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HB 21-1117

Affordable Housing

Clarify Local Government Authority to Promote Affordable Housing

Your “Yes” Vote Respectfully Requested

Colorado is in the midst of an affordable housing crisis, and our workforce can no longer afford to live in the communities where they are employed. Colorado has a growing number of cost-burdened households in both urban and rural areas. **In a recent survey conducted by CML, our members described the supply of housing as “insufficient,” “unattainable,” or “in disrepair,” while they described the need as “critical,” “significant,” and “desperate.”**

Background

Colorado state law has long given local governments broad authority to regulate and oversee the development of land within their respective jurisdictions in order to achieve various public policy goals. In 2000, in *Town of Telluride, Colorado v. Lot Thirty-Four 4 Venture LLC*, 3 P.3d 30 (Colo. 2000), the Colorado supreme court held that a local land use ordinance enacted by the town of Telluride to mitigate the impacts of new development on housing affordability violated a 1981 state statute that prohibited local governments from enacting local rent control laws. However, in that decision, the supreme court made clear that its holding does not prevent the general assembly from passing legislation clarifying whether or not the rent control prohibition was intended to apply to the regulation of new development under a local government’s land use powers.

What HB 21-1117 does:

House Bill 21-1117 clarifies that local governments may regulate the development and use of land within their jurisdictions in order to promote the new development or redevelopment of affordable housing units. Further, the legislation will confirm that the rent control statute does not apply to any land use regulation adopted pursuant to this authority that restricts rents on either the new development or redevelopment of housing units as long as the local government provides a menu of options to the developer to comply with their land use regulation.

Even when the supreme court struck down the Telluride ordinance in its 2000 decision, the court acknowledged that both the state and local governments “have significant interests in maintaining the quality and quantity of affordable housing in the state.” HB 21-1117 confirms the authority of local governments to promote affordable housing within their land use authority.

Please vote “Yes” on HB 21-1117.

For more information, contact Legislative Advocacy Manager Meghan Dollar at mdollar@cml.org or 303-831-6411.