



COLORADO
MUNICIPAL
LEAGUE

NO
SB23-213

Vote **NO** on **SB23-213** | Land Use

WHAT DOES THE BILL DO?

SB23-213 represents the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado. The bill dramatically expands state authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interests and unelected third parties. SB23-213 does not recognize that local governments are best suited to address the needs of their communities, and it flies in the face of local government efforts to solve the affordable housing crisis.

WHY YOU SHOULD VOTE NO

Top-down zoning disregards people: The bill ignores long term local planning efforts and creates a patchwork of residential land use laws for only municipalities that reflect what the state wants, not what the people who live in a municipality want. Residential developments will be allowed based either on a “model code” created by DOLA through a process that is insulated from public feedback or on inflexible minimum standards established in statute. Either way, the bill does away with a tradition of local authority that helps to guide communities to develop in an orderly manner while preserving community character, ensuring growth happens as desired, and protecting community resources. For many municipalities, this means that every residential parcel must accommodate accessory dwelling units or middle housing (up to six-unit buildings). The bill mandates minimum densities and some affordability standards to large swaths of property near rail stations or vague areas called “key corridors.” These requirements will interfere with local affordability efforts. All these new mandates are imposed without assurance of adequate water, public safety, or other resources and even prohibit requiring necessary parking. Other vague language jeopardizes reasonable regulations.

More housing (just not now or affordable): Despite being titled “State Land Use Requirements for Affordable Housing,” the bill does not require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. The bill requires that municipalities incorporate a “menu of strategies” to address affordable housing concerns in their communities to offer flexibility. The menu, however, offers no new powers and will be developed by executive branch agencies without local government involvement. The bill undermines local efforts to create affordable housing if developers find them objectionable and takes away local leverage to incentivize affordable multifamily housing.



DOLA's new powers: DOLA, an agency traditionally seen as a partner and supporter of local governments, will be given extremely broad regulatory authority and oversight powers. The bill removes any pretense of collaboration and makes municipalities subservient to DOLA as the law requires extraordinarily cumbersome reporting standards and subjects local elected bodies to regulatory governance. DOLA is tasked with issuing paradigm-shifting methodologies, guidance, menus of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendations of a multi-agency committee of executive appointees, without any meaningful public input. DOLA is even granted authority to modify statutory minimum standards relating to ADUs, middle housing, and housing in transit-oriented areas and key corridors. DOLA is also tasked with substantial new oversight and enforcement responsibilities including the receipt, review, and approval of various reports, codes, drafts, and final plans. Regulatory zoning tells the people of Colorado that their voice does not matter

Housing without transit: Despite creating mandates for transit-oriented areas and key corridors, nothing in the bill would improve the state's public transit system. The bill supposes that cars will disappear or that public streets will accommodate new residents' vehicles; the bill prohibits municipalities from requiring any new parking.

Tunnel vision ignores local burdens: Land use regulation is a complex process, both substantively and procedurally, that considers wide-ranging issues of importance to a community. The bill uses a heavy hand to make development easier without meaningful regard for affordability, water, the provision of municipal services, education, the preservation of municipal budgets, public infrastructure, protecting communities against displacement or gentrification, or quality of life. Municipalities will be forced to bow to developer demands or expend precious resources in litigation to enforce reasonable local regulations.

Constitutionality: The bill primarily applies to municipalities whose residents have chosen to adopt home rule charters under Art. XX, S. 6 of the Colorado Constitution. Zoning has been long recognized by the Colorado Supreme Court as a matter of local concern where the General Assembly has no authority. The bill disregards both precedent and the meaningful reasons why Coloradans' preference for local control matters.

YOUR OPPOSITION IS RESPECTFULLY REQUESTED

SB23-213 is an overly broad, overly complex series of preemptions and mandates, ignoring the fact that local governments are best suited to shape their communities. The bill disregards the historic investments the state has made in the past two years in creating affordable housing and instead undermines public input and expertise of local leaders.

All levels of government can work together, along with our partners in the business and nonprofit community, to solve the housing crisis without creating unintended, irreparable consequences. SB23-213 is an unprecedented repudiation of decades worth of well settled land use and zoning law, and the General Assembly should instead consider a solution that is the result of true collaboration between the state, local governments, and other partners to find a Colorado solution for housing.

CONTACT

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