

# Executive Director Town Hall: *Senate Bill 23-213 – Land Use*



Kevin Bommer, Executive Director  
Robert Sheesley, General Counsel  
Meghan MacKillop, Legislative and Policy Advocate  
Heather Stauffer, Legislative Advocacy Manager

Kevin Bommer

# INTRODUCTIONS AND OVERVIEW OF AGENDA

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# Agenda

12:00 Welcome, introductions, ground rules (*Kevin Bommer*)

12:05 Overview of SB 23-213 (*Robert Sheesley and Meghan MacKillop*)

12:35 Overview of talking points and background material for legislators (*All*)

12:45 How to reach your legislators (*Heather Stauffer*)

1:00 Q&A (*moderated by Kevin Bommer*)

1:30 End



# Ground Rules

This meeting has nearly 400 CML members registered. It is NOT being held in a webinar format to allow for interactivity, which requires these ground rules:

- ✓ All participants have been muted upon entry to the meeting. Only staff will be able to unmute you.
- ✓ Please make sure your full name is on the screen, and your municipality, employer, or client
- ✓ Use of cameras is encouraged but not required.
- ✓ When the time for Q&A comes, please use the “raise hand” feature and staff will call on individuals and unmute them. The “chat” feature will be enabled throughout. Questions may be asked in the chat but may not be able to be addressed or answered until after the meeting.
- ✓ You may also email your questions to Meghan at [mmackillop@cml.org](mailto:mmackillop@cml.org). Any questions not answered right away will help inform a FAQ link on CML’s SB 213 page.



Robert Sheesley and Meghan MacKillop

# **SUMMARY OF SB23-213**



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# SB23-213 Overview

- The bill is an attempt to tie the housing crisis in Colorado to municipal zoning laws.
- It is overly broad and complex and creates a hyper-vigilant enforcement mechanism within DOLA to ensure that municipalities comply with “minimum statewide standards”, needs assessments, and reporting requirements.
- Counties are largely excluded from requirements in the bill.



# State Land Use Requirements

- The bill imposes top-down standards on some local governments to remove local zoning authority.
- Despite frequent references to “affordable housing”, the standards do not create more affordable housing.
- The standards apply only to some municipalities, and then only to some in differing degrees.
- Municipalities are classified into four basic groups.



# Geographic Classification of Municipalities

## Tier 1 Urban Municipality

- in an MPO with a population of at least 1 million;
- 10% of territory in urbanized area with population over 75,000; and
- a population of at least 1,000; **OR**
- in an MPO with a population under 1 million; and
- a population of at least 25,000

## Tier 2 Urban Municipality

- within an MPO;
- a population between 5,000-25,000; and
- in a county with a population of at least 250,000.

## Rural Resort Job Center

- not within an MPO;
- a population of at least 1,000;
- 1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and
- a transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day

## Non-urbanized Municipality

- not within the definition of an urban municipality or a rural resort job center; and
- a population of at least 5,000





# List of cities impacted by SB23-213

<https://www.cpr.org/2023/03/22/gov-polis-housing-proposal-duplexes-townhomes-adus/>

Urban Municipalities Tier 1	Urban Municipalities Tier 2	Rural Resort Job Centers	Non-Urban Municipalities
<p><b>Denver region:</b> Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge</p> <p><b>North Front Range:</b> Greeley, Fort Collins, Loveland, Windsor</p> <p><b>Pikes Peak:</b> Colorado Springs, Fountain</p> <p><b>Grand Valley:</b> Grand Junction</p> <p><b>Pueblo Area:</b> Pueblo</p>	<p><b>Denver region:</b> Dacono, Fort Lupton, Firestone, Frederick</p> <p><b>North Front Range:</b> Evans, Berthoud, Johnstown, Tinmath, Eaton, Miliken, Severance</p> <p><b>Pikes Peak:</b> Monument</p>	<p>Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, Winter Park</p>	<p>Alamosa, Brush, Canon City, Carbondale, Cortez, Craig, Delta, Eagle, Fruita, Fort Morgan, Gunnison, Gypsum, La Junta, Lamar, Montrose, Rifle, Sterling, Trinidad, Wellington</p>

*This table lists communities by tier level, according to a document provided by Rep. Steven Woodrow.*



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# Part 1: Housing Needs Assessments and Planning

- DOLA is responsible for issuing methodologies to develop a statewide housing needs assessment.
- DOLA will also issue guidance for regional and local needs assessments.
- Urban municipalities and rural resort job centers must complete a housing needs plan by December 31, 2026, and every five years thereafter.



# Part 1: Housing Needs Assessments and Planning

- Urban municipalities and rural resort job centers must use DOLA's regional and local assessments to create housing plans.
- DOLA is required to create guidance for these plans with consultation from the inter-agency committee.
- There will be procedural and extensive mandates for the development and adoption of the plans.
- Plans must be adopted by December 31, 2026, and every 5 years.
- Before submitting the plans to DOLA subject municipalities are required to provide a public comment period to receive written comments.



# Part 1: Housing Needs Assessments and Planning

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## Plan requirements

Narrative description of the stakeholder engagement during the development of the plan

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An analysis of how the municipality will provide a “realistic” opportunity for development that will address local housing needs assessment, with an equitable distribution of housing

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Housing needs implementation plan, which must describe how the municipality has complied with the ADU, middle housing, transit areas, and key corridor mandates

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Greenfield development analysis, which also must be provided to DOLA separately

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A description of at least 2 strategies that the municipality adopts from the “menu of affordability strategies”, as well as an implementation plan and the anticipated outcomes for each of the strategies adopted

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For an urban municipality only, an analysis of any area at elevated risk of residential displacement

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# Part 2: ADUs as Use by Right



ADUs over 800 ft<sup>2</sup> or 50% of primary residence

Anywhere municipality allows single family

Local governments cannot evaluate local conditions

Must allow additions to or conversions of existing units

Cannot have laws that treat ADUs more restrictively, create costs or delays, or make ADUs infeasible

Applies to ALL municipalities, including nonurban



# Part 3: Middle Housing as Use By Right



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# Part 3: Middle Housing as Use By Right

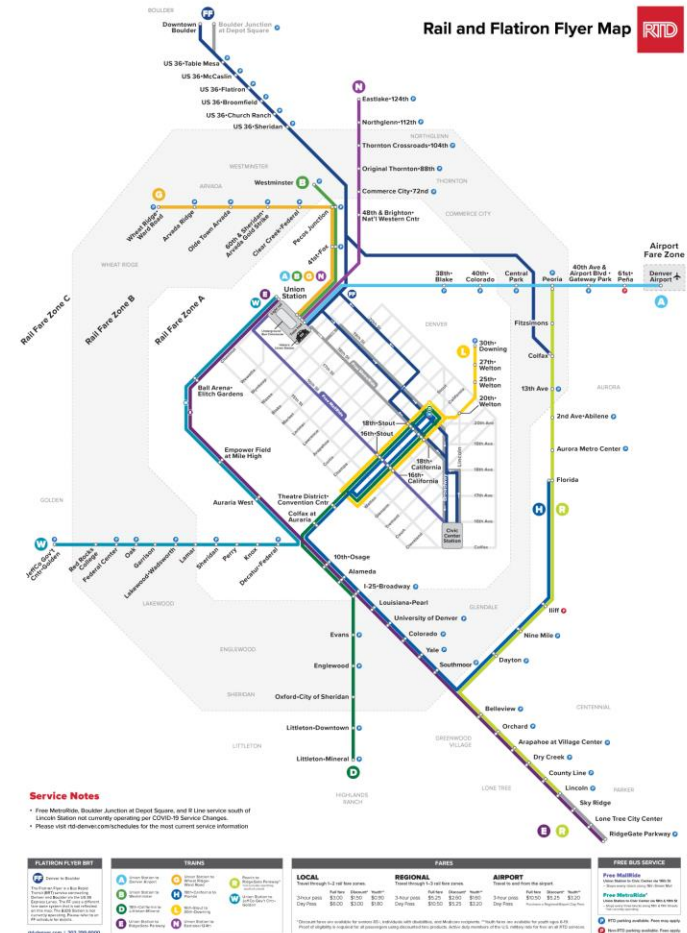
- Municipalities are significantly hindered from being able to determine when and how middle housing is created in their communities, including cases of single family housing conversions.
- Only objective standards and objective procedures can apply.
- Municipalities must allow additions to or conversions of existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.
- Municipalities must allow properties to be subdivided using objective standards and procedures.



# Part 4: Housing In Transit-oriented Areas

What is a “transit-oriented area”?

- T1UM with fixed rail stations
- ½ mile boundary from some part of a fixed rail transit station
- Including parcels that have at least 25% of area within the ½ mile boundary





# Part 4: Housing in Transit-oriented Areas

- Multifamily housing:
  - One or more buildings on one lot with separate living units for 3 or more households
- Mixed-income multifamily housing
  - At least 10% of units are set aside for households earning no more than 80% AMI
- Inclusionary zoning ordinances may be overridden if developers claim that the ordinance is “financially infeasible”



# Part 5: Housing In Key Corridors



Under the bill, a key corridor is a broad concept that is not limited to transit corridors and could undermine the zoning and land use plans of an entire municipality.



Include “frequent transit service areas” as mapped by DOLA (including in some cases anything within one-quarter mile of a bus route with certain service levels).



Include any parcel in zone districts that permit commercial uses that are supposedly compatible with residential uses and public or institutional uses.



Include anything zoned for a mix of uses other than industrial.



# Part 5: Housing in Key Corridors



T1UM must create a zoning district within key corridors to allow multifamily housing as use by right that satisfies DOLA's requirements



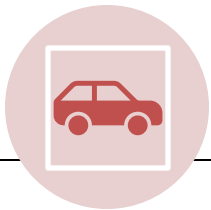
RRJC must allow multifamily housing as use by right wherever a key corridor is designated in the RRJC's regional housing needs plan



Municipalities can allow different density within the key corridor if minimum standards are satisfied.



Municipalities cannot have local laws that apply to create unreasonable costs or delays or make multifamily in a key corridor infeasible.



For key corridors only, the bill prohibits new off-street parking in key corridors for any use.



# Other Preemptions and Mandates

- Unreasonable costs or delays and feasibility
- Preemption from amending, developing, or interpreting local laws in a manner that would interfere with the intent of the bill
- Minimum parking requirements, minimum lot sizes and square footage
- Planned unit development zoning
- Water, wastewater, and stormwater burdens
- Possible impacts to inclusionary zoning ordinances
- Residential occupancy



# Manufactured and Modular Housing

- Municipalities must address manufactured and modular housing in the same manner as site-built homes
- Prohibition of regulations that would “affect development” of M&M housing
- Removes language ensuring authority to enact consistent zoning, developmental, use, aesthetic, or historical standards that are applicable to existing and new housing



Source: <https://www.fadingwestdevelopment.com/construction>



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# Transportation Planning and Strategic Growth

- Beginning June 30, 2024, counties and municipalities must include water planning elements, including the location and extent of water supply, a water supply and conservation policies, and priorities for natural and agricultural land in accordance with the state’s natural and agricultural land priorities report.
- Counties over 250,000 in population must include a greenfield development analysis, an element that is also required in municipal housing plans (outlined in previous sections).
- DOLA must receive draft and final plans and is required to review plans for compliance.
- Transportation commission recommendations must include prioritization criteria that are consistent with “state strategic growth objectives” for regionally significant projects.



# The Expanded Role of DOLA

- DOLA mission:
  - *The Department of Local Affairs is responsible for strengthening Colorado’s local communities through accessible, affordable, and secure housing; implementation of property tax law; and increasing capacity building, strategic training, research, technical assistance, and funding to localities.*

Source: DOLA Performance Plan FY23, <https://drive.google.com/file/d/1XQ2qsgakn-mfokcDOYhj093105vXRvr3/view>



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# OVERVIEW OF MAJOR TALKING POINTS AND ADVOCACY TOOLKIT

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# CML Advocacy Resources

Advocacy resources are available on CML's website.

Go to [www.cml.org](http://www.cml.org) and scroll down to the Advocacy section



- SB23-213 Bill Language
- SB23-213 Bill Analysis
- Sample Resolution Opposing SB23-213
- Sign on to CML's Letter of Opposition
- SB23-213 Position Paper
- More items to be added*



# Opposition Sign-on Letter

<https://forms.office.com/r/isT8sv0xfn>

SB 23-213 Opposition Sign-on



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# How to Reach Your Legislators

- Visit the Colorado General Assembly website "Find My Legislator" application.
- <https://leg.colorado.gov/find-my-legislator>
- Type in your municipality's name into the map search bar.
- Your senator and house representative's name, email and webpage will appear on the map.
- The webpage link will take you to the legislator's general assembly webpage which has their phone number and other contact information.

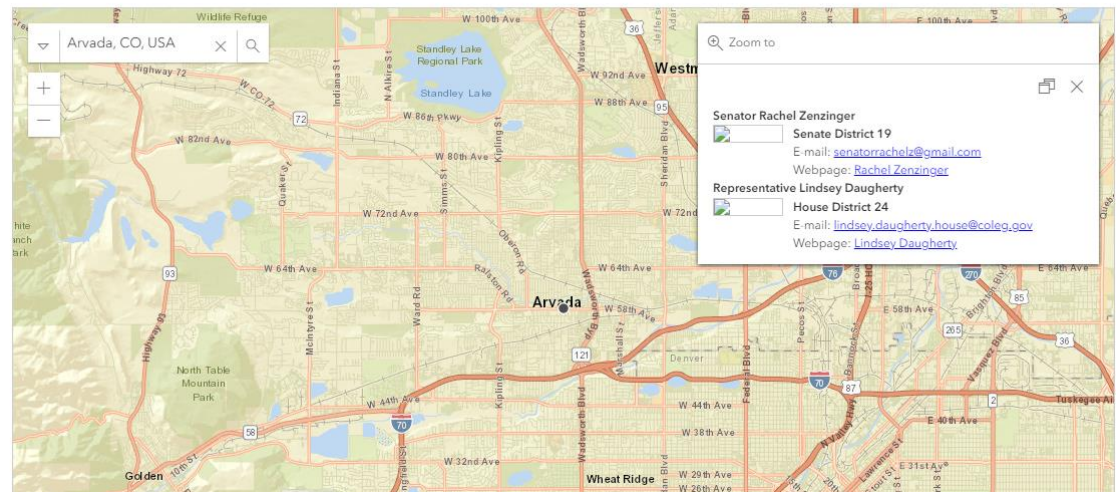
## Find My Legislator

This application allows you to find your state Senator and Representative in the Colorado State Legislature. To use the search, enter your address information in the search bar located on the left side of the screen and click the search button. You may also click anywhere on the map to bring up legislative member information for that area.

*Disclaimer: While every attempt has been made to ensure the accuracy of this public service, the Colorado Legislative Council makes no warranties or representations regarding its accuracy or completeness, and each user of this product understands that LCS disclaims any liability or any damages with its use.*

### Search Options:

- Street Address.
- Representative by District Number or Last Name.
- Senator by District Number or Last Name.



# Public Testimony

## How to sign up

- When SB23-213 is scheduled for a public hearing, you will receive an Action Alert from CML letting you know the date, time and location of the hearing.
- You must sign up to testify in committee **ahead** of when the committee meeting starts. Sign up via the CGA website:

<https://www2.leg.state.co.us/CLICS/CLICS2023A/commsumm.nsf/signIn.xsp>

- You can choose to testify in person or remotely via zoom. If you choose to testify remotely you will receive a link via email which you will follow to access the meeting.
- Please email [mmackillop@cml.org](mailto:mmackillop@cml.org) with the name of the person signed up to testify and whether they will be in person or remote.

For screen reader instructions, please click this [link](#).

- Remote Testimony
- Submit Written Testimony
- Testifying in Person
- Listen Online

\*Indicates a required field.

### Testifying Remotely via Zoom

- By Committee and Hearing Item
- By Hearing Item
- By Sponsor and Bill

### Sponsor

Moreno

### Meeting Date and Time

Select meeting Date and Time

### Hearing Item

Select a hearing item



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# Public Testimony

## what to say!

- During the committee hearing, you will be called up by the chair of the committee to testify. Wait until the chair recognizes you and asks you to give your testimony before you start speaking.
- Testimony will likely be limited to around **3 minutes per person**, so make sure your comments are concise so you can cover everything you want in the given timeframe.
- If you are asked questions, please direct all comments through the chair and wait to speak until the chair has recognized you.

### Example of Testimony:

Thank you Mr./ Madame Chair, My name is [TITLE]/ [NAME] I am here representing [City/Town]. We are opposed to SB23-213 and would ask for a "no" vote on this bill.

- What is your municipality doing currently to address affordable housing in your community?
- How does SB23-213 negatively impact your community?

Thank you and I'm happy to answer questions.

- CML advocacy staff are testimony experts, and we are always happy to guide you or give suggestions. Please reach out to [hstauffer@cml.org](mailto:hstauffer@cml.org) or [mmackillop@cml.org](mailto:mmackillop@cml.org) with any questions!



# QUESTIONS



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