN THIS SECTION, OR THAT THE MUNICIPALITY ADOPTED PRIOR TO
36 THE EFFECTIVE DATE OF THIS SECTION, AND THE IMPACT OF THOSE
37 STRATEGIES. THE DEPARTMENT MAY DETERMINE WHETHER THOSE
38 STRATEGIES QUALIFY AS AFFORDABILITY STRATEGIES FOR PURPOSES OF
39 SUBSECTION (4)(a) OF THIS SECTION."

40 Renumber succeeding subsection accordingly.

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