



**AGENDA
PLANNING COMMISSION
REGULAR MEETING
May 21, 2024
6:00 p.m.**

PLEASE NOTE THE NEW TIME FOR THE MEETING

The Planning Commission meeting will be held in-person and remotely, and members of the public wishing to attend may view the Meeting by visiting the Town's website: <https://www.superiorcolorado.gov>

The Planning Commission regular meeting recording will be posted subsequently on the Town's website.

1. Call to Order a regular meeting of the Planning Commission
2. Preliminary Matters
 - a. Roll Call
 - b. Public Comment on Non-Agenda Items (limit 5 min./person)
3. Approval of Minutes of Planning Commission
 - a. April 9, 2024
4. Presentation – Strategic Housing Plan Update
 - a. The final Strategic Housing Plan draft is currently under development. Staff is presenting the anticipated structure of the plan requesting comment on Section 5, Objectives, Strategies, and Actions.
5. Presentation – Comprehensive Plan Scope
 - a. Staff is presenting the Draft Comprehensive Plan scope for review by the Planning Commission. Where feasible, feedback from the Planning Commission may be included in the final scope presented to the Town Board.
6. Planning and Building Update
7. Adjournment



PLANNING COMMISSION MEETING MINUTES

Special Meeting

April 9th, 2024

Town Hall, 124 E. Coal Creek Drive

6:00 p.m.

1. CALL TO ORDER A REGULAR MEETING OF THE PLANNING COMMISSION.

Chair David Harper called the meeting to order at 6:00PM

2. PRELIMINARY MATTERS

a. ROLL CALL

Present: Chair David Harper
Vice Chair Lonny Rose
Commissioner Amanda Vaughan
Commissioner Ryan Mojo
Commissioner Steve Witte
Commissioner David Gross

Absent: Commissioner Michael Barnes
Commissioner Michael J Gordon

Others Present: Planning and Building Director, Lisa Ritchie
Planner III, Renae Stavros
Interim Town Attorney, Nick Hartman

b. PUBLIC COMMENT ON CONSENT AGENDA AND NON-AGENDA ITEMS

There was no public comment presented.

3. APPROVAL OF MINUTES OF PLANNING COMMISSION

a. MARCH 19TH, 2024 MEETING MINUTES

MOTION: Commissioner Steve Witte moved to approve March 19th, 2024 Meeting Minutes, Seconded by Commissioner Amanda Vaughan

VOTE: Motion carried 6 – 0

AYES: Chair David Harper, Vice Chair Lonny Rose, Commissioner Amanda Vaughan, Commissioner Ryan C. Mojo, Commissioner Steve Witte, Commissioner David Gross

NOES: None

4. PUBLIC HEARING REGARDING FINAL DEVELOPMENT PLAN AMENDMENT (FDPA) #2 FOR FDP 9 OF DOWNTOWN SUPERIOR

a. THE PROPOSAL RELATES SPECIFICALLY TO LOT 2 OF BLOCK 4 (CASE NO. FDPA-2024-02) AND PROPOSES A 6200 SQUARE FOOT WINERY, RESTAURANT, AND EVENT VENUE, WITH OUTDOOR PATIO SEATING AND A ROOFTOP DECK.

MOTION: Vice Chair Lonny Rose moved to approve Resolution #PC-3 Series 2024 recommending approval of FDPA #2 for FDP 9 of Downtown Superior, Seconded by Commissioner David Gross

VOTE: Motion carried 6 – 0

AYES: Chair David Harper, Vice Chair Lonny Rose, Commissioner Amanda Vaughan, Commissioner Ryan C. Mojo, Commissioner Steve Witte, Commissioner David Gross

NOES: None

5. STAFF ANNOUNCEMENTS/MISCELLANEOUS

Comprehensive Plan Update – Proposals due 4/19/24

Town Board approved Rodelli Property Rezone to OS-N

Town Board held first meeting on Kite Route Crossing PD Amendment. No public comment. Continued to second reading on 4/22

Staff continues to meet with the State on Land Use bills

Check out ShapeSuperior.com for updates on the Housing Plan to comment on draft strategies

6. ADJOURNMENT

Chair David Harper adjourned meeting at 7:17PM



AGENDA ITEM: Presentation – Strategic Housing Plan Update

MEETING DATE: May 21, 2024

PRESENTED BY: Lisa Ritchie, AICP, Planning and Building Director

PRESENTED FOR: Discussion

BACKGROUND:

The Town of Superior received an Innovative Housing Planning (IHOP) Grant in December of 2021 from Colorado’s Department of Local Affairs (DOLA) to create a Housing Plan. Over the past year, Town staff has been working with the selected consultant team, ECONorthwest and MIG, to develop the Town’s first Strategic Housing Plan.

Staff last presented an overview of the Housing Needs Assessment and the strategies recommended by the Colorado Dept of Local Affairs (DOLA) to the Planning Commission for discussion on February 20, 2024. Following that meeting, the strategies were refined and presented to the public for feedback. Two open houses were held in March, along with online engagement in March and April. The final Strategic Housing Plan draft is currently under development.

DRAFT OBJECTIVES, STRATEGIES, AND ACTIONS

The draft Strategic Housing Plan is still under development, however the following sets forth the anticipated structure of the plan:

1. Introduction
 - a. Call to action
 - b. What is a Strategic Housing Plan?
 - c. Where did the Strategies Come From?
 - d. Background
 - e. Affordable Housing Strategies and Actions at a Glance
2. The Language of Housing (Definitions of common terms)
3. Summary of Housing Needs Assessment
4. Summary of Public Engagement
5. Housing Strategies
 - a. Objective 1: Increase Housing Choices for People
 - b. Objective 2: Support and Promote Local and Regional Affordable Housing Efforts

c. Objective 3: Remove Housing Barriers for Those that Encounter Them
6. Implementing the Strategic Housing Plan

Within Section 5, the plan will be organized with strategies and actions to support the three overall objectives listed above related to housing within the Town. Additionally, the plan will include the following information for each action to understand certain elements for implementation.

Legend for Action Elements

Timeline:	Short-term (1-2 yrs), Mid-term (3-5 yrs), Long-term (5+ yrs)
Action:	What level of commitment is needed - One-time or On-going
Partners:	What partners might be needed to support implementation
Level of Effort:	The level of staff time, resources, and potential funding to implement the action. Low, Moderate, High.
Income Level Served:	The income-level that this action will serve.
Impact Level:	What is the impact of this action toward increasing housing supply. A qualitative ranking of Low, Medium, and High.
Strategy Type:	What action is needed to implement the strategy. It may include Programmatic, Funding, Housing Production, Regulatory, or Partnership.

The draft plan acknowledges that most of these recommendations are not feasible without additional funding and staffing at the local level. There are anticipated financial resources that will be available to the Town that could support the implementation of this plan. These primarily include the Boulder County Affordable Housing tax extension passed by county voters last year, and funds from Proposition 123 approved by Colorado voters in 2022.

Additionally, staff notes that a number of these recommendations will be impacted by the recent passage of State legislation related to accessory dwelling units, minimum parking requirements for certain residential development, and the ability to regulate occupancy by familial status. As the impact of these bills is understood, the draft plan will be updated in the coming weeks as appropriate. The three relevant state bills are provided as attachments.

The first attachment includes a discussion of each objective and associated strategies and actions. The second attachment ranks each action by degree of support during the public engagement.

DISCUSSION:

Staff seeks Planning Commission input on the appropriateness of the draft objectives, strategies and actions for the Town of Superior.

ATTACHMENTS:

- Housing Needs Assessment
- Draft Objectives, Strategies and Actions
- Ranking of Public Support for Each Action
- HB24-1304
- HB24-1152
- HB24-1007

HOUSING NEEDS ASSESSMENT TOWN OF SUPERIOR

December 2023

Prepared for: Town of Superior

Final Report

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Executive Summary

The rising housing prices in the Boulder County region impact all communities differently, and each community is searching for solutions tailored to their specific challenges. Superior faces similar issues to other regional communities, including the unaffordability of rental and homeownership options, increasing construction costs, and limited available land. However, Superior also has its own distinct challenges that necessitate focused solutions.

An essential component of Superior's solutions is this Housing Needs Assessment (HNA) report, which synthesizes background data and information to comprehend Superior's current demographic and housing market conditions. The HNA examines various housing-related factors, including income, employment, population, household characteristics, housing costs, and affordability. The HNA serves as a foundation for the development of the housing strategic plan.

The following section summarizes the most salient findings of this housing needs assessment.

Who Lives in Superior Today?

The population of Superior is generally younger, and most households consists of families with children.

- Superior's population skews younger, with the largest cohort being residents under 19 years of age (30 percent) followed by those 25 to 44 years old (29 percent).
- Approximately 40 percent of households are couples with children, with half of Superior households comprising 3 or more persons, indicating that these household characteristics are of families.

Superior's senior population is rapidly growing. This growth is unlikely to slow as millennials and Gen Xers grow older.

- Seniors aged 65 years and older experienced the fastest growth since 2011, increasing by 246 percent. This notable increase in the population aged 65 years and older suggests that Superior is experiencing a substantial aging trend. This could be due to factors such as improved health care, an attractive environment for retirees, families aging in place, or an influx of older adults seeking a peaceful lifestyle.
- Millennials and Gen Xers represent about 57 percent of Superior's population. As this population ages, Superior's senior population will continue to grow.

Renter households are typically smaller in size (1 and 2-person households) and generally live in apartments.

- About 62 percent of the renter-occupied housing in Superior is occupied by households with 1 to 2 persons.
- Owner-occupied housing is generally occupied by families with 3 or more persons.

Superior is an affluent community where households have one of the highest median household incomes in the County.

- In 2021, Superior had a median household income of \$131,000—the second-highest median household income when compared to the following comparison cities of Erie, Lafayette, Louisville, Longmont, and Boulder.
- Incomes for owner households are generally higher than renter households.
- The median household income of renters and owners in Superior is the highest when compared to Erie, Lafayette, Louisville, Longmont, and Boulder.

Superior's population has grown to be more racially and ethnically diverse.

- While the majority (70%) of Superior's population identify as White, most racial and ethnic groups have increased since 2011. The Asian population is the second-largest racial group (17%), followed by the Hispanic population (9%).
- The Black or African American population was the only racial group that experienced a decrease since 2011.

What Are the Current Housing Conditions in Superior?

The majority of Superior's housing stock is single-family detached—with limited diversity of housing types.

- The majority (60%) of housing inventory in Superior is single-family detached. Superior primarily built single-family homes throughout the 2000s and 2010s. Only starting in 2020 did multifamily building permits outnumber single-family permits.

The Marshall Fire has further exacerbated the lack of available housing in Superior, while demand for housing is high and overall housing vacancy is very low.

- The Marshall Fire of 2021 destroyed 390 residential properties and 4 commercial properties.

- Superior had a housing vacancy of 2.5 percent in 2021—one of the lowest compared to Erie, Lafayette, Louisville, Longmont, and Boulder. For comparison, Boulder County had a housing vacancy of 5.9 percent in 2021.

Homeownership rates have fallen in Superior, while more households tend to rent.

- In Superior, homeownership rates have decreased 10 percent since 2010, while homeownership rates remained stable in Boulder County and Colorado.
- The share of Superior households who rent increased from 30 percent in 2011 to 40 percent in 2021. This underscores the significance of having rental housing that is both of good quality and reasonably priced.

Incomes have not kept pace with the rising housing costs. Housing attainability in Superior has become challenging for many residents.

- While a household earning 100 percent of the area median income (\$144,100) can afford the average rent, they cannot afford to purchase a home at the median price (\$724,300). A Superior household would need to make \$181,000 or more to afford the median-priced home in 2023. This suggests that higher-income households likely have a better chance of homeownership while lower and median-income households might be limited to renting.
- The inability of a moderate-income household to afford the median-priced home raises questions about the potential barriers to homeownership in Superior. Factors such as high down payment requirements, stricter mortgage lending criteria, and rising home prices relative to income growth can make it difficult for many households to enter the homeownership market.
- In 2021, about 40 percent of renter households in Superior were considered cost burdened. This means that these households are spending 30 percent or more of their annual income on housing costs.

What Types of Housing Will Future Residents Need?

Superior needs a diversity of housing types to support the needs of its existing residents and those who are employed in Superior but can't afford to live here. Increasing the supply of both renter and ownership product units is important for Superior.

- If the demand for housing, particularly for homeownership, exceeds the available supply, it can drive up home prices and make it challenging for households with moderate incomes to purchase a home. Similarly, if the demand for rental housing

exceeds the available supply, it can drive up rent prices and price out households that rent in Superior.

- Downtown Superior, a key growth area, has recently started construction and has built several hundred housing units of diverse housing types. Some future housing needs can be met by the new homes built in Downtown Superior while also looking for strategic locations for infill development.

As Superior's population ages, there will be a growing need for housing to accommodate this demographic group.

- Superior's aging population will need housing that meets various household needs such as wanting to downsize (smaller housing units), aging in place (adaptable homes and nearby services), or multigenerational living (attached or detached accessory dwelling unit).

Superior will have more middle-aged millennials wanting to get into the homeownership market.

- Homeownership for millennials will increase as they age. As a result, there will be a demand for starter homes and relatively affordable types of ownership and rental housing.
- Additionally, to accommodate the housing needs for this population group, there will need to be more one- and two-bedroom housing units and housing near major employment centers and services.

1.Introduction

1.1 Purpose and Context

Across Boulder County and beyond, the rising cost of renting and buying a home has created major housing challenges, especially in locations where housing supply hasn't kept pace with demand. Historically, Superior has enjoyed a relatively affordable housing market, but housing costs are also increasing here while supply is low. For example, as of June 2023, the average home sales price in Superior was \$724,000, with homes selling in around 32 days. The homes lost to the Marshall Fire in 2021 further exacerbated our tight housing market.

To address this growing issue, the Town of Superior is conducting research to gain a better understanding of the housing needs and gaps specific to Superior residents. Through this research and engagement process, the Town aims to gather the necessary information and analysis to develop strategies and actions that will culminate in a plan to guide the Town's work in the coming years.

A critical and initial component of this work is the Housing Needs Assessment (HNA) that provides the data and analysis required to understand Superior's existing conditions and needs. The Housing Needs Assessment looks at many factors related to housing in Superior—such as income and employment, population and household characteristics, and housing costs and affordability—to provide a clear picture of the state of housing in Superior. The Housing Needs Assessment serves as a foundation for the development of the housing strategic plan.

1.2 Organization of This Report

The remainder of this document is organized into the following sections:

- **Section 2. Economic Trends and Conditions** summarizes key components of Superior's economy such as employment trends, wages, commute patterns, and household income.
- **Section 3. Demographic Profile** describes Superior's household characteristics and change over time, which is important for understanding resident's housing needs.
- **Section 4. Housing Profile and Market Trends** summarizes Superior's housing market, including housing supply, availability and vacancy, and development trends.

- **Section 5. Housing Attainability** summarizes housing costs in Superior and describes the different price points that households can afford based on area median incomes and wages.
- **Section 6. Marshall Fire Recovery** describes the Town's efforts to rebuild after the devastating Marshall Fire.
- **Section 7. Population Forecast** summarizes population forecasts in the next 20 years for Superior.
- **Section 8. Future Housing Need** summarizes the future housing need necessary to accommodate future population growth.

2. Economic Trends and Conditions

This section discusses key components of Superior's economy, which affect the demand for and cost of housing. The section summarizes Superior's employment trends, wages, commute patterns, household incomes, and other labor market indicators.

Key Findings

Superior is an affluent community where households have one of the highest median household incomes in the County.

- In 2021, Superior had a median household income of \$131,000—the second-highest median household income when compared to Erie, Lafayette, Louisville, Longmont, and Boulder.
- Incomes for owner households are generally higher than renter households.
- The median household income for renters and owners in Superior is the highest when compared to Erie, Lafayette, Louisville, Longmont, and Boulder.

Continued employment growth linked to housing choices for large and growing sectors of the workforce.

- Between 2010 and 2020, Superior added 902 jobs, an increase of 51 percent. In comparison, Boulder County added 23,471 jobs, an increase of 18 percent.
- Superior's employment is concentrated in two industries: services and retail. Combined, these two industries make up approximately 71 percent of the total jobs in Superior.

- The services industry generally employs people with high skills and, as a result, wages earned in this industry average \$84,000. The retail industry employs many lower-wage positions, with the average annual wage in Boulder County being \$39,000. While a critical part of the economy, residents working in the retail industry may struggle to pay for housing in Superior where housing costs are high.

Most Superior jobs are filled by commuters who live outside of town, while most Superior residents commute elsewhere to work.

- Superior has a commute influx where 92 percent of jobs (2,462 positions) are filled by individuals who commute from locations outside of Superior. This could suggest that workers do not earn enough to afford to live in Superior.
- Superior residents commute elsewhere for work. A significant number of residents (5,846 individuals) from Superior travel to other counties for work. This highlights that residents commute long distances for work within the Denver Front Range region.

2.1 Income and Employment

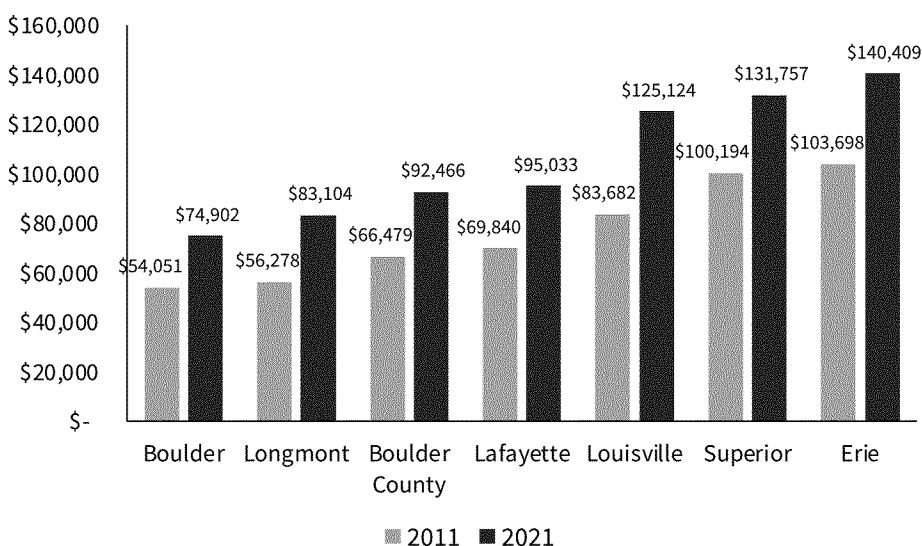
The ability of a household to acquire adequate housing is related to household income, whether earned or from other sources. Household income is oftentimes the crucial factor in evaluating the size and type of housing available for any given household. Household income can vary greatly across many demographic factors, including race, gender, tenure, and household type. While higher-income households have more discretionary income to spend on housing, low- and moderate-income households often face limited choices in the housing they can afford.

2.1.1 Household Median Income, 2011 and 2021

Since 2011, Superior has had the second-highest median household income when compared to the cities of Erie, Lafayette, Louisville, Longmont, and Boulder. In 2021, Superior had a median household income of \$131,757. This is substantially higher than the median household income of \$92,466 in Boulder County. Erie had the highest median household income at \$140,409.

Exhibit 1. Median Household Income, Superior and Comparison Cities, 2011 and 2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates



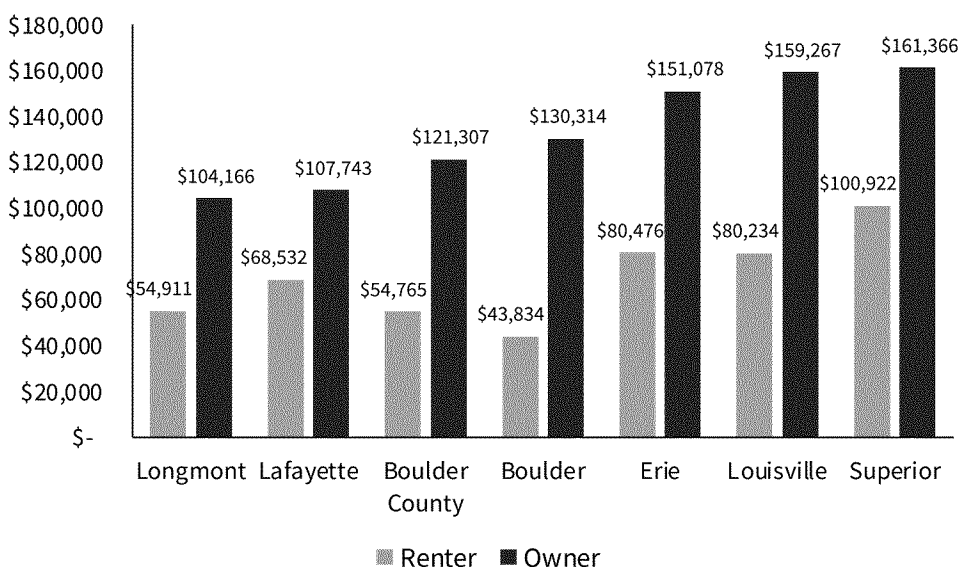
2.1.2 Renter Median Household Income vs Owner Median Household Income, 2021

Analyzing income disparity between renters and homeowners helps identify potential disparities in housing affordability. For example, if the median income of renters is significantly lower than that of homeowners, it might indicate that a larger portion of renter incomes are being dedicated to housing costs, potentially highlighting affordability issues for renters.

Superior has the highest renter and owner median household income when comparing it to the other comparison cities. Superior's renter median household income was \$100,922 in 2021, while the owner median household income was \$161,366; these trends indicate that Superior is an affluent community.

Exhibit 2. Renter Median Household Income vs Owner Median Household Income, 2021

Source: American Community Survey (ACS) 2021 5-year estimates

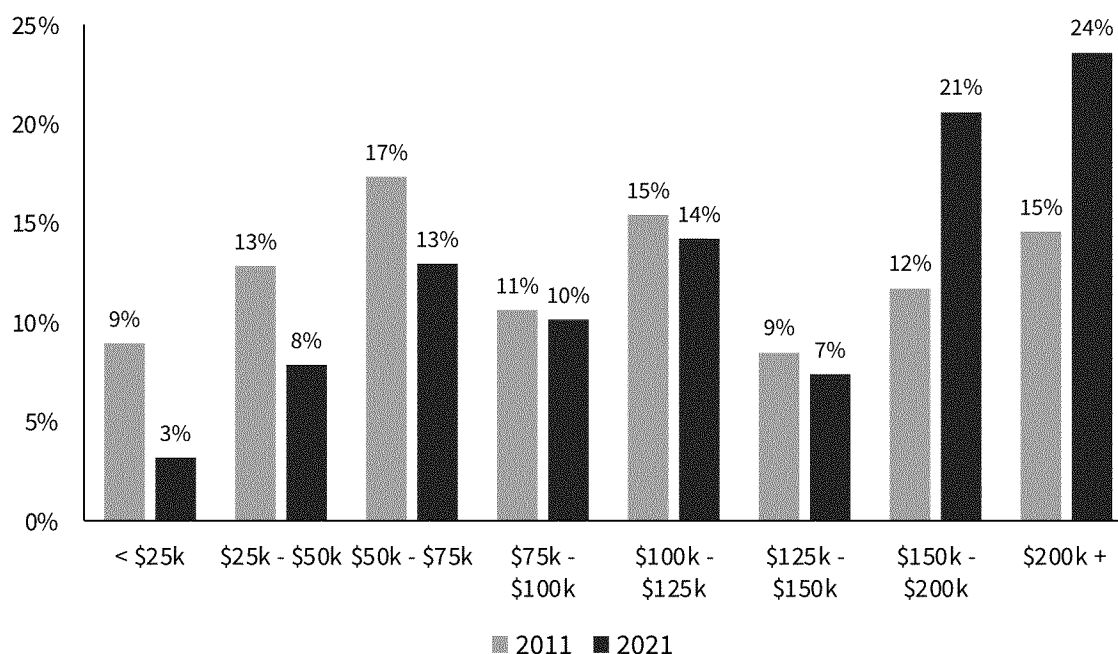


2.1.3 Household Income Distribution in Superior, 2011 and 2021

Since 2011, the share of households in Superior with the highest incomes has grown. In 2021, 45 percent of households had incomes greater than \$150,000, compared to 27 percent in 2011. The share of households with incomes less than \$75,000 has declined from 39 percent in 2011 to 24 percent in 2021. The share of households with moderate incomes has remained relatively stable during this period. Note that these amounts are not adjusted for inflation. The increase in households making over \$150,000 and the decrease in households making \$75,000 or less could indicate housing affordability challenges where rising housing costs and living expenses might be pushing out lower-income households.

Exhibit 3. Household Income Distribution, Superior, 2011 and 2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates



* These incomes are in nominal dollars for each year. They are not adjusted for inflation.

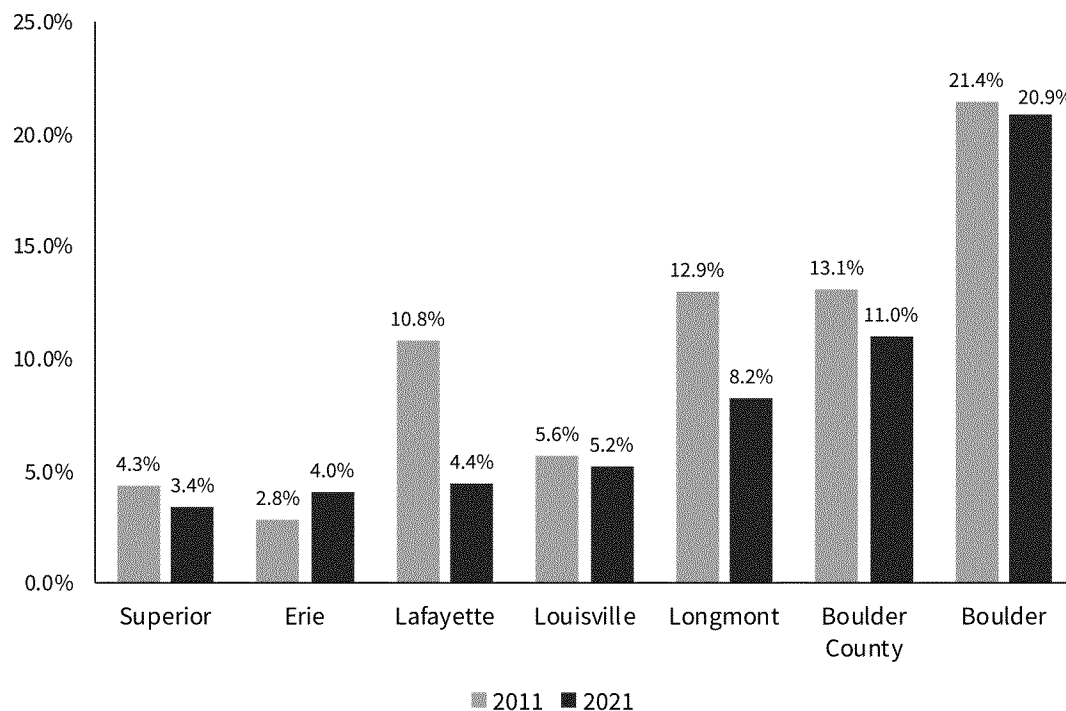
2.1.4 Poverty Rate

Monitoring the poverty rate over time is critical for assessing a community's needs and understanding hardships. A substantial change in the poverty rate over time can be a sign of an important trend, such as a deepening or an amelioration of economic distress or changes in the composition of an area's population due to a shortage of affordable housing.

In Superior, the share of people in poverty decreased from 4.3 percent in 2011 to 3.4 percent by 2021. Similarly, Boulder County and several comparison cities experienced a decline in the share of residents living in poverty. The overall decline in poverty rates in Superior and Boulder County indicate that there is a strong job market, which has provided stable employment opportunities for residents as well as an educated and skilled workforce.

Exhibit 4. Share of Population Living Below Poverty Level, Superior and Comparison Cities, 2011-2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates



2.2 Employment Trends

2.2.1 Employment by Sector

Employment growth accompanied population growth in Superior between 2010 and 2020, especially in the sectors of manufacturing; education; and wholesale trade, transportation, and utilities (WTU). Between 2010 and 2020, employment in Superior grew 51 percent from 1,779 jobs to 2,681 jobs while Boulder County's employment grew 18 percent from 128,271 jobs to 151,742 jobs.

Between 2010 and 2020, employment in the goods-producing sector grew 364 percent, representing about 13 percent of the total employment in Superior. Services-producing jobs, which make up most of the jobs in Superior, grew 37 percent.

Services is the primary employment concentration in Superior, accounting for 48 percent of total jobs, and is mostly driven by the town's rapid population growth. Retail is the second-largest concentration of jobs in Superior, representing 23 percent of jobs in the town.

The finance, insurance, and real estate sector experienced a slight decline in jobs between 2010 and 2020.

Exhibit 5. Employment by Industry in Superior, 2010 and 2020

Source: Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employer Statistics (LODES)

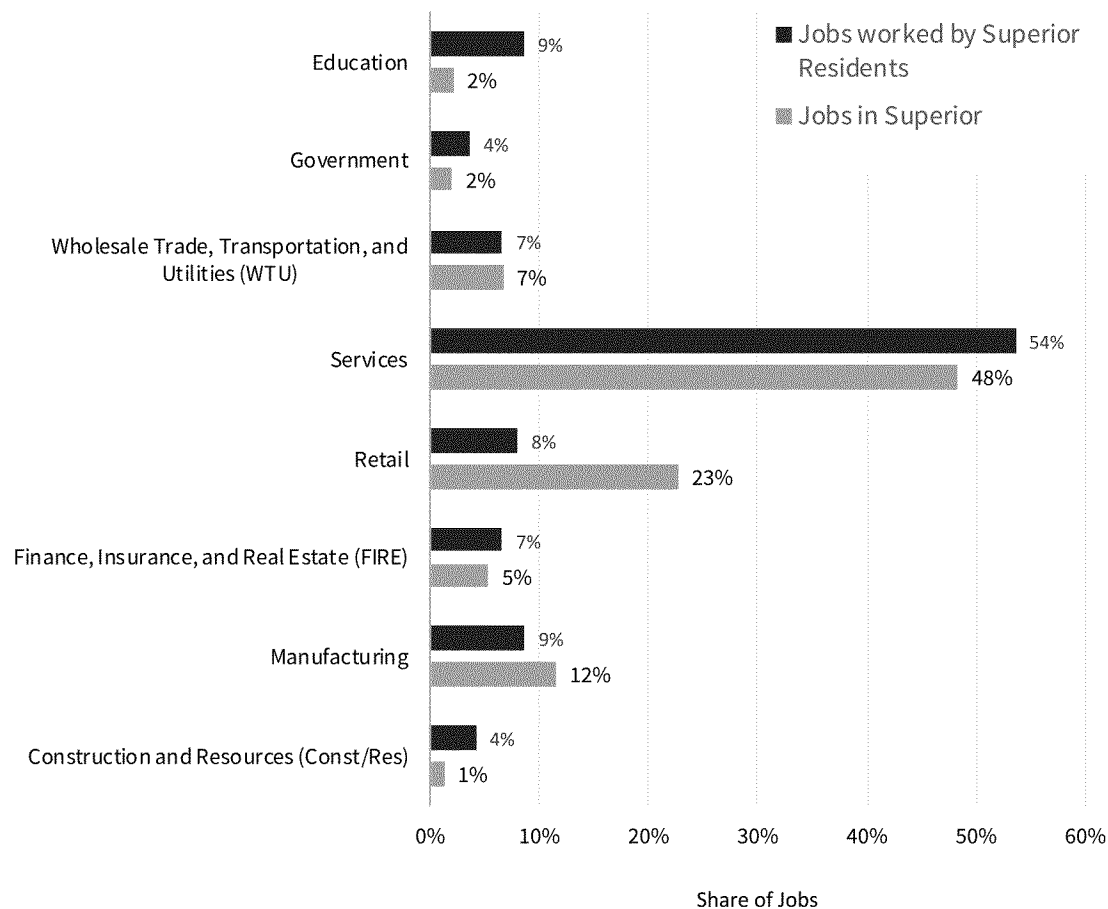
Industry	2010		2020		Percent Change
	Number	Percent	Number	Percent	2010-2020
Goods Producing	74	4%	343	13%	364%
Construction and Resources (Const/Res)	23	1%	34	1%	48%
Manufacturing	51	3%	309	12%	506%
Services Producing	1,705	96%	2,338	87%	37%
Finance, Insurance, and Real Estate (FIRE)	150	8%	143	5%	-5%
Retail	447	25%	609	23%	36%
Services	989	56%	1,296	48%	31%
Wholesale Trade, Transportation, and Utilities (WTU)	54	3%	179	7%	231%
Government	51	3%	54	2%	6%
Education	14	1%	57	2%	307%
Total Employment	1,779		2,681		51%

The exhibit below shows the jobs that Superior has and where residents work. Over half of Superior residents work in the services sector, where a typical worker earns approximately \$84,000 annually in Boulder County. The other major industries where superior residents work include education, manufacturing, and retail. Residents working in education and retail on average earn \$44,000 or less annually, while those working in manufacturing earn approximately \$88,000 annually.

The services sector includes industries in information; professional, scientific, and technical services; management of companies and enterprises; administration and support; waste management and remediation; health care and social assistance; arts, entertainment, and recreation; and accommodation and food services.

Exhibit 6. Employment in Superior and Where Residents Work, 2020

Source: Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employer Statistics (LODES)



Overall, the County's employment has grown by 18 percent, an increase of 23,471 jobs. Compared to Superior, employment in Boulder County is concentrated more heavily in services, which makes up 59 percent of total jobs. The industries with the most growth between 2010 and 2020 include wholesale trade, transportation, and utilities (33 percent) and education (48 percent). As in Superior, the finance, insurance, and real estate sector across the County declined slightly, at 3 percent.

Exhibit 7. Average Employment by Industry in Boulder County, 2010-2020

Source: Bureau of Labor Statistics

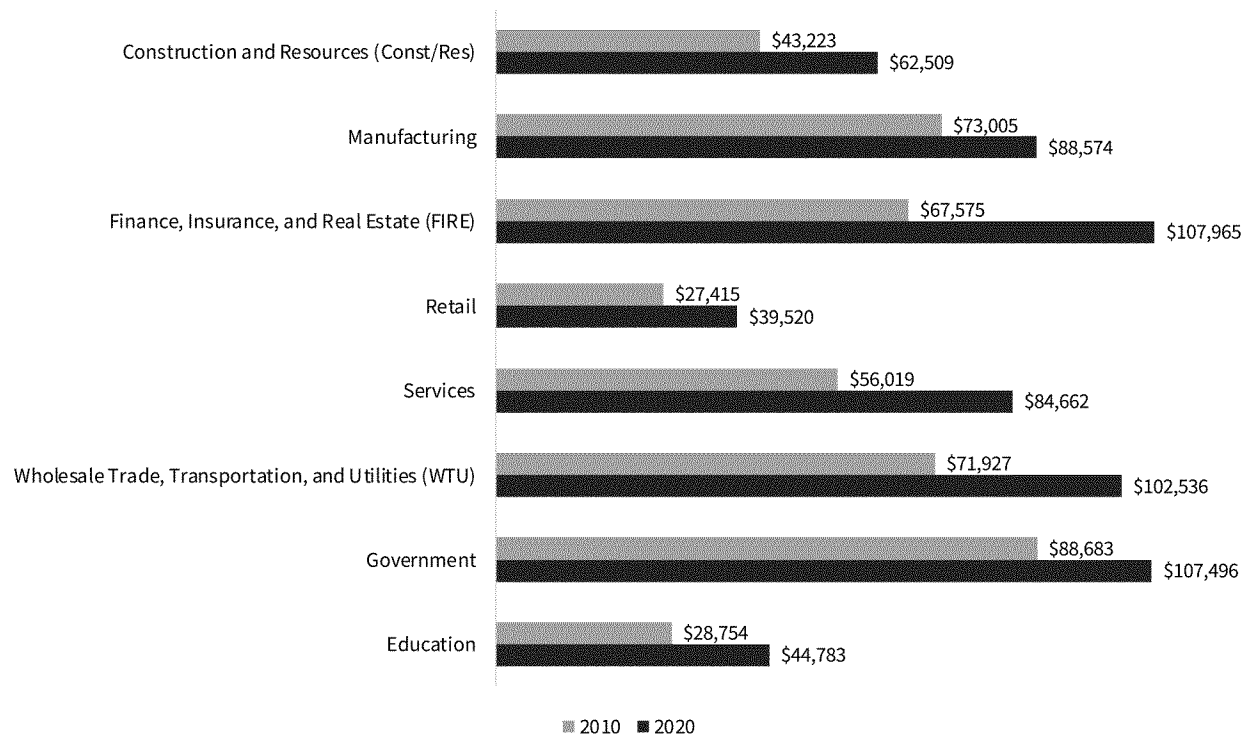
Industry	2010		2020		Percent Change
	Number	Percent	Number	Percent	2010-2020
Goods Producing	20,173	16%	26,300	17%	30%
Construction and Resources (Const/Res)	4,971	4%	6,186	4%	24%
Manufacturing	15,202	12%	20,114	13%	32%
Services Producing	108,098	84%	125,442	83%	16%
Finance, Insurance, and Real Estate (FIRE)	6,920	5%	6,716	4%	-3%
Retail	15,181	12%	16,551	11%	9%
Services	75,536	59%	88,922	59%	18%
Wholesale Trade, Transportation, and Utilities (WTU)	6,275	5%	8,332	5%	33%
Government	2,319	2%	2,153	1%	-7%
Education	1,867	1%	2,768	2%	48%
Total Employment	128,271		151,742		18%

2.2.2 Average Wages in Boulder County, 2010-2020

In Boulder County, average annual wages in the finance, insurance, and real sector have grown the most since 2010 (by 60 percent) despite the decline in overall employment in these categories, as shown in Exhibit 7. In 2020, these jobs had the highest average annual wage at \$107,965. The government and wholesale, trade, and utilities (WTU) industries also have annual wages greater than \$100,000 as of 2020. Manufacturing and government jobs in Boulder County experienced the lowest wage increase since 2010 (21 percent). Average wage data is only available at the County level.

Exhibit 8. Average Wages by Industry in Boulder County, 2010-2020

Source: Bureau of Labor Statistics



2.2.3 Education Attainment

A community with a significant percentage of college-educated individuals often sees a concentration of advanced-skill jobs with higher pay, leading to higher household incomes.

A large share of Superior's population is college educated. As of 2021, 40 percent of Superior residents had a bachelor's degree and 37 percent had a graduate degree. Only 7 percent of adult residents had a high school degree or had not completed high school.

Exhibit 9. Education Attainment in Superior, 2021

Source: American Community Survey (ACS) 2021 5-year estimates

Education Attainment	Total	Percent
Less than High School Degree	161	2%
High School Degree	421	5%
Some College or Associate Degree	1,397	16%
Bachelor's degree	3,494	40%
Advanced Degree	3,222	37%

2.2.4 Commuting Patterns

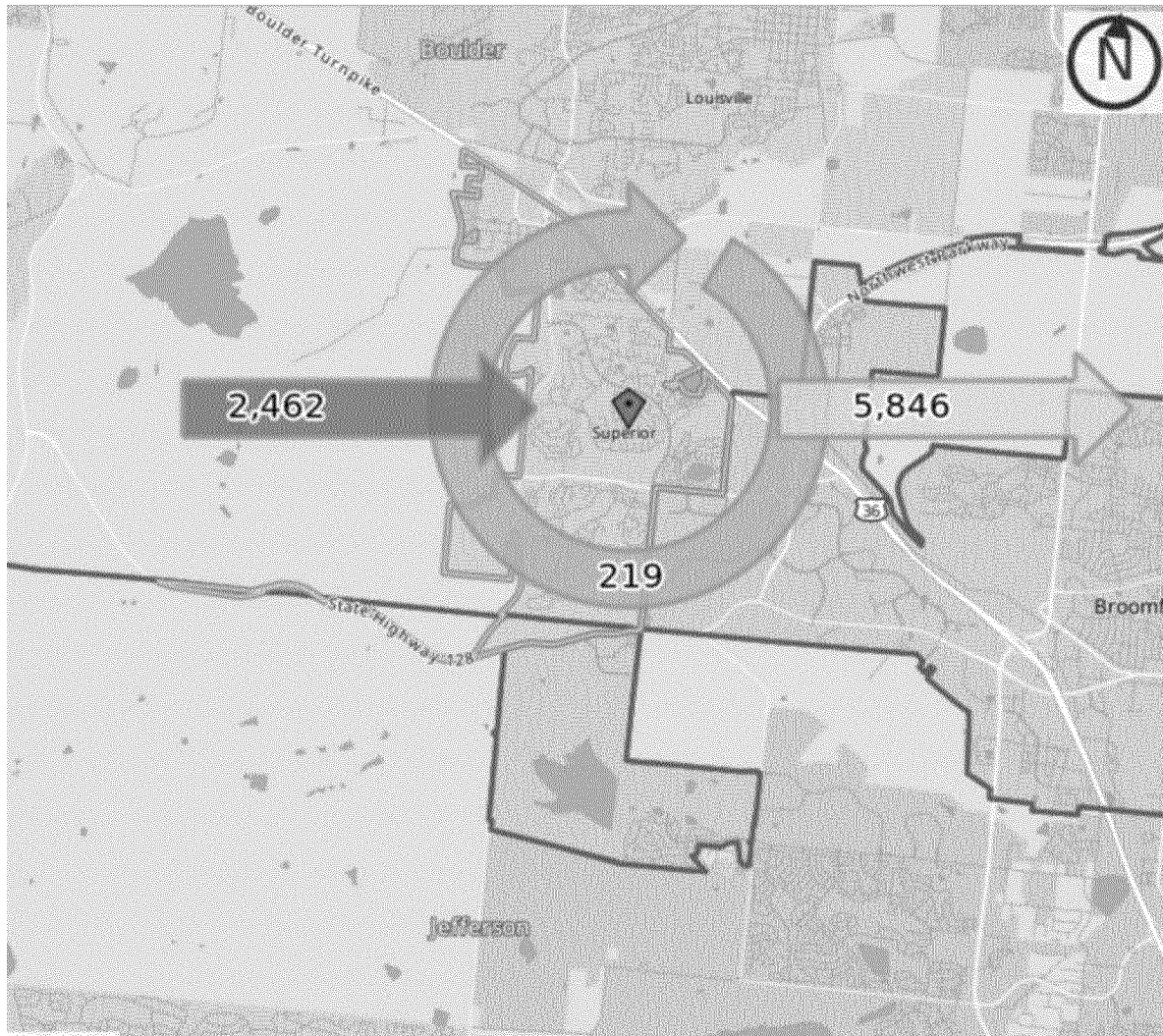
According to the Census Bureau's Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employer Statistics (LODES) program, 2,462 of the 2,681 jobs located in Superior (92 percent) are held by commuters coming in from outside of the town. The other 219 jobs (8 percent) are held by residents who also live in Superior. An additional 5,846 jobs are held by residents of Superior who travel to another county for work.

The top 5 counties where residents of Superior travel for work include the following:

39.1%	17.3%	11.0%	8.7%	7.8%
2,369	1,050	669	526	473
Boulder County	Denver County	Jefferson County	Adams County	Broomfield County

Exhibit 10. Commuting Patterns, Superior, 2020

Source: Longitudinal Employer-Household Dynamics (LEHD) Origin-Destination Employer Statistics (LODES)



3. Demographic Profile

This section provides an overview of Superior's demographics, which provides a foundational context for the housing market profile and conditions. The discussion is organized around population growth and forecast, household characteristics, and race and ethnicity.

Key Findings

Key highlights in Superior's demographic trends include:

Superior grew steadily in the past decade, and forecasts indicate that it will grow at a slightly faster rate over the next two decades.

- Between 2011 and 2021, Superior grew by 482 new residents. Compared to other cities in Boulder County, Superior experienced the smallest population growth by percentage.
- In the next two decades, Boulder County is anticipated to grow by nearly 52,000 people, which will continue to add pressure for additional housing in Superior to accommodate a portion of this growth.

The population of Superior is generally younger, and most households consists of families with children.

- Superior's population tends to skew younger, where the population under 19 years of age comprises the largest cohort of residents (30 percent) followed by those 25 to 44 years old (29 percent).
- Approximately 40 percent of households are couples with children. Half of Superior households have 3 or more persons, indicating that these household characteristics are of families.

Superior's senior population is rapidly growing. This growth is unlikely to slow as millennials and Gen Xers grow older.

- Seniors aged 65 years and older experienced the fastest growth since 2011, increasing by 246 percent. This notable increase in the population aged 65 years and older suggests that Superior is experiencing a substantial aging trend. This could be due to factors such as improved health care, an attractive environment for retirees, families aging in place, or an influx of older adults seeking a peaceful lifestyle.
- Millennials and Gen Xers represent about 57 percent of Superior's population. As these populations age, Superior's senior population will continue to grow.

Superior's population has grown to be more racially and ethnically diverse.

- While the majority of Superior's population identify as White (70 percent), most racial and ethnic groups have increased since 2011. The Asian population is the second-largest racial group (17 percent), followed by the Hispanic population (9 percent).

- The Black or African American population was the only racial group that experienced a decrease since 2011.

3.1 Household Characteristics

The characteristics of a community's households impact the type of housing needed in that community. This section discusses the household characteristics affecting the housing needs of Superior residents.

The U.S. Census Bureau defines a household as all persons who occupy a housing unit, which may include families, single persons, and unrelated persons sharing a housing unit (such as roommates). Persons residing in group quarters such as dormitories or retirement homes are not considered households.

The characteristics of a community's households serve as important indicators of the type and size of housing needed in the town. For instance, single-person households often occupy smaller apartment units or condominiums, such as studios, one-bedroom units, or accessory dwelling units (ADUs). Married couples often prefer larger single-family homes, particularly if they have children. This underscores the need to provide a diversity of housing opportunities.

3.1.1 Population and Households

Population growth and household formation are the primary drivers of demand for housing. The rate of population growth and household characteristics heavily influence the demand for specific housing types.

Exhibit 11 shows population growth in Superior and comparison cities within Boulder County between 2011 and 2021. Since 2011, Superior has added 481 new residents. This increase represents the smallest growth among the comparison cities in real terms and the smallest average annual growth rate, at 0.38 percent.

Exhibit 11. Historical Population Growth, Superior and Comparison Cities, 2011-2021

Source: DOLA, Colorado State Demography Office, ECONorthwest

	2011	2021	2011-2021 Change	
			Number	AAGR
Superior	12,572	13,053	481	0.38%
Erie	8,711	13,124	4,413	4.18%

	2011	2021	2011-2021 Change	
			Number	AAGR
Lafayette	24,722	31,035	6,313	2.30%
Longmont	87,390	98,117	10,727	1.16%
Louisville	18,560	20,855	2,295	1.17%
Boulder	100,233	106,978	6,745	0.65%
Boulder County	300,526	329,793	29,267	0.93%

Exhibit 12 represents historical household growth in Superior and comparison cities. Between 2011 and 2021, Superior grew by an estimated 243 households, or a 5 percent increase in total households. This increase was the lowest rate among the comparison cities. In comparison, Erie saw the largest household growth during the same period, at 48 percent (or 1,408 households).

Exhibit 12. Historical Household Growth, Superior and Comparison Cities, 2011-2021

Source: DOLA, Colorado State Demography Office, ECONorthwest

	2011	2021	2011-2021 Change	
			Number	Percent
Superior	4,539	4,781	243	5%
Erie	2,923	4,331	1,408	48%
Lafayette	9,772	12,414	2,642	27%
Longmont	34,004	39,563	5,559	16%
Louisville	7,669	8,618	948	12%
Boulder	46,404	49,299	2,894	6%
Boulder County	121,382	132,009	10,627	9%

3.1.2 Average Household Size

Superior had an average household size of 2.73 in 2021. This is the second-largest average household size when compared to the comparison cities and County. Boulder County had an average household size of 2.38.

Exhibit 13. Average Household Size, Superior and Comparison Cities, 2021

Source: American Community Survey (ACS) 2021 5-year estimates

2.73	3.03	2.50	2.48	2.42	2.17	2.38
Superior	Erie	Lafayette	Longmont	Louisville	Boulder	Boulder County

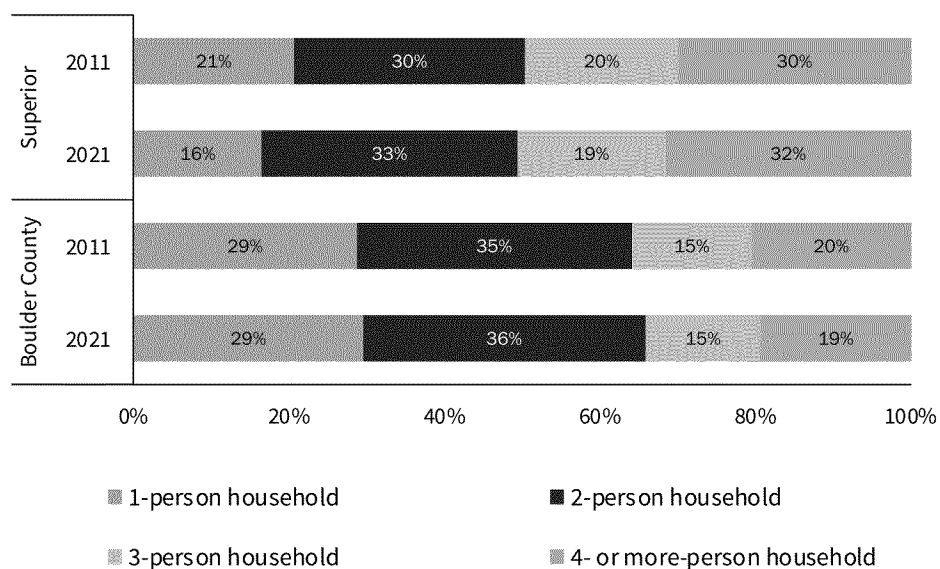
3.1.3 Household Size

The households in Superior comprised of 3 persons and 4 or more persons make up 51 percent of the total households, while 2-person households make up the second-largest household type and make up 33 percent of all households. Between 2011 and 2021, there was a considerable shift in Superior's household size formation. Most notably, 2-person households and those with 4 or more persons increased, while 1-person and 3-person households decreased. This trend could suggest that there are some affordability challenges in Superior for 1-person households or a lack of available and appropriately sized housing.

Compared to Superior, households in Boulder County comprised of 1 or 2 persons make up 65 percent of all households in the County. Households comprised of 3 persons and 4 or more persons make up 35 percent. These trends suggest that households in Superior are typically families with 3 or more persons and couples, while in Boulder County they represent single and couple households.

Exhibit 14. Household Size, Superior and Boulder County, 2011 and 2021

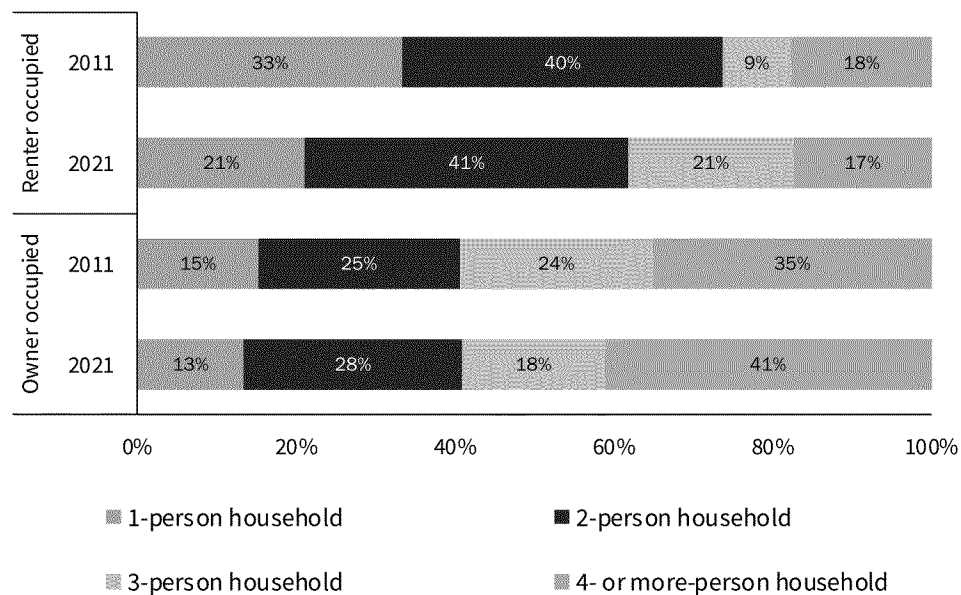
Source: American Community Survey (ACS) 2011 and 2021 5-year estimates



Household size varies widely by tenure in Superior. Renter households make up the majority of 1- and 2-person households (62 percent), while owner households make up the majority of 3- and 4-person households. These household size trends generally track with the trends of the available housing within a community. For example, 1- and 2-person households generally tend to live in apartments while family-sized households tend to live in single-family homes or larger-sized units that accommodate their needs.

Exhibit 15. Household Size by Tenure, Superior, 2011 and 2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates

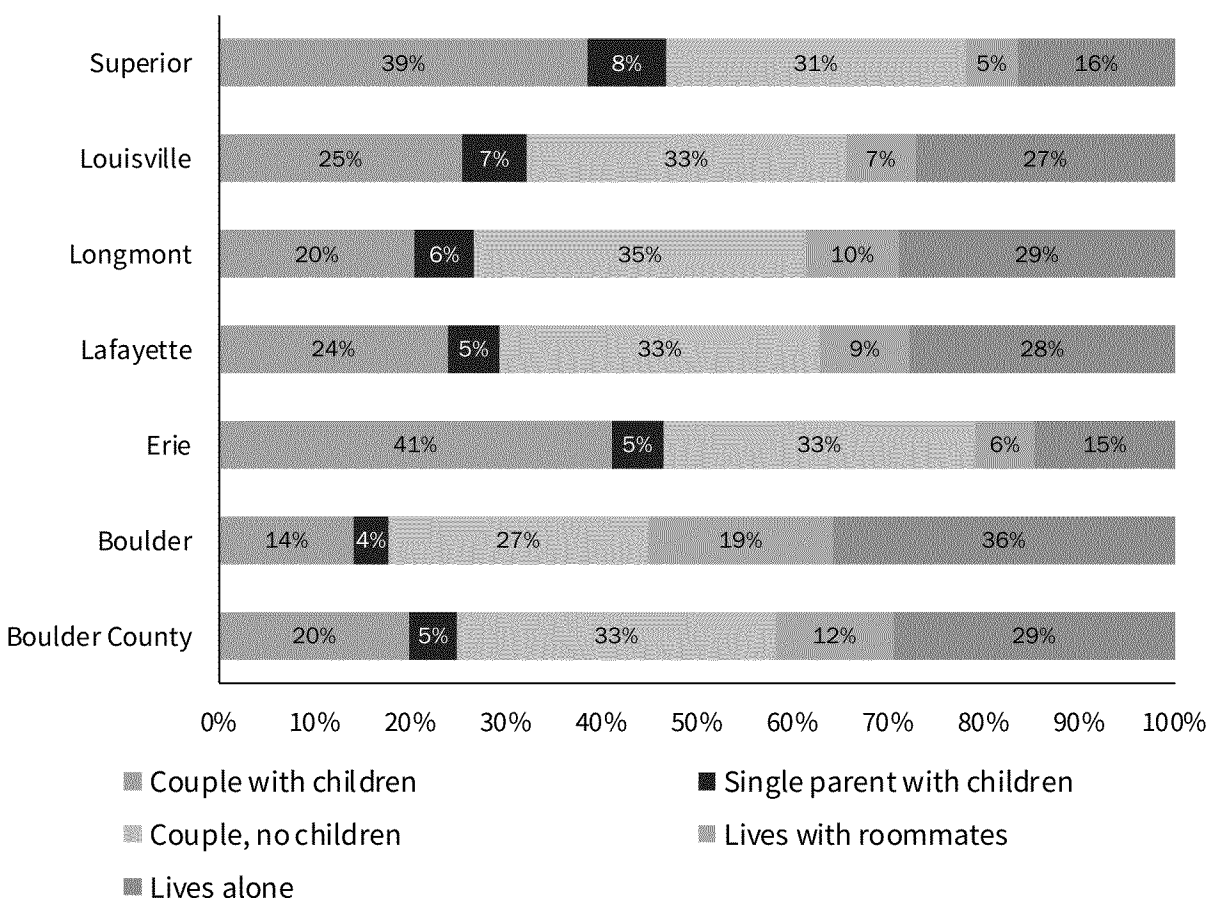


3.1.4 Living Arrangement

Exhibit 16 below shows trends in the living arrangement of Superior households. The majority of Superior households (39 percent) are comprised of a traditional nuclear family consisting of a married couple and their children. The second-largest household type in Superior is couples living together with no children. These trends further strengthen that Superior households are mostly families with children. One-person households make up the smallest share of households in Superior.

Exhibit 16. Living Arrangement of Households, Superior and Comparison Cities, 2021

Source: American Community Survey (ACS) 2021 5-year estimates



3.1.5 Median Age

37	37	39	40	43	37	37
Superior	Erie	Lafayette	Longmont	Louisville	Boulder	Boulder County

Superior's population is young, with a median age of 37 in 2021. Other jurisdictions like Erie, Boulder, and Boulder County also have a young population, with a median age of 37. Longmont and Louisville have older populations relative to the comparison cities.

3.1.6 Age Distribution

The age characteristics of a community indicate current needs and future trends for housing. Because different age groups have very different housing needs, housing demand correlates to the age of residents. For example, young adult households may choose to occupy apartments, condominiums, and small single-family homes because of affordability, location, and household size/presence of children. Middle-aged adults may prefer larger homes in which to raise families, while seniors may prefer smaller units that have lower costs, less maintenance, and nearby services.

The exhibit below shows the age characteristics of Superior's population. Superior's population generally skews younger. The population under 19 years of age comprises the largest cohort of residents in Superior, followed by adults ages 25 to 44 and 45 to 64, making up 29 and 28 percent of the town's population, respectively. Overall, Superior has maintained a relatively small population of senior adults aged 65 years and older.

In comparison, Boulder County's population skews younger as well with roughly 60 percent of its population spread across those under 19 years old, 20 to 24 years old, and 25 to 44 years old.

Exhibit 17. Age Distribution, Superior and Comparison Cities, 2021

Source: American Community Survey (ACS) 2021 5-year estimates

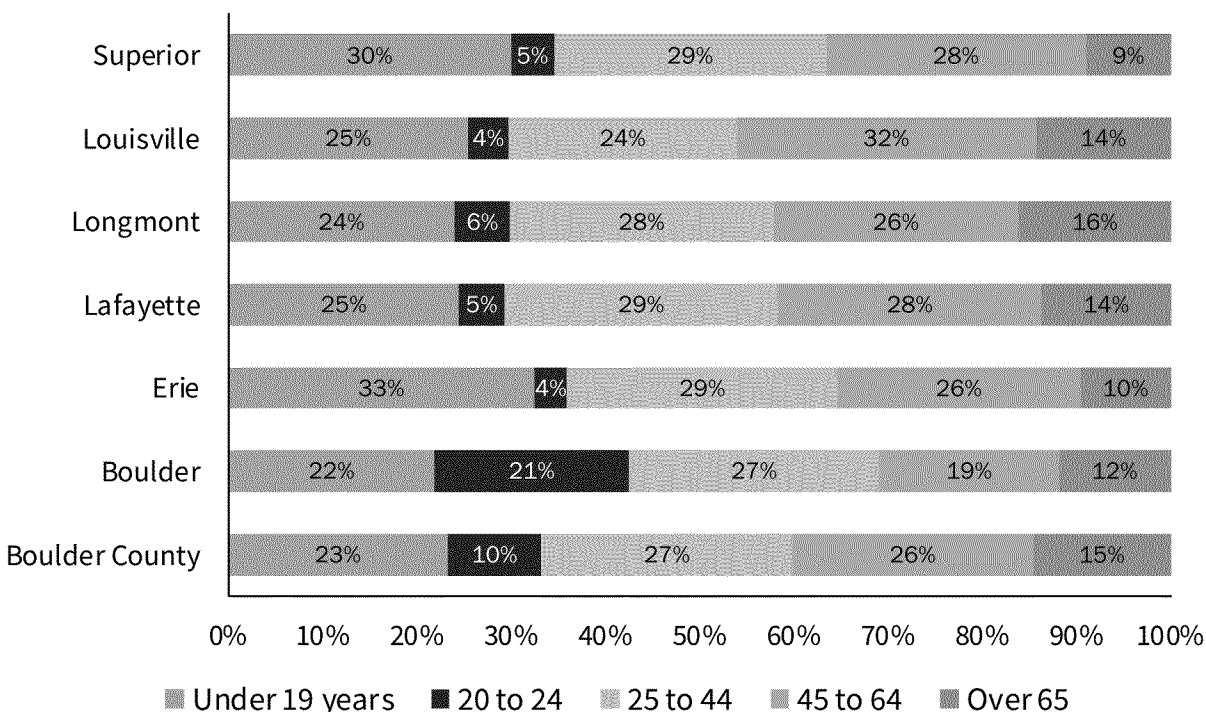


Exhibit 18 below shows how Superior's age distribution has changed over time. Seniors aged 65 years and older experienced the fastest growth since 2011—increasing by 246 percent. This notable increase in the population aged 65 years and older suggests that Superior is experiencing a substantial aging trend. This could be due to factors such as improved health care, an attractive environment for retirees, or seniors who are aging in place. Other notable increases include the age cohort under 19 years old increasing by 10 percent and the age cohort 45 to 64 years old increasing by 25 percent. The 50 percent decline in the 20 to 24 age group could indicate a potential outflow of young adults seeking education, job opportunities, or different living environments. This could also mean that this age group cannot find housing affordable to them in Superior. Boulder County trends for this age group have remained stable between 2011 and 2021.

Exhibit 18. Change in Superior's Age Distribution, 2011-2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates

	2011	2021	2011-2021 Change	
			Number	Percent
Under 19 years	3,616	3,983	367	10%
20 to 24 years	1,200	605	-595	-50%
25 to 44 years	4,092	3,830	-262	-6%
45 to 64 years	2,915	3,656	741	25%
Over 65 years	349	1,209	860	246%

3.1.7 Race and Ethnicity

Most of Superior's population identify as non-Hispanic White. In the past decade, Superior has grown to be more racially and ethnically diverse. Most racial and ethnic groups have increased since 2011. The Black or African American population decreased in the past decade. The Asian population is the second-largest racial group (17 percent), followed by the Hispanic population (9 percent).

Exhibit 19. Race and Ethnicity, 2011 and 2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates

	2011		2021		2011-2021 Change	
	Number	Percent	Number	Percent	Number	Percent
Non-Hispanic White	9,497	78%	9,300	70%	-197	-2%
Black or African American	85	1%	37	0%	-48	-56%
American Indian and Alaska Native	0	0%	86	1%	86	-
Asian	1,501	12%	2,235	17%	734	49%
Native Hawaiian or Pacific Islander	0	0%	9	0%	9	-
Other	0	0%	18	0%	18	-
Two or more races	301	2%	449	3%	148	49%
Hispanic	788	6%	1,149	9%	361	46%

4. Housing Profile and Market Trends

This section summarizes Superior's housing market. It examines housing supply and availability, development trends, and affordability of ownership and rental housing.

A housing profile and housing market analysis are important for understanding housing affordability and demand because they provide valuable information about the current state of the housing market, including the supply of housing units, average cost of rent or homeownership, and demographics of the area, which can help predict future housing demand and need. Projecting future housing need is important to ensure that Superior is planning to provide housing at all income levels for its population—especially those with lower incomes.

For the purposes of this report, unless stated otherwise, the existing supply includes properties impacted by Marshall Fire and the future projections do not include permits and households rebuilding following Marshall Fire. This report assumes these properties rebuild within the 2043 future projected timeline.

Key Findings

Key highlights in Superior's housing profile and market trends include:

The Marshall Fire has further exacerbated the lack of available housing in Superior.

- The Marshall Fire of 2021 destroyed 390 residential properties and 4 commercial properties.
- Superior had a housing vacancy of 2.5 percent in 2021—one of the lowest of the comparison cities of Erie, Lafayette, Louisville, Longmont, and Boulder. For comparison, Boulder County had a housing vacancy of 5.9 percent in 2021.

Superior's housing inventory lacks diversity. Homogeneous new construction is unlikely to support workforce housing needs.

- The majority of housing inventory in Superior is single-family detached (60 percent). Superior has primarily built single-family homes throughout the 2000s and 2010s. Only starting in 2020 did multifamily building permits outnumber single-family permits.
- The share of Superior households who rent increased from 30 percent in 2011 to 40 percent in 2021. This underscores the significance of having rental housing that is both of good quality and reasonably priced.
- Young professional households aged 15 to 34 were the most likely to rent in Superior, while older households 45 to 64 were the least likely to rent.

Incomes have not kept pace with the rising housing costs. Housing attainability in Superior has become challenging for many residents.

- While a household earning 100 percent of the area median income (\$144,100) can afford the average rent, they cannot afford to purchase a home at the median price (\$724,300). A Superior household would need to make \$181,000 or more to afford the median-priced home in 2023. This suggests that higher-income households likely have a better chance of homeownership, while lower and median-income households might be limited to renting.
- The inability of a moderate-income household to afford the median-priced home raises questions about the potential barriers to homeownership in Superior. Factors such as high down payment requirements, stricter mortgage lending criteria, and rising home prices relative to income growth can make it difficult for many households to enter the homeownership market.

- In 2021, about 40 percent of renter households in Superior were considered cost burdened. This means that these households are spending 30 percent or more of their annual income on housing costs.

Increasing the supply of both renter and ownership product units is important for Superior.

- If the demand for housing, particularly for homeownership, exceeds the available supply, it can drive up home prices and make it challenging for households with moderate incomes to purchase a home. Similarly, if the demand for rental housing exceeds the available supply, it can drive up rent prices and price out households that rent in Superior.

4.1 Defining Affordable Housing

Housing affordability refers to the degree to which a household or individual can afford to pay for housing without experiencing financial hardship or sacrificing other essential needs.

According to the U.S. Department of Housing and Urban Development (HUD), affordable housing refers to a residence that a household or family can acquire—either through buying, renting, or other methods—that requires payment of no more than 30% of the household's income. Typically, households paying more than 30 percent of their income for housing are considered cost burdened, while households paying more than 50 percent for housing are considered severely cost burdened.

4.2 Housing Supply

According to the American Community Survey (ACS), Superior had 4,790 housing units as of 2021. Between 2011 and 2021, 193 housing units were added to Superior's housing inventory. These housing units are likely reflected in these developments:

Development	# of Units
Calmante II	33
Coal Creek Crossing	53
Rogers Farm (RM zoned)	27
Downtown/Discovery	80*

**Approximate*

Exhibit 20. Total Housing Units in Superior, 2011 and 2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates

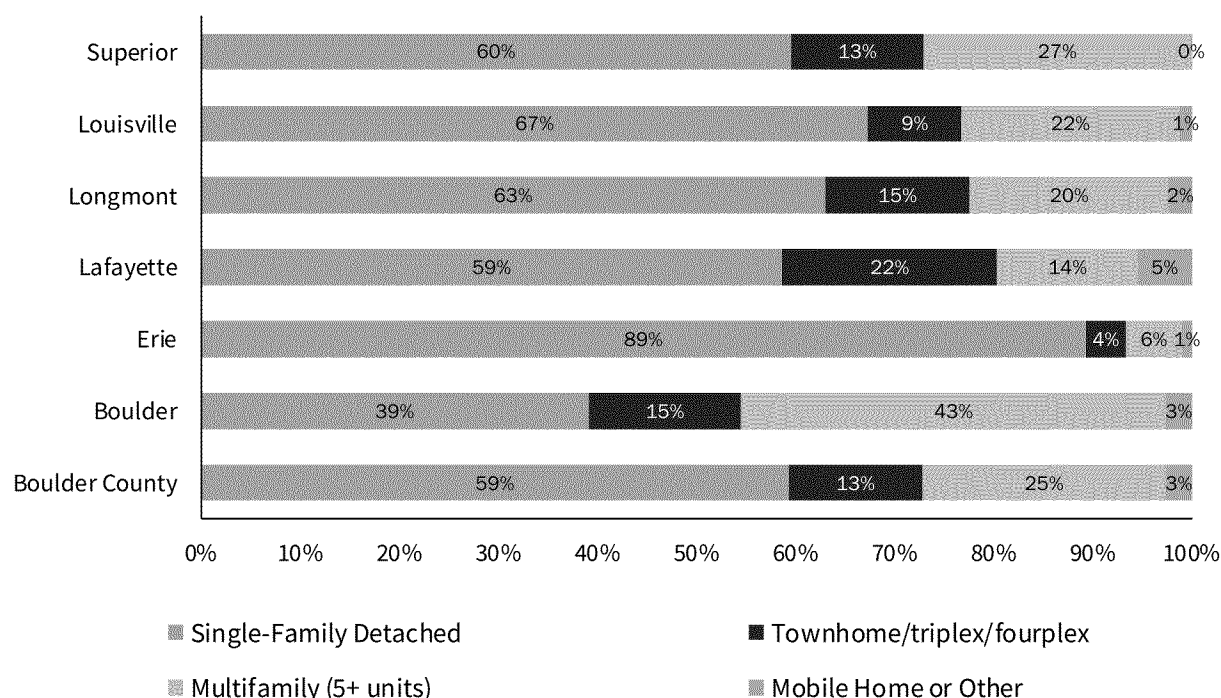
	2011	2021	# Change	AAGR
Housing Units	4,597	4,790	193	0.41%

4.2.1 Existing Housing Inventory by Type

The mix of housing types in Superior is similar to the overall distribution in Boulder County, with 60 percent in the form of single-family detached homes and 13 percent in townhomes and small duplexes, triplexes, and fourplexes. There is a higher share of multifamily units in Superior relative to comparison cities, at 27 percent, second only to Boulder. Less than 1 percent of Superior's housing inventory is mobile homes or other forms.

Exhibit 21. Share of Housing by Building Type, Superior and Comparison Cities, 2021

Source: American Community Survey (ACS) 2021 5-year estimates



4.2.2 Age of Housing Inventory

Housing age can be an important indicator of housing condition within a community. Like any other tangible asset, housing is subject to gradual physical or technological deterioration over time. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, depress neighboring property values, and eventually impact the quality of life in a neighborhood. Many federal and state programs also use the age of housing as one factor in determining housing rehabilitation needs. Typically, housing over 30 years of age is more likely to have rehabilitation needs that may include new plumbing, roof repairs, foundation work, and other repairs.

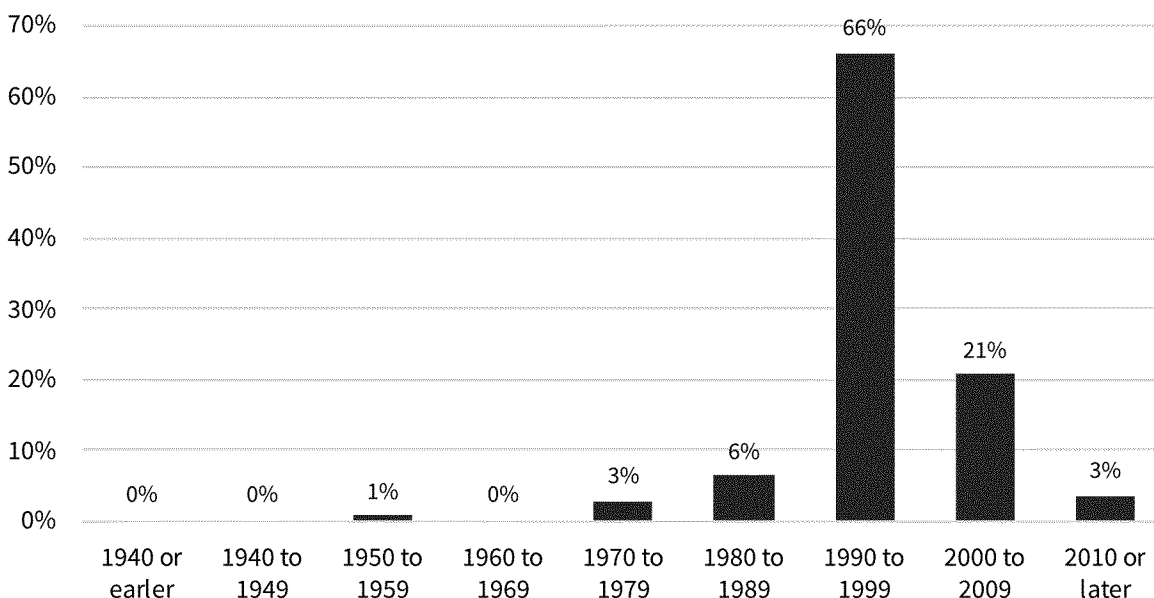
The majority of Superior's current housing units—more than 90 percent—were built in the last 30 years. Most of the housing inventory was built in the 1990s with the development of the Rock Creek Ranch area and expansion of the town boundaries to include the 1,570-acre subdivision.¹ Most of homes older than 30 years were located in Original Town and were destroyed in the Marshall Fire. Units built since 2010 make up a very small share of Superior's

¹ [Town of Superior Comprehensive Plan](#), p. 2-1.

total housing supply. However, the extensive residential construction of Downtown Superior that began in late 2020 is changing the housing makeup of Superior, along with new construction associated with the Marshall Fire recovery. Several new multifamily housing units have been built recently or are under construction, increasing the supply of apartment units and attached housing units.

Exhibit 22. Share of Housing Units by Year Built, Superior, 2021

Source: American Community Survey (ACS) 2021 5-year estimates



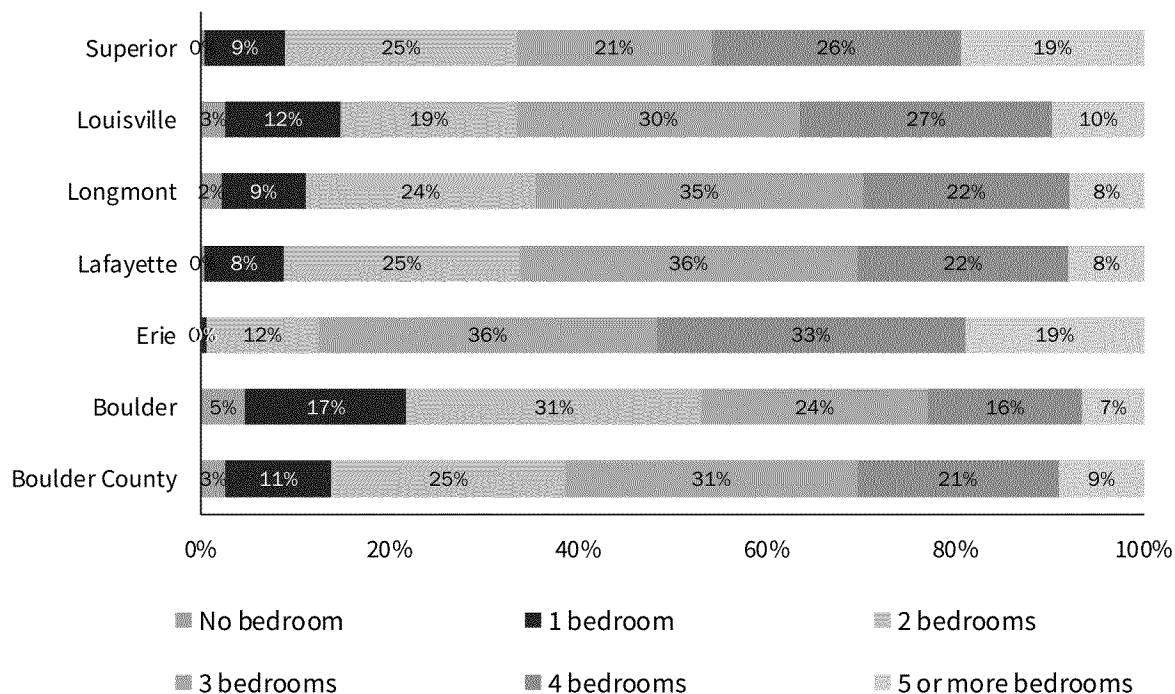
4.2.3 Number of Bedrooms

With single-family detached units as the most common type of housing, it is not surprising that a majority of dwelling units in Superior have three or more bedrooms. A small percentage of Superior's housing stock are studios (no bedroom) or 1-bedrooms. Among comparison cities, Superior has one of the largest shares of homes with five or more bedrooms, at 19 percent. This indicates that most of the single dwelling and multi-dwelling units in Superior are supportive of family households, with a very small share of units supportive for single residents. This limits the pool of units that single households or couples could obtain in Superior's housing market.

Based on recent permit data from the city, the residential market has been building smaller residential units for single households and couples through the development of several studios and 1- and 2-bedroom units.

Exhibit 23. Share of Housing Units by Number of Bedrooms, Superior and Comparison Cities, 2021

Source: American Community Survey (ACS) 2021 5-year estimates



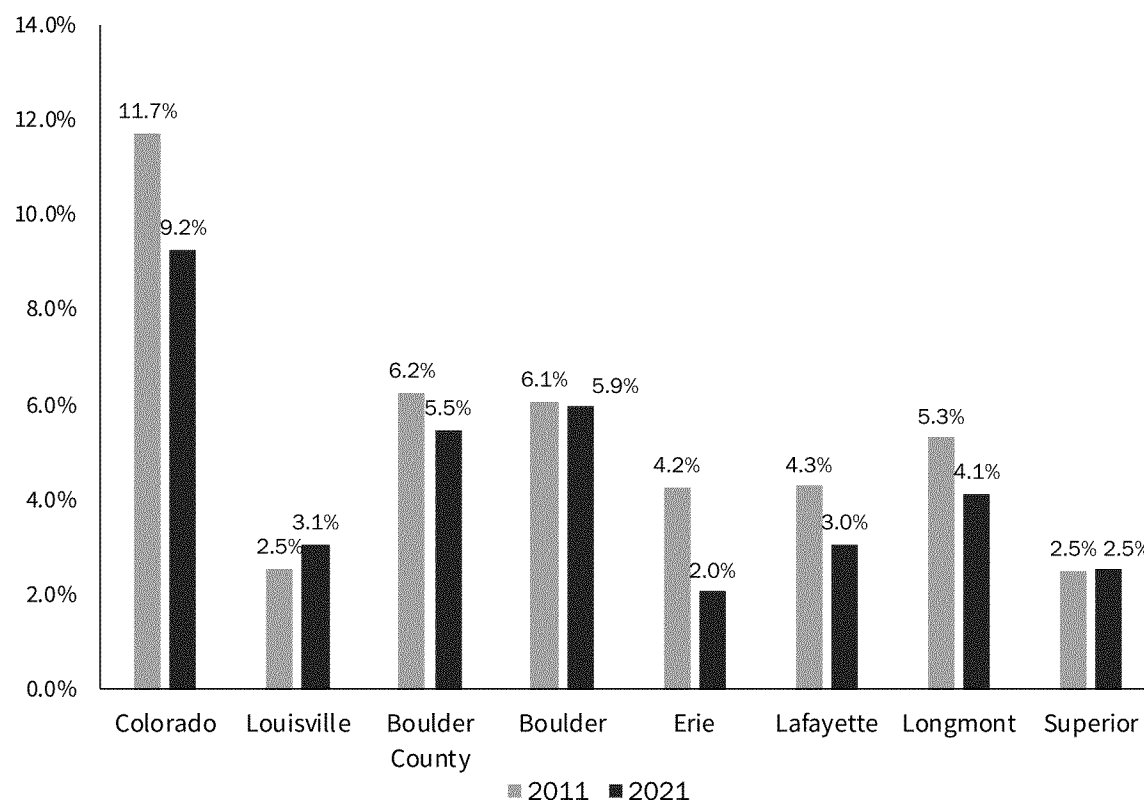
4.2.4 Overall Housing Vacancy, 2011-2021

Vacancy is a measure of the availability of housing units in a given area. When there are more vacant units than there are people looking for a place to live, it can lead to lower rents and other housing costs. This can make housing more affordable for people who are looking for a place to live. On the other hand, when there is a low vacancy rate and high demand for housing, it can lead to higher rents and other housing costs. This can make housing less affordable for people who are looking for a place to live.

Therefore, vacancy rates can have a significant impact on housing affordability in an area. The exhibit below shows vacancy rates for Superior and comparison cities between 2011 and 2021. Superior has one of the lowest overall vacancy rates, at 2.5 percent. Trends in Boulder County show that vacancy rates have mostly declined, suggesting that it is more difficult for households to find an affordable place to live.

Exhibit 24. Housing Vacancy Rate, Superior and Comparison Cities, 2011-2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates



4.2.5 Vacant Units by Reason, Superior and Boulder County, 2021

Housing units can be recorded as vacant in the American Community Survey for a variety of reasons. Some vacancies are short term, such as when a unit is listed for rent or sale but not currently occupied. Seasonal (or vacation) homes represent another type of vacancy because they are not occupied year-round.

As shown in the exhibit below, most of the vacant units in Superior are currently listed for rent or are rented but tenants have not yet moved in. A smaller share of vacant units, at 16 percent, are vacation homes or part-time residences. Superior's share of vacation homes is slightly lower than Boulder County, where 20 percent of vacancies are due to seasonal use.

Seasonal, recreational, and occasional-use units collectively refer to housing units that are not consistently occupied by residents but are utilized for specific seasons, occasional purposes, or temporary stays by individuals with their usual place of residence elsewhere.

Exhibit 25. Vacant Units by Reason, Superior and Boulder County, 2021

Source: American Community Survey (ACS) 2021 5-year estimates

Vacancy Reason	Superior		Boulder County	
	Count	Percent	Count	Percent
For rent	44	36%	843	31%
Rented, not occupied	45	37%	538	20%
For sale only	14	11%	219	8%
Sold, not occupied	0	0%	38	1%
For seasonal, recreational, or occasional use	19	16%	540	20%
For migrant workers	0	0%	0	0%
Other vacant	0	0%	516	19%
Total:	122		2,694	

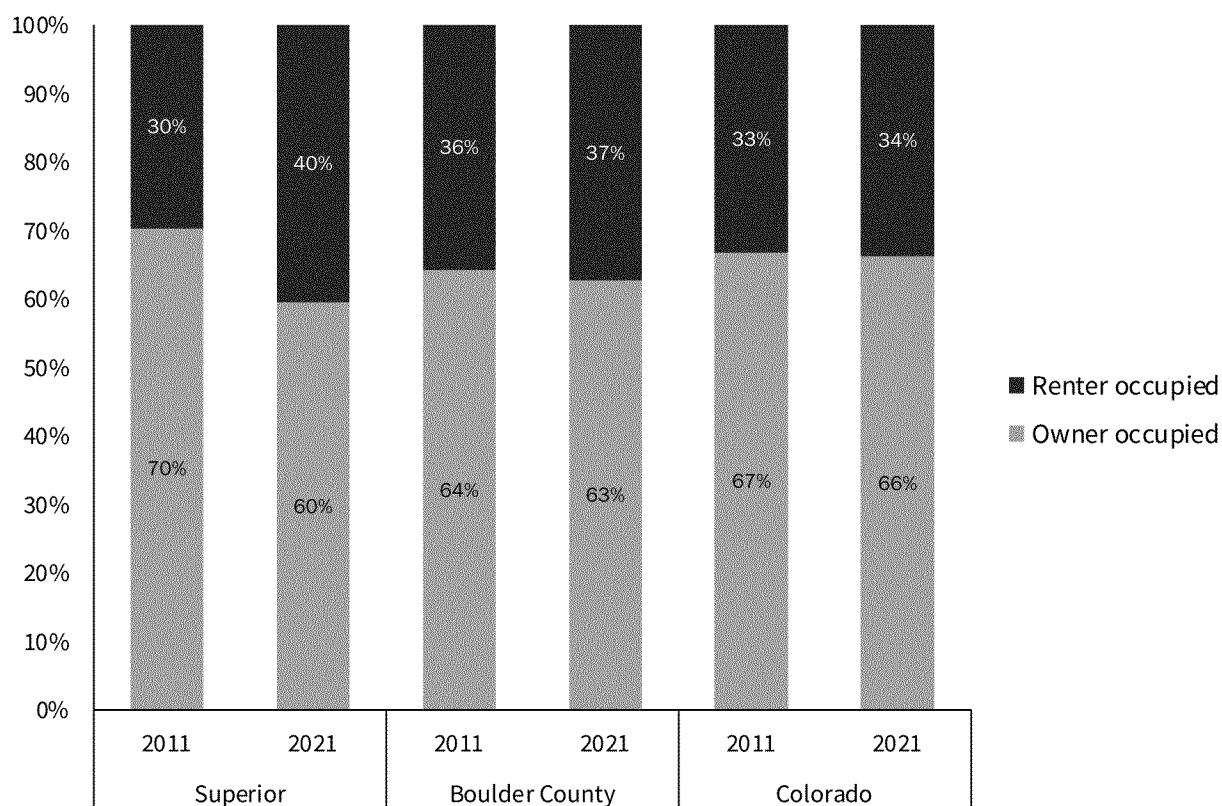
4.2.6 Housing Tenure (Owner vs Renter)

Household tenure is an important component of housing needs, as it helps to determine whether future housing should be built as ownership units or rental units. In many areas, a notable portion of households choose to rent their homes, emphasizing the significance of having rental housing that is both of good quality and reasonably priced.

Most of Superior's housing units are occupied by owners, but the share of owned homes has declined in the past 10 years. The current share of owner-occupied homes in Superior (60 percent) is similar to the share in Boulder County (63 percent). As of 2021, 40 percent of households in Superior were renters, higher than the renter percentage in Colorado (34 percent) and Boulder County (37 percent). The share of Superior households who rent increased from 30 percent in 2011 to 40 percent in 2021.

Exhibit 26. Housing Tenure, Superior and Boulder County, 2011-2021

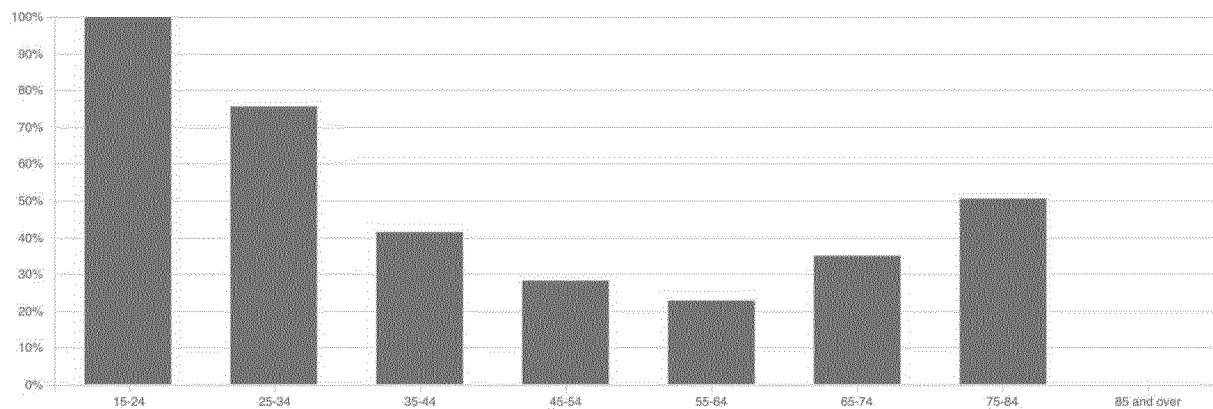
Source: American Community Survey (ACS) 2011 and 2021 5-year estimates



The share of households who rent varies substantially by age; therefore, renters of different ages and household sizes may be interested in different forms and sizes of rental homes. In Superior, as of 2021, households headed by an individual aged 15 to 34 were the most likely to rent. While households headed by an individual aged 55 to 64 were the least likely to rent.

Exhibit 27. Share of Renter by Age, 2021

Source: American Community Survey (ACS) 2021 5-year estimates



4.3 Apartment Rental Market

The exhibit below shows a snapshot of Superior and Boulder County's apartment rental market. As of 2023 Q2, Superior had approximately 1,210 apartment rental units in one multibuilding complex. Boulder County had 28,406 apartment units in 708 buildings. Additionally, there are 504 apartment units in the pipeline or under construction in Superior, with an additional 1,753 units under construction elsewhere in Boulder County. The average rent per unit in Superior is \$2,406 or \$2.38 per square foot, which exceeds the County average rent per unit of \$1,917 or \$2.25 per square foot.

Exhibit 28. Superior and Boulder County Apartment Rental Market Snapshot, 2023

Source: CoStar

	Inventory (buildings)	Units	Inventory Avg. SF	Under Construction	Avg. Rent per SF	Avg. Rent per Unit	Vacancy Rate
Superior	1*	1,209	1,028	504	\$2.37	\$2,392	7.7%
Boulder County	708	28,406	847	2,257	\$2.24	\$1,906	5.7%

* This project is a large multibuilding complex owned by a single entity.

According to CoStar, the apartment rental market in Superior was relatively stable with an overall vacancy rate of 7.7 percent as of 2023 Q2, as shown in exhibit 29. By comparison, Boulder County had a tighter housing market, with a vacancy rate of 5.7 percent. Since 2013,

Superior's apartment market has seen growth of 74 percent (\$1.01 per square foot), which has outpaced Boulder County's rent growth of 52 percent (\$0.77 per square foot).

Exhibit 29. Apartment Rent per Square Foot and Vacancy Rate, Superior and Boulder County, 2013–2023 Q2

Source: CoStar

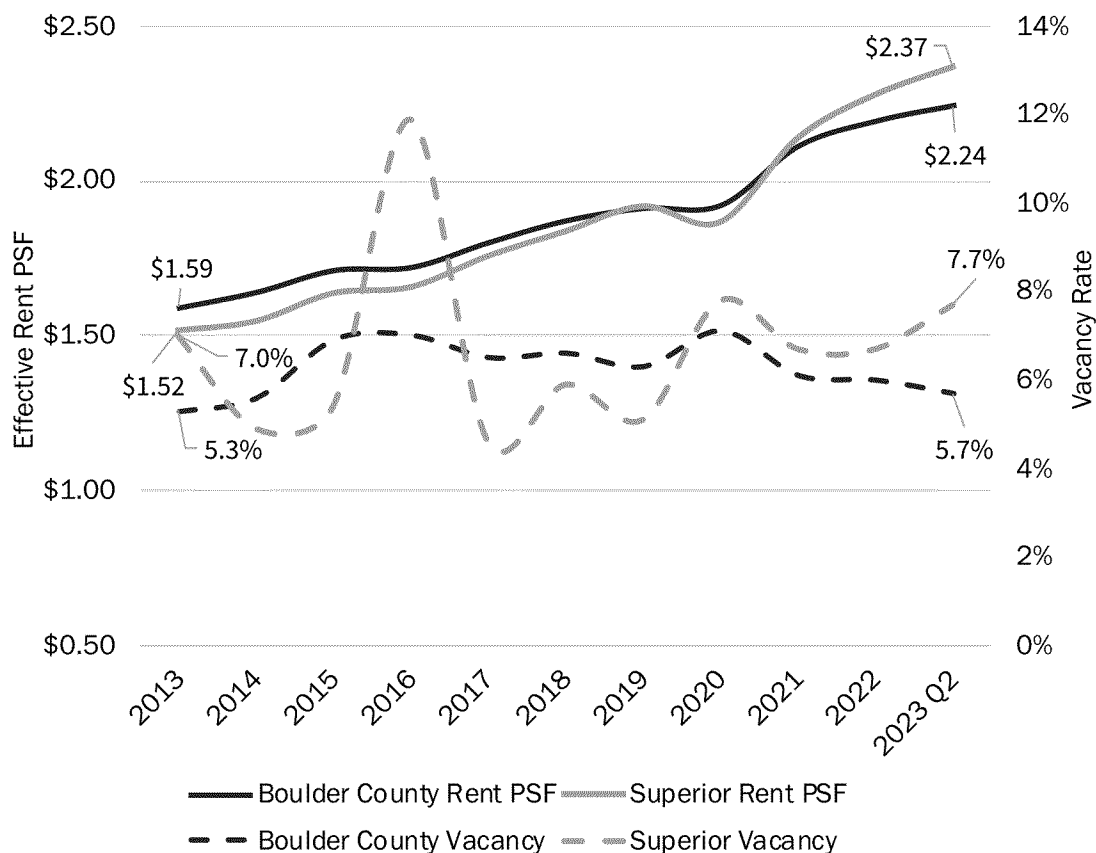


Exhibit 30 shows apartment deliveries and net absorption in Superior. Apartment deliveries refer to the new units built in the market, while net absorption refers to the difference between the number of units leased and the number of units vacated during a specific period. Since 2013, there have been no new multifamily apartment units completed in Superior's market.

Exhibit 31 shows apartment deliveries and net absorption in Boulder County overall. Since 2013, Boulder County has seen a delivery of 8,365 units and a net absorption of 7,779 units. New units delivered seem to be absorbed (leased up) by the market quickly, indicating a strong demand for apartments in the County.

Exhibit 30. Apartment Deliveries and Net Absorption, Superior, 2013-2023 Q2

Source: CoStar

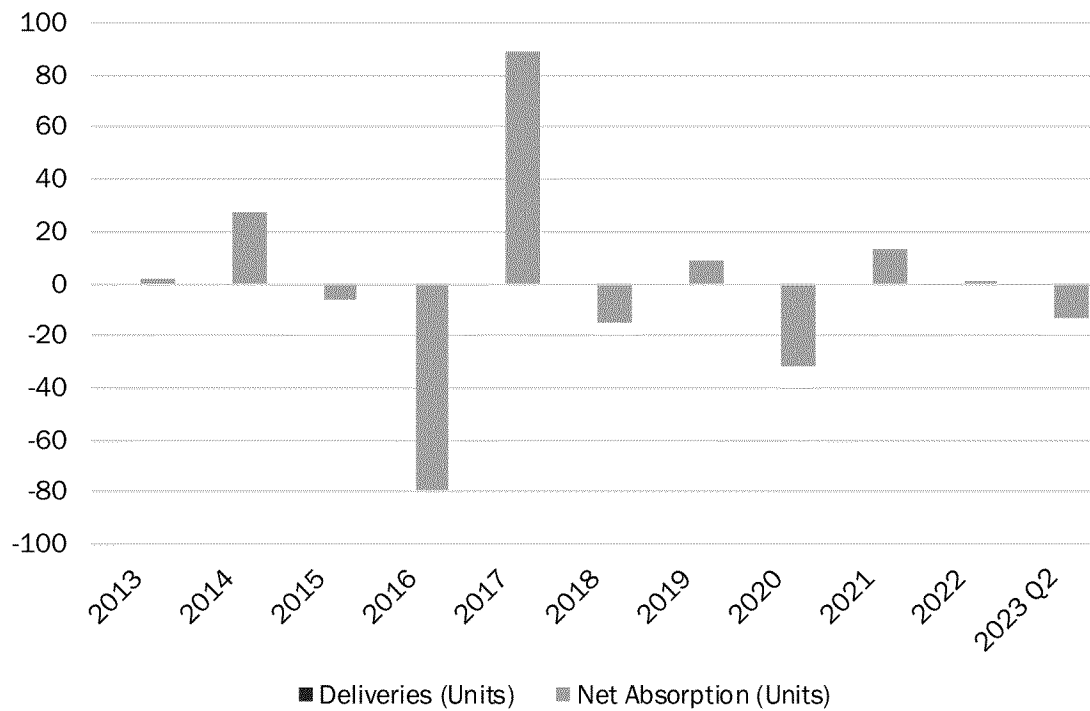
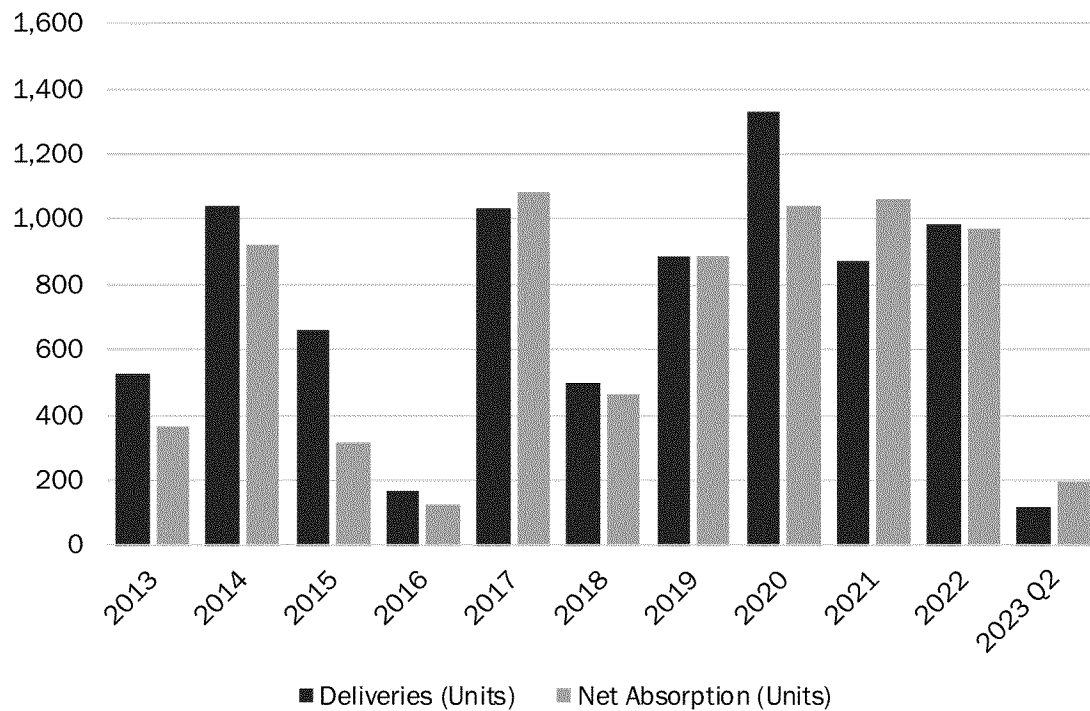


Exhibit 31. Apartment Deliveries and Net Absorption, Boulder County, 2013-2023 Q2

Source: CoStar



4.4 Housing Production

A community's housing stock is defined as the collection of all housing units located within the jurisdiction. The production of houses, including types of housing built as well as the incorporation of subsidized affordable housing, is an important factor in addressing the housing need of the community. This section details the housing stock characteristics of Superior to identify how well the current housing stock meets the needs of the current and future residents of the Town.

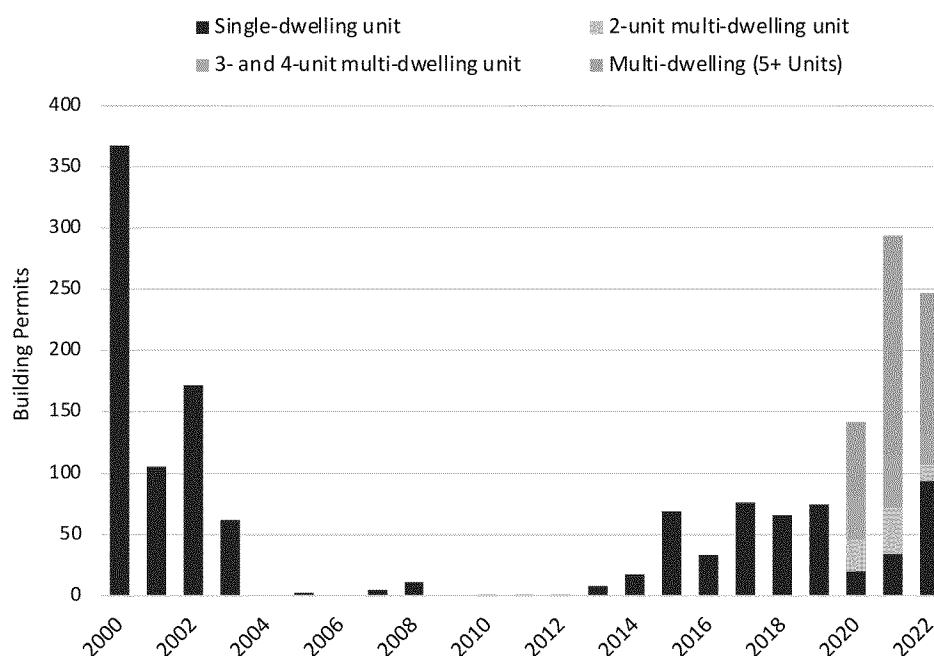
4.4.1 Building Permits

Exhibit 32 shows trends in residential building permits. For the past 20 years, single-dwelling units have been the dominant type of housing permitted in Superior, but as of 2020, permits for small duplex, triplex, fourplex, and apartment units outpaced single dwellings.

Development trends show that Superior's housing market experienced decline before the 2008 Great Recession and was slow to recover. Residential permitting has grown rapidly since 2020, driven by the development of Downtown Superior. Despite this increase, the pace of permitting has not reached the level seen in 2000 when 367 permits were approved.

Exhibit 32. Building Permits in Superior, 2000-2022

Source: HUD SOCDS Building Permits Database



The following table outlines the number and type of housing units added to the Town of Superior following the 2021 ACS total. The table includes units that are complete, under construction, or able to pull a building permit.

Development	# of Units	Unit Type
Lanterns Lane	62	Duplex
Rogers Farm (Wee Cottages)	55	Small Lot Single-Family
Superior Shores	94	Townhomes
Downtown	972*	Mix of Single-Family, Townhomes, Apartments
Total	1,183	

**1,052 approved to date, assumed 80 units complete within pre-2021 totals*

4.5 Unregulated and Subsidized Affordable Housing

An important component of any community's housing inventory is the stock of housing that is affordable to households earning lower incomes. This housing can be regulated or unregulated and is most often rental housing.

Unregulated affordable housing is affordable to lower-income households by virtue of its location, age, condition, or amenities. Typically, unregulated affordable housing units are older, smaller, and/or lower quality with fewer amenities, older appliances, or older appearances. These properties often have some deferred maintenance or capital needs. Because there is not enough regulated affordable housing across the country, unregulated housing is an important part of the housing stock in a community. But because it is unregulated, the rents charged at the properties can change suddenly and can be influenced by the larger real estate market. In addition, these properties can sometimes have habitability issues if they are not well maintained by the landlord.

Regulated affordable housing often has public funding that restricts the maximum incomes of the tenants or restricts the rents that can be charged to ensure that the housing is serving low-income households. This housing is sometimes referred to as government-assisted housing, referencing the public funds at the property. These restrictions vary by the type of funding and the affordability level at the property and typically have a limited duration that the property is affordable for a specified period. Generally, there are two types of housing programs in the United States that provide regulated affordable housing to cities: the Low-

Income Housing Tax Credit (LIHTC) program and Section 8 vouchers. These programs provide much-needed affordable housing to low-income residents. In the following sections, we summarize the inventory of regulated affordable housing units in Superior.

4.5.1 Low-Income Housing Tax Credit (LIHTC)

According to HUD's LIHTC database, Superior does not have any LIHTC housing. In the next section we discuss the other subsidized program available in Superior.

4.5.2 Section 8 Vouchers

According to Boulder County Housing Authority, 7 households in Superior received voucher assistance to help cover their rental housing costs.

4.6 Housing Cost

Housing cost has a direct relationship to housing accessibility for all economic segments of the community. In general, if housing supply exceeds housing demand, housing prices will decrease. If housing demand exceeds housing supply, housing prices typically increase. The availability of housing—which is measured by vacancy rates—can also affect housing cost.

Between 2012 and 2023, housing prices have significantly increased in Superior and across the region. Exhibit 33 below shows the median home sale price in Superior and a few comparison cities. The median home sale price in Superior increased from \$359,000 in 2012 to \$724,000 in Q1 2023, roughly a 100% increase. Since 2012, Superior's housing market increased at a similar rate in relation to the other comparison cities. The Marshall Fire of 2021, in its most recent impact, led to a surge in housing demand, subsequently causing an uptick in median home sale prices. However, Downtown Superior, having erected approximately 1,000 residential units after the fire, has mitigated the heightened housing demand, resulting in a modest decrease in prices.

Exhibit 33. Median Home Sale Price, Superior and Comparison Cities, 2012-2023

Source: Redfin

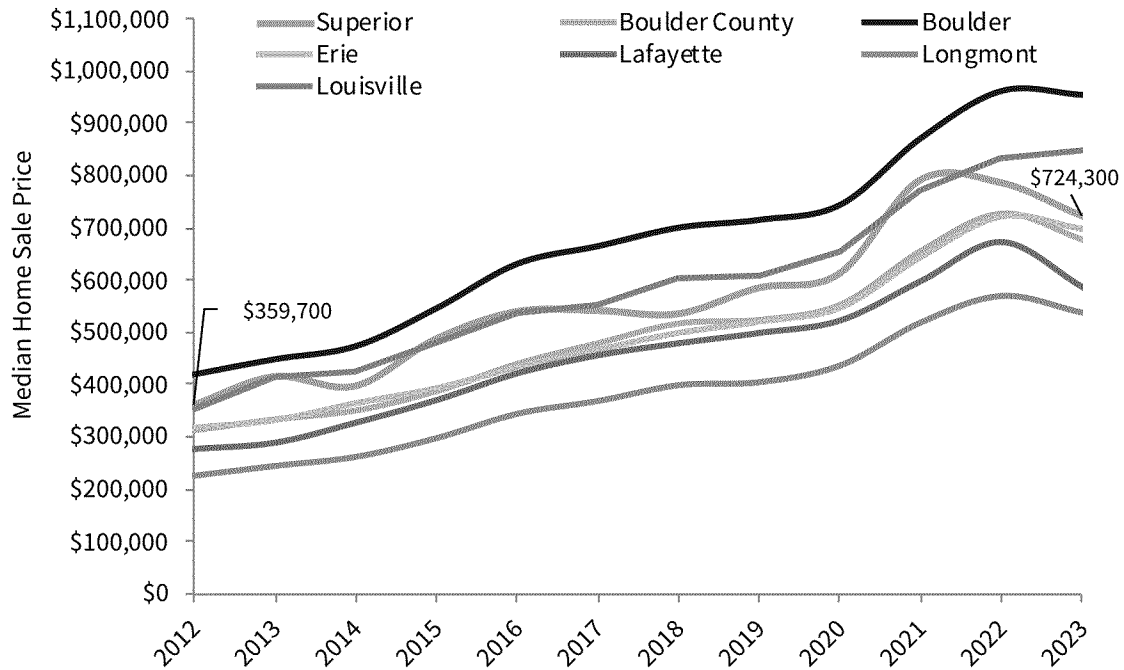


Exhibit 34 shows that the median sale price of a home has increased in all comparison cities since 2012, with the most significant increase in Louisville (139 percent), followed by Longmont (137 percent) and Boulder (127 percent). Compared to the comparison cities, Superior's housing market experienced the lowest change at 101 percent (or \$364,600).

Exhibit 34. Change in Median Home Sale Price, Superior and Comparison Cities, 2012-2023

Source: Redfin

Note: Median home sale price information on Redfin was only available from 2012 onward.

Jurisdiction	2012	2023	Change (2012-2023)	
			Number	Percent
Superior	\$359,700	\$724,300	\$364,600	101%
Louisville	\$355,725	\$850,000	\$494,275	139%
Longmont	\$228,025	\$540,000	\$311,975	137%
Lafayette	\$276,200	\$586,250	\$310,050	112%
Erie	\$318,175	\$698,495	\$380,320	120%
Boulder	\$421,125	\$955,000	\$533,875	127%
Boulder County	\$311,750	\$680,000	\$368,250	118%

Between 2011 and 2021, the median rent increased by 69 percent while the median household income increased by 32 percent. During this same period, the median home sale prices increased 353 percent. These trends suggest that incomes have not kept pace with the rising rents and home sale prices in Superior.

Exhibit 35. Change in Housing Costs and Median Household Income, Superior, 2011-2021

Source: American Community Survey (ACS) 2011 and 2021 5-year estimates, Redfin, ECONorthwest Calculations

	2011	2021	2011-2021 Change	
			Number	Percent
Median Rent	\$1,283	\$2,162	\$879	69%
Median Home Sale Price	\$175,000	\$792,000	\$617,000	353%
Median Household Income (unadjusted for inflation)	\$100,194	\$131,757	\$31,563	32%

5. Housing Attainability

5.1 Cost Burden

State and federal standards specify that households spending more than 30% of gross annual income on housing experience a housing cost burden. Housing cost burden can occur when housing costs increase faster than household income. When a household spends more than 30% of its income on housing costs, households have less disposable income for other necessities, including health care, food, and clothing. In the event of unexpected circumstances such as the loss of employment or serious health problems, lower-income households with a burdensome housing cost are more likely to become homeless or be forced to double up with other households. Homeowners with a housing cost burden have the option of selling their homes and becoming renters. Renters, on the other hand, are more vulnerable and subject to constant changes in the housing market.

Exhibit 36 below shows housing cost burden for owner and renter households. In 2021, Superior renter households tended to be more cost burdened and severely cost burdened than owner households. About 26 percent of Superior renter households were cost burdened, while 14 percent were severely cost burdened. Housing affordability conditions for renter households in the County were more severe when compared to Superior. In Boulder County, 25 percent of renter households were cost burdened while 32 percent were severely cost burdened. In Boulder County specifically, several renter households had challenges with housing affordability and several were paying more than half of their annual income on housing costs.

Exhibit 36. Cost Burden by Tenure, Superior and Boulder County, 2021

Source: American Community Survey (ACS) 2021 5-year estimates

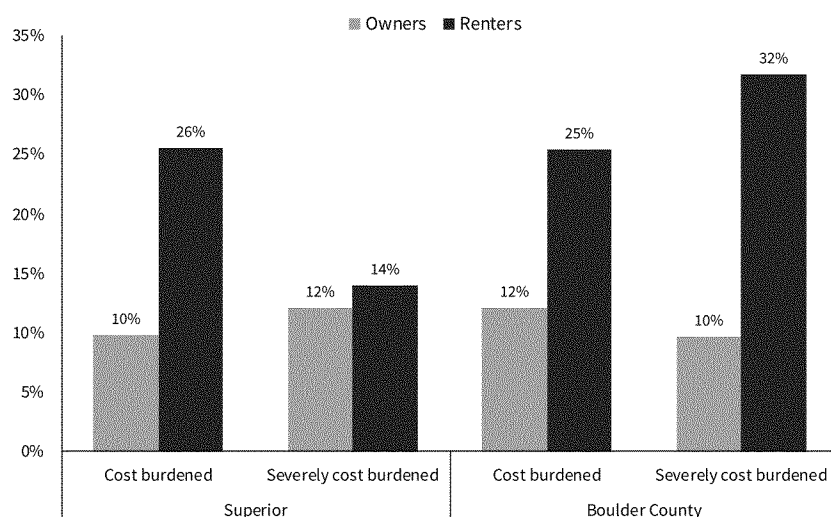
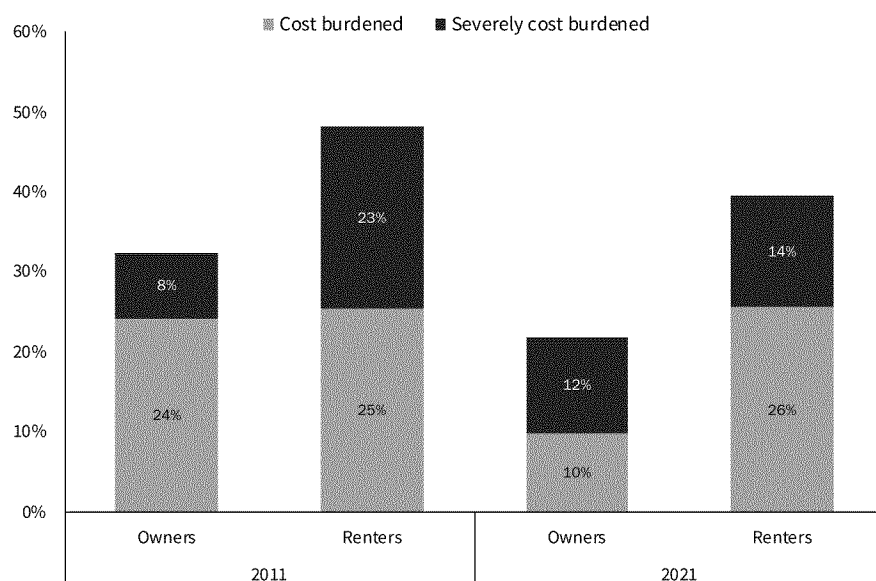


Exhibit 37 below shows how cost burden has changed over time in Superior. Generally, in 2021, fewer households in Superior were cost burdened compared to 2011. However, renter households remained the most susceptible to changing market conditions and were the most cost burdened in 2021. The fact that housing costs have outpaced household income growth can suggest increasing income inequality within Superior. Households with higher incomes may be able to cope better with rising housing costs, while those with lower incomes are more severely affected, potentially leading to an unequal access to housing that is affordable to them.

Exhibit 37. Change in Cost Burden by Tenure, Superior, 2011 and 2021

Source: American Community Survey (ACS) 2011 5-year estimates



5.2 Housing Attainability

Exhibit 38 shows the average rent and median home sale price in Superior in Q1 2023. With an average rent of \$2,416 (for all homes and apartments), a household would have to make \$96,940 or more to afford the average rent in Superior without being cost burdened. In comparison, with a median home sale price of \$724,300, a household would have to make \$181,000 or more to comfortably afford the median home price in Superior.

Exhibit 38. Average Rent and Median Sale Price in Superior and Related Affordability, Q1 2023

Source: Redfin, Zillow, ECONorthwest Calculations

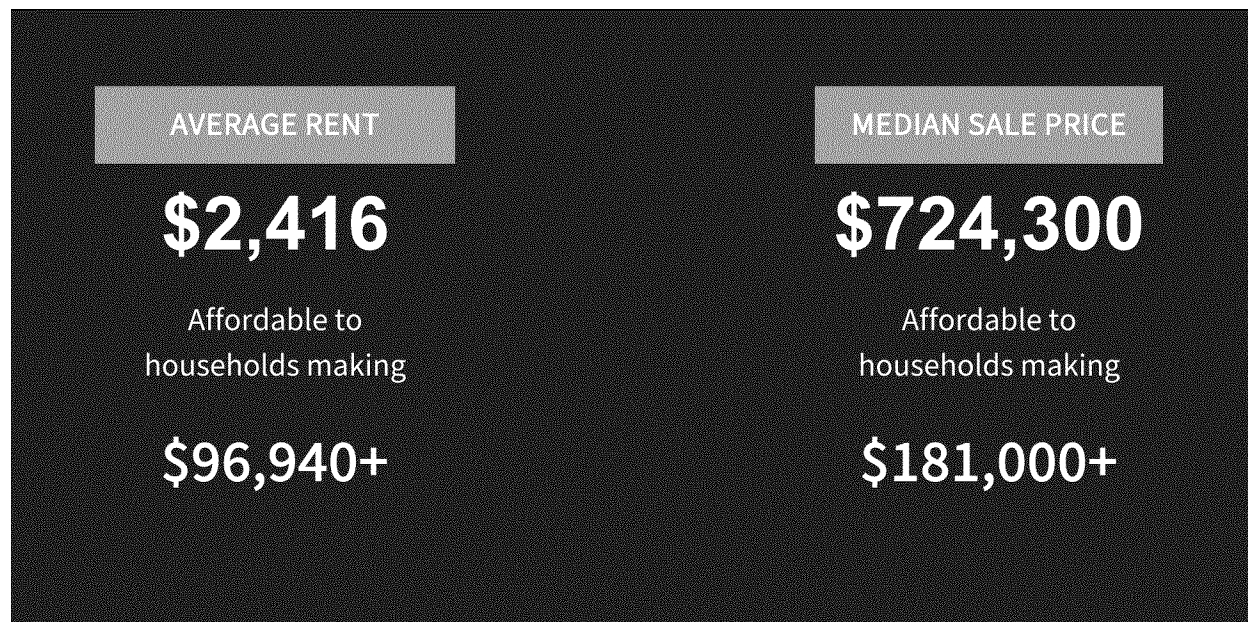


Exhibit 39 below illustrates housing affordability and the attainable monthly rent and home sale price based on household income. The median income for a family of four in Boulder County in 2023 is \$144,100 (100% of area median income); this figure is based on HUD's calculation for Boulder County.

The estimates presented in Exhibit 39 are based on income and affordability ratios that lending banks typically use. They do not consider other household financial characteristics that can affect ability to pay for housing—other debt such as auto loans and credit cards as well as accumulated assets. A key challenge many lower-income households face is competition for affordable housing from higher-income households. It is rational for higher-income households to choose less-expensive housing if it is available and meets household needs.² Given entry costs (down payment for owner units, advance rent, and deposits for rental units) and required credit reports, lower-income households have clear disadvantages in competing for lower-cost housing.

Based on the information above about the average rent and median home prices in Superior, a household earning 100 percent of the area median income (AMI) in 2023 could not afford to purchase the median-priced home in Superior. However, this household could afford the

² <https://www.strongtowns.org/journal/2021/4/27/are-new-homes-mostly-luxury-does-it-matter-if-they-are>

average rent in Superior. This highlights four key takeaways playing out in Superior's dynamic housing market:

- **Superior has an income disparity.** While a household earning 100 percent of the area median income can afford the average rent, they cannot afford to purchase a home at the median price. This suggests that higher-income households likely have a better chance of homeownership, while lower- and median-income households might be limited to renting.
- **Potential barriers to homeownership exist.** The inability of a moderate-income household to afford the median-priced home raises questions about the potential barriers to homeownership in Superior. Factors such as high down payment requirements, stricter mortgage lending criteria, and rising home prices relative to income growth can make it difficult for many households to enter the homeownership market.
- **Increasing the supply of both renter and ownership product units is important** for Superior in the long term. If the demand for housing, particularly for homeownership, exceeds the available supply, it can drive up home prices and make it challenging for households with moderate incomes to purchase a home. Similarly, if the demand for rental housing exceeds the available supply, it can drive up rent prices and price out households that rent in Superior.

Exhibit 39. Housing Affordability in Boulder County for a Family of Four, 2023

Source: HUD, ECONorthwest Calculations

If your household earns:				
\$43,200	\$86,500	\$115,300	\$144,100	\$172,900
<i>30% of AMI</i>	<i>60% of AMI</i>	<i>80% of AMI</i>	<i>100% of AMI</i>	<i>120% of AMI</i>
Then they can afford:				
\$1,080 Monthly Rent	\$2,160 Monthly Rent	\$2,880 Monthly Rent	\$3,600 Monthly Rent	\$4,320 Monthly Rent
OR	OR	OR	OR	OR
	\$260,000- \$303,000 Home Sale Price	\$404,000- \$461,000 Home Sale Price	\$504,000- \$576,000 Home Sale Price	\$605,000- \$692,000 Home Sale Price
Related Occupation:				
Construction Worker	Web Developer	Chemical Engineer	Data Scientist	HR Manager
<i>\$43,290/ \$20.81 hr</i>	<i>\$86,120/ \$41.41 hr</i>	<i>\$116,580/ \$56.60 hr</i>	<i>\$141,740/ \$68.14 hr</i>	<i>\$175,350/ \$84.31 hr</i>

5.3 Worker Affordability

The exhibit below shows the average wages by industry in Boulder County and the maximum rent and median home price that workers in each industry could afford.

Only a select few industries in Boulder County have high enough wages that can afford the average rent of \$2,416 in Superior. No industry has a high enough wage for a single earner to afford the median home price of \$724,300 in Superior. Superior's employment is concentrated in the service sector and education industry. Based on the average wages earned in Boulder County in 2021, select workers in the services sector can afford the average rent but not the median-priced home. Workers in the education industry would typically not be able to afford the average rent or median-priced home in Superior.

A select number of industry professionals can afford the median-priced home in Superior, but only if they earn 1.5 times the industry wage per household. These jobs mostly fall under the services sector and those in utilities and wholesale trade.

Exhibit 40. Housing Affordability in Boulder County by Industry and Wages, 2021

Source: BLS, ECONorthwest Calculations

Industry	Annual Average Wage	Max Affordable Rent	Can Afford the Average Rent	Max Affordable Home Price	Can Afford Median Home Price in Superior	Can Afford Median Home Price with 1.5 Earners per household?
Agriculture, forestry, fishing, and hunting	\$48,344	\$1,209	No	\$181,426	No	No
Mining, quarrying, and oil and gas extraction	\$92,097	\$2,302	No	\$345,623	No	No
Utilities	\$122,413	\$3,060	Yes	\$459,393	No	Yes
Construction	\$67,538	\$1,688	No	\$253,457	No	No
Manufacturing	\$96,587	\$2,415	No	\$362,473	No	No
Wholesale trade	\$127,856	\$3,196	Yes	\$479,819	No	Yes
Retail trade	\$40,551	\$1,014	No	\$152,180	No	No
Transportation and warehousing	\$51,346	\$1,284	No	\$192,692	No	No
Information	\$177,255	\$4,431	Yes	\$665,205	No	Yes
Finance and insurance	\$143,372	\$3,584	Yes	\$538,048	No	Yes
Real estate and rental and leasing	\$69,937	\$1,748	No	\$262,460	No	No
Professional, scientific, and technical services	\$135,799	\$3,395	Yes	\$509,628	No	Yes
Management of companies and enterprises	\$151,476	\$3,787	Yes	\$568,461	No	Yes
Administrative and support and waste management and remediation services	\$51,675	\$1,292	No	\$193,927	No	No
Educational services	\$48,225	\$1,206	No	\$180,979	No	No
Health care and social assistance	\$61,078	\$1,527	No	\$229,214	No	No

Arts, entertainment, and recreation	\$32,796	\$820	No	\$123,077	No	No
Accommodation and food services	\$27,305	\$683	No	\$102,471	No	No
Other services (except public administration)	\$49,621	\$1,241	No	\$186,218	No	No

5.4 Housing Affordability and Transportation Costs

Traditional measures of housing affordability ignore transportation costs, although transportation typically represents a household's second-largest expenditure. These costs are heavily influenced by the location of where a household lives relative to their place of work. When people live farther from job centers and places of work, less reliable alternatives exist, so households typically need to own a vehicle to make their daily trips.

In Superior, 2,462 people commute into the town for work, while 5,846 people commute out of Superior for work. The majority of Superior residents (66 percent) commute alone by car, 9 percent carpool, 3 percent use public transit, and 22 percent work from home. These commuting characteristics and auto dependency indicate that transportation costs may impact Superior households' ability to pay for housing and other household essentials.

According to the Center for Neighborhood Technology, which analyzes housing and transportation costs, an average Superior household spends 51 percent of their annual income on housing and transportation costs (33 percent for housing and 18 percent for transportation). A typical Superior household spends \$14,584 annually on transportation costs and owns 1.88 vehicles per household. According to the Center for Neighborhood Technology, transportation costs are considered affordable if they are 15 percent or less of household income, or \$12,453 per year. This suggests that Superior residents typically spend more on transportation costs than the average US household.

5.5 Homelessness

Data from the Metro Denver Homeless Initiative (MDHI) shows increases in homelessness in Boulder County. In 2023, MDHI counted 839 unhoused people living in Boulder County, a notable increase from previous counts and confirmation that homelessness is rising across Boulder County and the Denver metro region. Of the 839 people experiencing homelessness, 596 people were in emergency shelters, transitional housing, or safe haven programs. The other 243 people counted were sleeping unsheltered on the streets or another place not meant for human habitation. The data represents a snapshot in time that can vary due to

several factors such as weather conditions, methodology, and the participation of volunteers conducting the tallies.

Although there is no specific data that shows the number of unhoused individuals living in Superior, providing shelter and homeless preventive programs and resources is important toward providing the gamut of the housing spectrum.

In addition, Superior does not have a shelter in the Town and all individuals or families experiencing homelessness would need to go through Boulder County's Coordinated Entry. The Coordinated Entry is the first stop and key element of the adult homeless service system, which all individuals need to go through to identify the help they need.

6. Marshall Fire Recovery

In December 2021, the Marshall Fire in Boulder County grew out of several small wildfires, developing into a single large wildfire spanning roughly 6,000 acres that destroyed homes and businesses in Superior and Louisville. The fire destroyed 394 properties in Superior. The majority were residential properties (390 in total), and four commercial properties were destroyed. Roughly 8 percent of Superior's housing stock was destroyed during the Marshall Fire—further limiting the number of housing units available in Superior.

Since the fire, the Town of Superior's top priority has been helping residents with their recovery process. The Town created a web page and dashboard tracking the recovery efforts. As of August 2023, 394 lots have been cleared while 236 building permits have been issued and 37 building permits are pending. About 76 residential families have been able to move back into their neighborhood and 2 commercial buildings have been reopened. To help families rebuild, the Town has offered building permit and plan fee rebates to help reduce the costs of rebuilding. In total, as of August 2023, the Town has issued more than \$2.5 million in rebates to families wanting to rebuild.

In March 2023, Louisville and Superior sponsored a Marshall Fire Recovery Advisory Panel by the Urban Land Institute (ULI). This panel provided feedback and recommendations for rebuilding housing and climate resilience, including:

- **Affordable homeownership options:** The Panel found that new construction in Louisville and Superior is priced above what many households in the area could afford and was exacerbated by the loss of housing in the fire. Particularly for “workforce” households, first-time homebuyers, and seniors, many new homeownership products (especially single-family detached homes) are unattainable. The Panel found that

there are opportunities to develop more “missing middle housing” to offer more attainable homeownership opportunities, including developing deed-restricted housing, subdividing existing lots, and supporting the development of accessory dwelling units. In addition, the Panel recommended cities consider implementing developer incentives for missing middle housing, purchase sites for infill housing, and offer first-time homeowner financial assistance.

- **Limited rental opportunities:** The Panel found that the loss of housing further constrained an already limited rental stock in the area, leading to rental price gouging. Particularly for lower-income residents, there is inadequate attainable rental stock in the areas. To address renter housing needs, the Panel recommended that cities implement developer incentives for building rental housing, as well as a disaster-related rental housing voucher program for displaced renters.
- **Data availability:** The Panel found there is a lack of data on the socioeconomic characteristics of the displaced neighborhoods following the fire. The Panel recommended cities consult findings from the Marshall Fire Unified Survey Team to better understand the affected residents’ needs and tailor rebuilding strategies accordingly.

Initial findings from the Marshall Fire Unified Survey Team revealed disparities in insurance coverage and rebuilding progress across income levels. The survey team found that underinsurance was a significant obstacle for many affected households, with only a small percentage of respondents’ expecting insurance coverage to fully meet their rebuilding costs. The extent of expected insurance coverage correlated with income levels, with higher-income households anticipating higher payouts. This correlation was also reflected in the progress of rebuilding, as those expecting higher insurance coverage were more likely to have received building permits after one year compared to those with lower coverage expectations. This inequity can exacerbate existing inequalities during the rebuilding process, and the survey team recommends the City prioritize programs that offer rebuilding assistance to households with fewer resources.

7. Population Forecast

One way to to understand the forecast of future housing demand in Superior is to consider county-level population forecasts from the Department of Local Affairs (DOLA) State Demography Office. In the next 20 years, Boulder County’s population is forecasted to grow by 51,869 people, at an annual growth rate of 0.73 percent. Based on historical population trends, Superior’s population has made up approximately 4 percent of the county’s

population. If this trend continues, Superior's population is expected to grow by 2,075 people in the next 20 years. The exhibit below shows 2043 population forecasts for Boulder County along with Superior's 4% share. Much of the forecasted growth for Superior is already captured within the units shown in Section 4.4

Exhibit 41. Population Forecast, Superior and Boulder County

Source: DOLA County 1-Year Population Forecast 2022

Note: *ECONorthwest estimates. Assumes 4.0% share of county population.

	2023	2033	2043	Future Growth (10 Years)		Future Growth (20 Years)	
				# Total	AAGR	# Total	AAGR
Boulder County	331,428	358,550	383,296	27,122	0.79%	51,869	0.73%
Superior*	13,257	14,342	15,332	1,085	0.79%	2,075	0.73%

Based on units in Section 4.4, the following table estimates the resulting population growth:

	Total Units	Total Population
2011	4,597	12,572
2021	4,790	13,053
Currently approved, under construction, or complete since 2021*	5,973	15,656**

*Units associated with the remainder of Downtown Superior, Roger's Farm Wee Cottages, Lanterns Lane, and Superior Shores. See Sec. 4.4.

**The Total Population as a result of these developments assumes an average household size of 2.2 persons per unit.

The work to develop this report included an evaluation of existing zoning and entitlements to understand the opportunity for additional housing units. The only area of Town where additional units are currently possible is within Original Superior. According to the NW Superior Area Study, roughly 100 additional housing units could be constructed on lots that were vacant prior to Marshall Fire. Additional units in Original Town could be built as

Accessory Dwelling Units. Any additional housing units would require change in land use codes, zoning, and Planned Development Amendments.

Despite the addition of the units described above, the Town will continue to experience demand for additional housing due to its proximity to Boulder and Denver and ongoing regional housing pressure brought on by population growth. Without changes to land use codes and policy, Superior would not be able to accommodate new units to meet the ongoing demand.

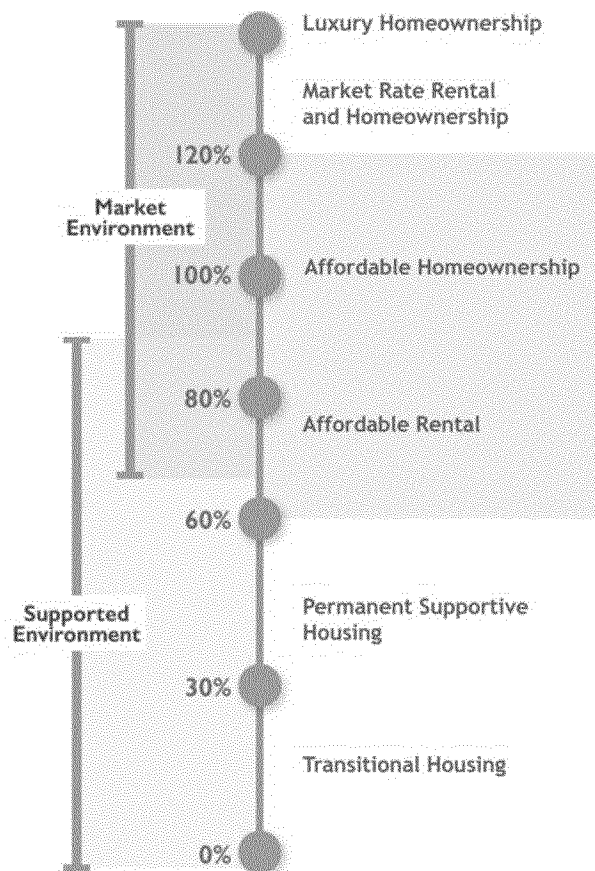
8.Future Housing Need

Community housing (also known as the housing continuum) encompasses a wide range of housing needs within an area, not only focused on affordable, or workforce, but all types of housing for people with a diversity of needs. While private, market-rate housing development is essential and desired in many areas, an intentional focus on supporting the development of housing that is attainable and accessible to a wide range of incomes, ages and social status is necessary to maintain a diverse, healthy, and prosperous community.

A community with a harmonious housing continuum can effectively fulfill the diverse housing needs of numerous households, ensuring housing stability, particularly for those with lower incomes. It accommodates affordable housing options for the workforce while also offering market-rate and luxury housing for higher-earning households.

This report has identified current challenges for some households in Superior, and has identified trends which will influence housing needs in the future. Generally, there is an adequate amount of larger single-family homes to

Exhibit 42. The Housing Continuum



meet Superior's needs in the next 20 years. Superior should focus on meeting the needs of targeted groups to provide a better balance of housing in the Town.

This assessment has identified housing needs for the following targeted population groups:

Aging Residents

- Superior's senior population is rapidly growing. This growth is unlikely to slow as Gen Xers grow older.
 - Seniors aged 65 years and older experienced the fastest growth since 2011, increasing by 246 percent.
 - Millennials and Gen Xers represent about 57 percent of Superior's population. As this population ages, Superior's senior population will continue to grow.
- Superior should consider multiple housing options to meet the changing needs of seniors. These could include services to allow "aging-in-place", single-story homes with universal design, rental properties that are targeted to seniors, allowances for multi-generational living including Accessory Dwelling Units throughout Town, and facilities that provide a continuum of care for seniors, including independent living, assisted living, and memory care.

Local low-wage workers, renters of all incomes, and first time homebuyers

- The Town's recently adopted Inclusionary Housing Ordinance does not apply to the properties currently developing new market rate housing.
- In Superior, homeownership rates have decreased 10 percent since 2010, while homeownership rates remained stable in Boulder County and Colorado.
- The share of households who rent increased by 10 percent between 2011 and 2021. This underscores the significance of having rental housing that is both of good quality and reasonably priced.
- The desire for homeownership by millennials and Gen Z will increase as they age. As a result, there will be a demand for starter homes and relatively affordable types of ownership and rental housing.
- Additionally, to accommodate the housing needs for this population group, there will need to be more one- and two-bedroom housing units and housing near major employment centers and services.

Objective 1:

Increase Housing Choices for People

Several market factors have contributed to Superior's housing unaffordability. These include limited housing availability due to geographic constraints, strict zoning rules, laws related to construction defects, and public approval processes, combined with high demand from population growth, all of which drive up prices. Land use policies that limit housing types and density can often exacerbate the problem and limit housing mobility for households to downsize or purchase their first starter home. High construction costs, including land, materials, and labor, along with changes in loan interest rates, also play a role in making housing less affordable. To tackle these issues and ensure that all residents can remain in the community as their housing needs change, Superior should consider implementing strategies that focus on making it easier to build more varied types of homes and creating more affordable housing.

STRATEGY

1.1 Remove regulatory barriers to support the production of various housing types, including missing middle housing, senior housing, multifamily housing, and mixed-use housing.

While the Town of Superior does not directly produce or control housing, the town's land use policies, development code, infrastructure investments, and programs influence the housing market as well as what types of housing get built. These same policies and regulations often act as barriers to the viability and financial performance of housing. Amending and/or removing regulatory barriers can yield great benefits, such as making certain housing types viable, producing more housing, and potentially lowering housing costs to build and to the end consumer.

ACTIONS

1.1.1. Explore reducing minimum parking requirements for missing middle housing, multifamily, mixed-use, senior housing, and ADU's. – *POTENTIALLY AFFECTED BY HB24-1304, SEE ATTACHED*

The economic feasibility of building different types of housing affects the ability of developers to add these units to the market and meet demand. A feasibility analysis conducted as part of this plan evaluated the economic feasibility of different housing types for Superior's housing market. A key finding of this analysis is that lowering parking requirements from what is currently required can make development much more viable for missing middle housing, multifamily, and mixed-use residential projects. Reducing parking requirements for residential housing projects can lower construction costs, increase the efficiency of land use, and promote more sustainable urban environments. Removing

regulatory barriers that act as financial hurdles is one of the policy tools that Superior has at its disposal to promote the production of a variety of housing types (e.g., missing middle housing, multifamily, mixed-use, senior housing, and ADUs).

Cities and towns can take different approaches to structuring parking requirements. For example, jurisdictions may choose to apply parking reductions based on the location of the housing, with lower parking requirements more common in areas closer to transit stations or frequent bus service. Additionally, it has become common practice to target the reductions in parking requirements to promote affordability. Some communities reduce parking requirements for individual developments, such as income-restricted affordable housing projects.

Timeline:	Short-term
Action:	One-time
Partners:	N/A
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

1.1.2. Evaluate parking reductions for housing types and analyze the modification of on-street parking. - *POTENTIALLY AFFECTED BY HB24-1304, SEE ATTACHED*

While parking reductions can be beneficial in making development more viable for different housing types, there are flexible ways to support the existing demand for parking, for instance, allowing residential developments to use on-street parking to meet the demand where appropriate. This requires conducting traffic and parking studies to understand the existing demand and potential effects of reducing the parking supply.

Timeline:	Short/Mid-term
Action:	One-time
Partners:	N/A
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

1.1.3. Evaluate minimum lot size, setbacks, lot coverage, and design standards to allow for increased density across all zones and existing planned developments (PD's).

Similar to parking reductions, lot size, setbacks, lot coverage, and design standards can all help promote efficient land use, moderately increase residential density, and allow for the development of smaller and more affordable housing options like missing middle housing.

Superior's zoning code and land use map have not been updated since the last comprehensive plan update in 2012. The upcoming update to the Comprehensive Plan provides a pivotal moment for the Town to update land use policies and zoning standards to increase the types of housing that can be built across the Town.

Timeline:	Short-term
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	All Income Levels
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

1.1.4. Establish clear and objective development standards for new housing in newly established neighborhoods.

Establishing clear and objective development standards can help create a transparent and predictable process for building new housing by reducing uncertainties and often lowering project costs. For the Town, these standards can simplify the approval process, requiring less staff time and resources, as well as ensure that new developments meet community needs and housing goals. The Town of Superior can implement such improvements to new infill or greenfield neighborhoods providing higher-quality housing that adheres to consistent standards.

Timeline:	Mid-term
Action:	One-time
Partners:	N/A
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	Low
Strategy Type:	Housing Production, Regulatory

1.1.5. Establish thresholds for development types that could be approved administratively without a town board or public hearing meeting to support State housing legislation such as Proposition 123.

Development review processes are critical in ensuring that new housing projects meet local standards and regulations; however, these processes can often act as significant barriers to housing development. Land use restrictions and processes that require public hearings before the Planning Commission and the Town Board can contribute to project delays, increased costs, and sometimes stalling projects altogether.

There are several ways jurisdictions can streamline the permitting process to encourage the development of desired housing types. Some jurisdictions establish a separate “fast-track” permit application for qualifying developments such as income-restricted affordable housing projects. Similar permit application processes can be applied to qualifying projects based on project scale, type, and complexity to review. Superior can prioritize ‘fast-tracking’ its permit process by developing a permit process with thresholds for development types that could be approved administratively without a Town Board or public hearing. Thresholds can be categorized into small, medium, and large development types and set varying requirements for how to a permit approval from each type.

Timeline:	Mid-term (Following Comprehensive Plan Update)
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Housing Production, Regulatory

STRATEGY

1.2 INCREASE OPPORTUNITIES FOR ACCESSORY DWELLING UNIT (ADU) DEVELOPMENT. - *POTENTIALLY AFFECTED BY HB24-1152, SEE ATTACHED*

Promote greater development of accessory dwelling units (ADU’s) on single family lots.

ACTIONS

1.2.1. Explore allowing adu’s town wide.

Allowing Accessory Dwelling Units (ADUs) to be built on single-family lots can modestly increase housing density town-wide. ADUs offer flexible living solutions that can adapt to changing family needs. They can serve as a home for aging parents (facilitating multigenerational living), a starter apartment for adult children, or a separate space for

guests. Additionally, ADUs can generate passive income if rented out, providing economic benefits to homeowners.

While some ADUs have been built in Superior, this housing type is only allowed in a small geographic area of Superior in Original Town. Allowing ADUs town-wide can help advance the goals of the housing plan. There are several ways to encourage the development of ADUs, including zoning changes to remove development barriers as well as offering financial incentives.

The Town can facilitate the construction of ADUs for residents by implementing the following actions:

- ◆ Offer dedicated technical assistance for the development of ADUs.
- ◆ Promote and participate in ADU tours.

Timeline:	Short-term
Action:	One-time
Partners:	Homeowners and homeowner associations
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Housing Production, Regulatory

1.2.2. Review and clarify adu development standards to make it easier to develop ADU's.

Key themes emerged from the community engagement process and development feasibility analysis such as a need to clarify ADU development standards and removing building regulatory barriers to make it easier to build ADUs. This also includes simplifying the building code for residents wanting to create internal ADUs. The Town can promote the construction of ADUs by implementing the following actions:

- ◆ Clarify and simplify ADU development standards within the municipal code.
- ◆ Create materials to help guide the building permit process.
- ◆ Amend code to remove ADU parking requirements.
- ◆ Partner with housing builder organizations and State of Colorado to support minimal building requirements for internal/attached ADU's such as fire wall separation, separate entrance from primary dwelling unit, and separate HVAC system.

Timeline:	Mid-term
Action:	One-time
Partners:	ADU developers and builders
Level of Effort:	High
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Housing Production, Regulatory

1.2.3. Explore incentives for ADU's and tie them to affordability requirements such as deed restrictions.

Development incentives are powerful tools used to encourage specific types of housing developments by helping to offset the costs of construction. There are several development incentives that can help move a project to be more financially viable to be built, and they generally include tax, financial, regulatory, and infrastructure incentives. Since ADUs will mostly be built by homeowners of single-family homes, there exist only a limited number of ways to fund the construction of an ADU. Homeowners will either have to fund the ADU construction through cash savings or obtain a home equity loan from a bank. Superior can help offset the costs of ADU construction by waiving or subsidizing permitting fees, as well as offering financial incentives like providing loans or funding assistance. While some jurisdictions do not place affordability requirements in exchange for financial help, many jurisdictions do enact some type of affordability requirement and deed restriction to the ADU property. Superior should explore an affordability requirement to support the broader housing goals of the plan. Most affordability requirements place rental limits on ADUs based on area median income.

Timeline:	Mid/Long-term
Action:	One-time
Partners:	Homeowners
Level of Effort:	High
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

1.2.4. Develop pre-approved ADU housing plan sets to streamline the review process and development of this housing type.

Pre-approved housing plans are standardized building plans for ADUs that have already been reviewed and approved by local jurisdiction building departments. These plans comply with all the local zoning and building codes, meaning that homeowners can use them to construct new ADUs without the typical review process for building permits.

Because the plans are already approved, the permitting process is significantly expedited, allowing for a greater number of housing units to be built quickly. Additionally, pre-approved plans help lower design costs, eliminating the need for custom architectural services, which can be costly.

Timeline:	Mid/Long-term
Action:	One-time
Partners:	Homeowners, ADU developers and builders
Level of Effort:	High
Income Level Served:	80% of AMI and above
Impact Level:	Medium
Strategy Type:	Housing Production, Regulatory

STRATEGY

1.3 PROMOTE THE DEVELOPMENT OF MISSING MIDDLE HOUSING.

To respond to the need for affordable housing, several housing types can be encouraged in multiple forms, densities, sizes, and locations. Through land use changes, the Town of Superior can encourage a diversity of housing types such as cottage housing, duplex, triplex, and other missing middle housing types that can moderately increase housing density and housing units.

ACTIONS

1.3.1. Consider allowing moderate density increases in single family zones to allow for duplex and triplexes.

Superior's housing is fairly homogenous, where 60 percent of the housing stock is single-family detached homes. Building a wider range of housing options is one way to support broader affordability within the Town of Superior. Moderately increasing density in single-family zones can increase the number of units that can be built on a lot, creating an efficient use of land and economies of scale. Generally, per unit construction cost is lower for duplexes and triplexes compared to single-family homes, mostly due to shared building components like roofs and foundations, which spreads out costs and can lower prices for buyers and renters, reducing the overall housing costs burden within Superior.

Superior should consider supporting density increases across single-family zones and all other zones with the upcoming comprehensive plan update to support a greater number of housing units to be built. Within this update the Town could increase allowable densities by allowing smaller unit sizes, taller building heights, and reduced setbacks, which all allow for a greater number of units to be built within a single lot.

Additional actions the Town should consider as part of the comprehensive plan include:

- ◆ Clearly define each missing middle housing type, including explicit standards for building scale, unit count, configuration/form, or any combination of these parameters
- ◆ Seek out best practice guidance around parking, regulating intensity, and where to allow missing middle housing, to ensure its implementation is rooted in feasibility and equity.

Timeline:	Mid-term (Following Comprehensive Plan Update)
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	All Income Levels
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

1.3.2. Develop pre-approved missing middle housing plan sets.

Developing pre-approved missing middle housing plan sets facilitates and expedites the construction of missing middle housing. Pre-approved plans reduce the costs of designing new homes and streamline the permitting of missing middle housing.

Several benefits of pre-approved missing middle housing plans include:

- ◆ Increased awareness of missing middle housing types, allowing the community to become more familiar with duplexes, cottage housing, and small-scale apartments.
- ◆ Promote higher-quality design, while making it easier for small developers to build them.
- ◆ Promote a set of building designs that fit well within the community context, and which reduces regulatory friction in obtaining permit approvals.

Timeline:	Mid/Long-term
Action:	One-time
Partners:	Missing Middle Housing developers and builders
Level of Effort:	High
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Housing Production, Regulatory

1.3.3. Identify locations for small-lot zoning and smaller housing units.

Superior is facing a scarcity of land to develop housing with limited vacant land remaining to develop. Small lot zoning allows single-family homes and other smaller dwelling units (e.g., ADUs) and duplexes to be built on lots smaller than those typically allowed in single-family zone districts. Development on these small lots can be permitted by ordinances that reduce or relax minimum lot size, setbacks, or lot coverage requirements.

Small lot zoning is most effective in developed residential zones with fragmented lots, where, under present land use regulations, additional housing units would not be allowed. It can also be applied effectively in areas below maximum density where large or adjacent lots could be subdivided to create denser development.

As part of the Comprehensive Plan update, Superior should consider evaluating residential areas that could support higher-density housing and allow for greater housing options. Small lot zoning is often created and applied to focused areas through individual ordinances or amendments to existing codes or Planned Developments.

Timeline:	Mid-term (Following Comprehensive Plan Update)
Action:	One-time
Partners:	N/A
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

Objective 2:

Support and Promote Local and Regional Affordable Housing Efforts

Currently, Superior lacks permanently affordable rental properties and homes with deed restrictions for affordability. While the Town has passed an inclusionary housing ordinance that requires new residential developments of 10 units or more to set aside a certain percentage as affordable, the Town has not yet seen any new affordable housing units. It is crucial for Superior to considerably expand its supply of affordable housing choices to meet the needs of households with low and moderate incomes.

STRATEGY

2.1. SUPPORT EXISTING AND CREATE NEW PARTNERSHIPS TO ADDRESS HOUSING NEEDS.

While the Town of Superior relies on the support from regional partners such as the Boulder Housing Authority, Habitat for Humanity, or private affordable housing developers to build affordable renter and ownership housing, these relationships can be deepened, and new partnerships can be built with other housing providers and builders to facilitate and encourage the development of affordable housing in Superior. These partnerships can be instrumental in supporting the production of affordable housing.

ACTION

2.1.1. Partner with organizations such as Habitat for Humanity and Boulder County Housing Authority to support the creation of affordable homeownership options.

The Town of Superior has ongoing partnerships with Boulder County Housing Authority and can make new partnerships with Habitat for Humanity to support their mission of building affordable homeownership units in Superior.

While the Town of Superior does not build housing itself, partnerships with local nonprofit housing providers and builders can substantially increase the likelihood of affordable homeownership housing getting built. These partnerships allow towns and cities to leverage the nonprofits' expertise in affordable housing development and access to diverse funding sources. Nonprofits bring strong community ties that facilitate public engagement and trust, ensuring projects are well-received and meet specific local needs.

These ongoing partnerships are also beneficial to nonprofits as they allow for direct dialogue with town staff to help overcome potential development barriers and address them with code amendments or modifications to get the housing projects built.

As part of the Town's inclusionary housing program, the town can also consider partnering with these nonprofit housing providers and builders to help administer eligibility requirements and ensure that the for-sale housing units remain affordable to future generations.

Timeline:	Mid-term
Action:	On-going (As capacity allows)
Partners:	Habitat for Humanity, Boulder County Housing Authority
Level of Effort:	Moderate
Income Level Served:	120% of AMI and below
Impact Level:	High
Strategy Type:	Partnership, Housing Production

STRATEGY

2.2. CREATE AN INCENTIVE PROGRAM AND PAIR IT WITH THE EXISTING INCLUSIONARY HOUSING ORDINANCE TO PROMOTE THE CREATION OF AFFORDABLE HOUSING.

Explore developing an incentive program to encourage the development of affordable housing. Incentives may include land development, regulatory, or financial incentives.

ACTIONS

2.2.2. Incentivize density and height bonuses & parking reductions - *POTENTIALLY AFFECTED BY HB24-1304, SEE ATTACHED*

Density and height incentives can be utilized to increase affordable housing requirements beyond the minimum standards and/or help offset some of the cost of providing affordable units. Additionally, in some instances, incentives can be utilized to make building affordable units on-site more economically attractive than alternative compliance, including fee-in-lieu.

The Town of Superior can pair a list of incentives with mandatory requirements to promote the construction of affordable units on-site and use enhanced incentives to increase the supply of both market-rate and affordable housing.

As noted in strategies within Objective 1 above, parking requirements that have been set too high can create several problems, including increased development costs (especially for providers of affordable housing) and challenges to utilizing smaller sites for infill development or providing other services and amenities on-site. Several communities relax parking requirements for developers participating in inclusionary zoning programs, helping to lower costs and increase the amount of developable land. Relaxed parking standards can also help with building smaller housing types such as missing middle housing that typically require smaller land to build.

Along with these incentives the Town should consider the following:

- ◆ Relaxation of other development standards, such as those related to required setbacks, lot size, and lot coverage may need to be applied in conjunction with the density and height bonus for its full benefits to be realized.

Timeline:	Mid-term (Following Comprehensive Plan Update)
Action:	One-time
Partners:	Boulder County Housing Authority, other housing developers
Level of Effort:	Moderate
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

2.2.3. Expedite review processes for affordable housing projects.

Expedited permitting and review processes can help increase the supply of housing and reduce development costs as a project moves from design and engineering to construction. Expedited reviews typically allow qualifying affordable housing projects (which can sometimes include the conversion of some underused commercial properties into affordable housing) to be processed faster to help minimize project delays and unexpected costs.

Overall, expedited permitting and review policies help increase the supply of homes and apartments that are affordable to families by expediting and simplifying the permitting and review process.

Expedited reviews look different across many communities and can include some or all of the following:

- ◆ Allowing affordable housing projects that meet the Town’s development code and design standards to be approved administratively;
- ◆ Fast-tracking affordable housing project applications through the review process, and prioritizing affordable housing applications over other applications; and/or;
- ◆ Assigning a Town staff member as a project advocate/expediter to help resolve development code issues that come up during project review.

Timeline:	Mid-term (Following Comprehensive Plan Update)
Action:	One-time
Partners:	Boulder County Housing Authority, other housing developers
Level of Effort:	High
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

2.2.4. Subsidize or reduce fees for affordable housing projects.

The Town of Superior can enhance the viability of income-restricted affordable housing projects by offering development fee reductions or waivers which help lower the overall development costs for a project, making it more feasible to develop a project. Many communities offer partial or full waivers of planning fees, permit fees, impact fees, or utility connection fees to projects that include affordable units. While this can be an easy way to offer real financial benefit to projects that provide affordable housing, jurisdictions often rely on these fees to provide essential services. As a result, most often when jurisdictions waive some or all fees for a project, the jurisdiction covers the fees that would have been paid by the project through other general fund sources, which basically subsidizes these fees.

To effectively implement such program, the Town must make strategic decisions to the following:

- ◆ Conduct an analysis to see how waiving or reducing impact fees for affordable housing projects could impact the Town's overall general fund;
- ◆ Consider selectively reducing only certain development-related fees and setting a sunset date or cap on eligible projects to gauge program's demand and impact;
- ◆ Identify alternative revenue sources or new revenue sources, such as the Boulder County Affordable Housing tax extension to subsidize/compensate for the waived fees;
- ◆ Consider conducting a detailed financial feasibility analysis and calibrate the inclusionary housing ordinance to tailor development incentives and determine what enhanced incentives could be provided to further affordability goals within development projects (e.g., deeper affordability or a greater number/percentage of affordable units).

Fee Deferrals

Instead of offering fee reductions or exemptions, the Town might consider implementing a development fee deferral program. This program would align with the developer's financial planning by allowing them to pay development fees when the property begins to generate revenue through rent or sales rather than at the time of permit issuance. Such an arrangement would enable developers to manage payments as funds become available, potentially reducing the need for additional financing and the associated interest costs on construction loans.

Timeline:	Short-term
Action:	One-time
Partners:	Boulder County Housing Authority, other housing developers
Level of Effort:	High
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Housing Production, Regulatory

STRATEGY

2.3. SUPPORT LOCAL FUNDING OR PARTNERSHIPS TO REDUCE THE COST OF LAND FOR AFFORDABLE HOUSING.

Superior is a primarily built-out community and most future housing construction will require redevelopment, infill development, or conversion of property to more productive use. Consider using Town owned land or other undeveloped properties that could be used for new affordable homes.

ACTION

2.3.1. Create a land donation, land acquisition, or land banking program.

This action would establish a comprehensive land disposition policy that clearly outlines its goals for the use of publicly owned land, including the purchase of land and creating a priority for affordable housing development. In residential development, land is often the largest expense, which can make up roughly 20 percent of the overall project costs. Subsidizing or reducing this cost, or using Town-owned land, for the creation of affordable housing can substantially increase the financial feasibility and/or the number of affordable housing units. A key element of this program is partnerships with affordable housing providers to build affordable housing units and to redevelop vacant or underutilized land.

Program details should consider the following:

- ◆ Criteria to assess specific sites for affordable housing (e.g., location, zoning, readiness for development, size, value, etc.).
- ◆ Criteria for purchasing vacant or underutilized land for affordable housing (e.g., value, size, zoning, infrastructure needs, readiness, etc.).
- ◆ Establish a formal partnership agreement with local nonprofit housing providers and builders to support the site's development and access to construction funding, as well as ongoing administrative monitoring of affordability.
- ◆ Outline a disposition strategy for when to hold, develop, or sell land based on market conditions.
- ◆ Require terms of affordability (e.g., deed restrictions).

Timeline:	Mid/Long-term
Action:	One-time
Partners:	Boulder County Housing Authority, non-profit housing providers
Level of Effort:	High
Income Level Served:	120% of AMI and below
Impact Level:	High
Strategy Type:	Partnership, Housing Production

STRATEGY

2.4. CREATE A HOUSING TRUST FUND.

The Town primarily relies on federal, state, and county funding to support housing development and

services. Creating a dedicated housing trust fund from local revenue sources can promote the construction of affordable housing, and other local funds can support a range of actions, including assisting first-time homebuyers, providing supportive housing, and more.

ACTIONS

2.4.1. Explore the creation of a housing trust fund and other local revenue sources to fund a variety of affordable housing activities.

A housing trust fund is a dedicated source of funding created by jurisdictions to support affordable housing initiatives. Their popularity is mostly due to their funding flexibility. The primary purpose of housing trust funds is to provide financial assistance for the development, maintenance, and support of affordable housing projects.

This financial assistance can include things like:

- ◆ Funding for the construction of new units.
- ◆ Subsidies/rental assistance.
- ◆ Purchasing of existing residential properties.
- ◆ Renovations and remodels of existing housing stock.
- ◆ Programmatic support related to housing.

Housing trust funds are aimed at addressing housing shortages, improving housing affordability, and assisting vulnerable population groups in obtaining stable housing. The funding of these trusts often comes from specific revenue sources such as one-time general fund allocation and ongoing funding from fees and taxes.

Example Fees and Taxes

- ◆ Residential and Commercial Impact Fees
- ◆ Inclusionary Housing In-Lieu Fees
- ◆ Sale of Town-Owned Land
- ◆ Real Estate Transfer Tax

Timeline:	Mid/Long-term
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Programmatic, Housing Production, Funding

2.4.2. Explore the creation of a commercial/residential linkage fee to provide financial support for affordable housing projects.

A commercial linkage fee is a fee applied to new commercial development like office or retail. This fee is charged because these developments often lead to higher employment and demand for housing, which overall puts upward pressure on housing demand and increases home prices. The revenue collected from these fees is used to help fund affordable housing projects, making it easier for people of all income levels to find homes in the community. This fee nexus connects the growth of business space directly with efforts to keep housing affordable.

If established, the Town of Superior can utilize funds from a commercial linkage fee and funnel them to the housing trust fund to directly finance the development of income-restricted housing projects or other affordable housing needs.

Additional considerations include:

- ◆ Conduct a study on the impacts of a fee on commercial development to ensure it is balanced to support affordable housing goals without overburdening new commercial projects.
- ◆ Conduct a nexus study to establish a reasonable connection between the fee and the need for affordable housing, which is prerequisite for adopting the fee program.

Timeline:	Short/Mid-term
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Programmatic, Housing Production, Funding

2.4.3. Establish the fee-in-lieu amounts as intended in the inclusionary housing ordinance

In 2020 the Town of Superior passed an inclusionary Housing Ordinance to support broader Boulder County affordable housing goals. The ordinance requires that new residential developments of 10 units or more are required to have 15 percent of the units as restricted residential units serving persons making up to 80 percent of AMI. The ordinance provides flexibility as to how developers can meet this requirement by allowing for the option of a fee-in-lieu. The fee-in-lieu allows developers to pay a fee instead of including affordable housing units within their new developments. The fee collected is then used by towns and cities to fund affordable housing projects elsewhere in the community.

While the fee-in-lieu is an option for developers within the inclusionary housing ordinance, the

actual fee amounts and schedule have not been established by the Board of Trustees or town staff. This action would initiate a study to help town staff calculate and establish a fee-in-lieu payment.

Generally, the fee-in-lieu should be similar – but slightly less than – the cost of producing a unit on site. For example, if the fee is set too high or too low, it can disrupt the housing market, influence developer’s choices of where to build, and impact the creation and location of affordable housing. Setting these fees is complex and must consider factors like market trends, construction costs, and the varying need for affordable housing across different income groups.

Additional considerations include:

- ◆ Conduct a fee-in-lieu study to understand how much it costs to build a unit in Superior and help set a fee rate.
- ◆ Conduct a more comprehensive study to calibrate the Town of Superior’s inclusionary housing ordinance with a fee-in-lieu study and development feasibility that models a tiered incentives program.

Timeline:	Short/Mid-term
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	80% of AMI and below
Impact Level:	High
Strategy Type:	Regulatory, Programmatic, Housing Production, Funding

Objective 3: Remove Housing Barriers for Those that Encounter Them

Superior residents emphasized the need for greater access to housing for specific population groups such as renters, low-income households, senior adults, and residents with intellectual and developmental disabilities. It is important for the Town to maintain and increase partnerships with organizations that provide programmatic support and that build housing units specific to the needs of these population groups. These types of organizations include nonprofit housing providers and builders, community organizations, and regional partners.

STRATEGY

3.1. PROMOTE HOUSING CHOICES FOR SENIORS.

Superior has experienced an increase in the number of older adult households. This will increase the demand for home remodels to facilitate aging in place and an increased demand for multifamily developments with services geared to the varying needs of older adults.

ACTIONS

3.1.1. Explore programs and partnerships, such as the Boulder-Longmont housing rehabilitation program, to support housing rehabilitation to help income and asset-qualified homeowners make repairs or accessibility modifications to their homes.

Several housing providers and some city housing departments offer programs to assist homeowners and tenants of single-family homes with housing rehabilitation and major home repairs (e.g., roof replacements, plumbing, heating, or electrical). These home rehabilitation programs can also help occupants make their homes safer and livable by offering low-cost loans and grants to make needed accessibility improvements such as constructing ramps, widening doorways, and modifying bathrooms and kitchens.

Both the City of Boulder and the City of Longmont have a housing rehabilitation program that helps occupants of single-family homes make needed improvements to their homes. Only eligible households are able to access these resources, which typically include income qualifications, must be within the jurisdiction limits, and must be eligible for home repairs/improvements.

The Town of Superior is limited on funding and the number of new staff it could add to its team to create and administer new programs (e.g., home rehabilitation programs). However, the Town can examine the viability of partnering with existing programs, such as the Boulder-Longmont accessibility program, to provide services to Superior residents. This partnership will likely require ongoing annual funding to support with low-cost loans and or grants to residents.

Timeline:	Mid-term
Action:	On-going
Partners:	City of Boulder, City of Longmont, Boulder County Housing Authority, non-profit housing providers
Level of Effort:	Moderate
Income Level Served:	80% of AMI and below
Impact Level:	Medium

Strategy Type:	Programmatic, Partnership, Funding
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3.1.2. Explore land use policy changes to support the development of housing for seniors.

The Town of Superior last updated its Comprehensive Plan in 2012 and since then several housing types have emerged that support a wide range of household needs that the current land use and zoning code does not allow outright or does not support due to restrictive zoning policies.

To support the development of housing for seniors, the Town of Superior can take several actions in its upcoming Comprehensive Plan. These include but are not limited to:

- ◆ **Zoning amendments.** Modify zoning regulations to allow for higher density residential developments specifically tailored for seniors. This may include reducing minimum lot sizes, and relaxing height restrictions in strategic locations to encourage the construction senior housing.
- ◆ **Mixed-use Zoning.** Promote mixed use development that integrates residential living with retail, healthcare, and recreational facilities. This helps create an environment where seniors can live comfortably with easy access to services.
- ◆ **Accessibility Requirements.** Introduce or strengthen regulations that ensure all senior housing development projects are fully accessible. This may include wider doorways, no-step entries, elevators, and other features that accommodate mobility aids and enhance mobility for seniors.
- ◆ **Transportation Planning.** Ensure that senior housing developments are located near public transportation routes and stations. Accessibility to transportation can substantially improve the quality of life for seniors, allowing them independence and easy access to healthcare services and the rest of the community.
- ◆ **Community Services Integration.** Encourage the integration of community services within or nearby senior housing. This includes health care facilities, senior centers, and social services that are geared toward older adults.

Timeline:	Near-term (Within the Comprehensive Plan Update)
Action:	One-time
Partners:	Senior housing developers and service providers
Level of Effort:	Moderate
Income Level Served:	All Income Levels

Impact Level:	Medium
Strategy Type:	Regulatory, Housing Production

3.1.3 Explore incentive programs and partnerships that promote the creation of senior housing.

Superior's senior population is rapidly growing, and it is unlikely to slow down as millennials and Gen Xers grow older. The lack of senior housing in Superior puts additional pressure on the existing housing stock as multiple households compete for the same housing because aging seniors who don't need large homes don't have alternative housing in Superior to move into. Superior has an immediate demand for senior housing and establishing an incentive program for higher-density housing can promote the creation of senior housing.

The following list of incentives can greatly help developers increase the viability of senior housing projects.

- ◆ **Incentives for developers.** Offer density and height bonus, fee reductions, or expedited permitting processes for developers who build affordable housing geared towards seniors.
- ◆ **Land Dedication.** Implement policies that set aside public land specifically for senior housing developments. This can reduce developers' land acquisition costs, thereby lowering the overall cost of housing units.

Timeline:	Short/Mid-term
Action:	On-going
Partners:	Senior housing developers and service providers
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	High
Strategy Type:	Regulatory, Partnership

3.1.4. Support programs and organizations that assist older adults with their housing needs.

Cities and towns can play a vital role in assisting older adults with their housing needs by promoting and supporting various programs designed to ensure accessibility, affordability, and appropriate living conditions. Superior has existing partners like the Boulder County Housing Authority that provide some programs to older adults. However, the town should

inventory the programs that existing partners provide to Superior residents and evaluate what other programs residents need to form new partnerships with other housing providers that provide those services and programs.

These programs may include the following services:

- ◆ Senior property tax exemption and property tax deferral
- ◆ Home rehabilitation programs
- ◆ Senior rental assistance
- ◆ Repair and maintenance programs
- ◆ Transportation services
- ◆ Educational self-sufficiency workshops

Timeline:	Short/Mid-term
Action:	On-going
Partners:	City of Boulder, City of Longmont, Boulder County Housing Authority
Level of Effort:	Moderate
Income Level Served:	80% of AMI and below
Impact Level:	Medium
Strategy Type:	Partnership, Programmatic

3.1.5. Promote weatherization assistance programs that help low-income residents with energy-saving repairs.

Home weatherization assistance programs typically focus on making homes more energy-efficient through upgrades like insulation, sealing leaks, and improving heating and cooling systems. These weatherization upgrades can help lower energy consumption, which directly translates into reduced utility bills and cost savings for residents. This makes housing more affordable for low-income families and can significantly ease their financial burden.

The Colorado Energy Office provides a weatherization assistance program to all counties in Colorado. Promoting this program on a centralized housing resource page within the Town's webpage can increase the awareness of this program among residents and improve the quality of housing.

Timeline:	Short/Mid-term
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Action:	On-going
Partners:	City of Boulder, City of Longmont, Boulder County Housing Authority
Level of Effort:	Moderate
Income Level Served:	80% of AMI and below
Impact Level:	Medium
Strategy Type:	Partnership, Programmatic

STRATEGY

3.2. PROMOTE HOUSING FOR PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

While the Town of Superior does not directly produce or control housing, it can partner with organizations that serve the housing needs of people with intellectual and developmental disabilities (IDD).

ACTIONS

3.2.1. Support and/or partner with mission-driven affordable housing providers, such as trailhead community to provide affordable housing for people with intellectual disabilities in the town or region.

Through the community engagement process, residents expressed the need for housing for specific population groups, particularly for those with intellectual and developmental disabilities. While this housing type is less commonly built because residents require services tailored to their specific needs, these residents also require housing to be affordable. Several factors, including market demand, rent, service and programmatic costs, and development costs, can make this housing type challenging to build. However, partnering with agencies like Trailhead Community, which helps Colorado communities build this housing type, can provide insights into the type of help cities and towns can provide to promote this type of housing development.

Timeline:	Mid-term
Action:	On-going
Partners:	Trailhead Community, and other housing providers for people with intellectual and developmental disabilities
Level of Effort:	Moderate
Income Level Served:	80% of AMI and below
Impact Level:	Medium
Strategy Type:	Partnership

3.2.2. Evaluate the town's group home regulations to identify barriers to group home development. - *POTENTIALLY AFFECTED BY HB24-1007, SEE ATTACHED*

Group homes, which provide residential accommodations and supportive services to specific populations like seniors, individuals with disabilities, or those recovering from substance abuse, can face regulatory barriers that impede the development of this housing type.

The Town of Superior should consider reviewing and amending the following regulatory elements that often limit the development of group homes.

- ◆ **Zoning Restrictions.** Many cities and towns have zoning laws that restrict the locations where group homes can be established. These restrictions might limit group homes to certain areas that are not suitable for the residents to access community services and support networks.
- ◆ **Occupancy Limits.** Regulations often cap the number of occupants allowed in residential dwellings, which can be problematic for group homes that need to accommodate more individuals to be economically viable or to fulfill their mission.
- ◆ **Permitting Process.** The permitting process can be cumbersome and time-consuming, with multiple levels of approval needed. This can often lead to community pushback that influences local governments to impose stricter regulations or to reject proposals altogether. Simplifying the permit approval process without the need for public hearings or Town Board approvals can help expedite the process and increase the likelihood of this development being built.
- ◆ **Impact on Local Services.** Local regulations might consider the potential impact of group homes on neighborhood services and infrastructure (e.g., increased demand for local healthcare or other services), which can lead to additional requirements or limitations being placed on these homes.

Timeline:	Mid-term
Action:	One-time
Partners:	N/A
Level of Effort:	High
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Partnership, Regulatory

3.2.3 support programs and organizations that assist people with intellectual and developmental disabilities with their housing needs.

There exist several state and regional organizations that offer many different programs that assist both children and adults with intellectual and developmental disabilities. Most programs provide a form of educational, advocacy, self-sufficiency, and recreational programs to support children and adults with all aspects of their life journey. Supporting and promoting these programs on Town-owned web pages can increase awareness among residents and provide valuable resources and information sharing.

Timeline:	Mid-term
Action:	On-going
Partners:	The Arc Colorado, Association for Community Living, Developmental Disabilities Resource Center, Center for People with Disabilities
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Partnership

STRATEGY

3.3. IMPROVE ACCESS TO HOUSING RESOURCES.

Ensuring renters have access to housing-related resources and information can help improve housing stability.

ACTIONS

3.3.1 Create a centralized town webpage that provides links to regional housing provider programs that serve superior residents.

Having a centralized webpage dedicated to housing resources offers significant benefits to residents. It serves as a one-stop shop for residents, providing easy access to comprehensive information about local and regional housing programs. This can include information on affordable housing options, emergency shelters, rental assistance, home rehabilitation, and homeownership options. This kind of webpage can simplify the search process, saving residents time and effort. Additionally, it can help increase awareness and utilization of available housing services, ensuring that more residents benefit from the support they need. For the Town of Superior, this centralized hub enhances communication with residents and promotes transparency in available services.

The Town of Superior should consider translating this webpage into multiple languages to ensure that a diverse set of residents have access to the same resources as others.

Timeline:	Short/Mid-term
Action:	On-going
Partners:	Boulder County Department of Housing and Human Services, Boulder County ;SUMA!, and other housing providers
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Programmatic, Partnership

3.3.2 Advocate for and support existing regional and state tenant protection ordinances that serve to improve outcomes for renters.

Advocating, supporting, and expanding tenant protection laws can further the housing stability of renter households. This support can prevent unlawful evictions and rent hikes, contributing to housing stability in the community. Additionally, it fosters a fair rental market where tenants can feel safe and landlords are held accountable to specific standards. Cities and towns have gone above standard tenant protection laws, implementing emergency ordinances to further tenant protections. Ordinances that the Town of Superior can consider include:

- ◆ Require ample notice periods for rent increases (e.g., 6-month notice); lease terminations; and the need to vacate due to renovations.
- ◆ Prohibit discrimination based on source of income.
- ◆ Require landlords to provide a summary of tenant’s rights upon leasing a rental unit.

Timeline:	Short/Mid-term
Action:	On-going
Partners:	Boulder Housing Authority and other housing providers
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Programmatic, Partnership

STRATEGY

3.4. SUPPORT ENGLISH LANGUAGE LEARNERS AND BIPOC RESIDENTS.

Non-English speakers often face challenges due to the absence of translators and translated materials. Tenants sometimes need to report issues requiring repairs in their apartments but struggle to communicate clearly with landlords or city code compliance personnel. Consequently, they typically turn to cultural organizations for help with translation and comprehension of documents, such as those pertaining to their housing conditions.

ACTIONS

3.4.1. Form partnerships and work with culturally specific organizations to promote the availability of programs, incentives, and housing availability.

Partnering with culturally specific organizations to promote housing programs and incentives can bring significant benefits to Superior residents. These organizations often have insight into the needs and preferences of the community they serve, enabling more effective communication and outreach about housing options. Such partnerships can ensure that information about housing programs is culturally relevant and accessible, which increases engagement and trust among community members. These collaborations can also create a two-way information sharing and help inform the Town about how to tailor housing initiatives to better address the unique challenges faced by different cultural groups.

Timeline:	Short/Mid-term
Action:	On-going
Partners:	Boulder County Department of Housing and Human Services, Boulder County ;SUMA!
Level of Effort:	Moderate
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Programmatic, Partnership

3.4.2. Remove language barriers in accessing housing resources and information by using technological solutions and/or partnering with culturally specific organizations.

While there is no “one-size-fits-all” approach to meeting the diverse needs of populations living in Superior, there are a few steps the Town can take to increase access to housing resources. These steps include removing language barriers like translating webpages and housing documents in multiple languages to increase awareness of available resources. Commonly, language barriers can create challenges in comprehending the types of assistance residents can access and determining their eligibility for various programs.

Timeline:	Short/Mid-term
Action:	On-going
Partners:	Boulder County Department of Housing and Human Services, Boulder County ;SUMA!
Level of Effort:	Low
Income Level Served:	All Income Levels
Impact Level:	Medium
Strategy Type:	Programmatic, Partnership

The following tables reflect the degree of public support of the draft strategies. Each table includes the draft Actions that accompany each Objective. Residents were asked if they supported the action, were neutral on the action, or did not support the action. The columns reflect the total counts, along with percentages. The actions are then sorted by degree of support, with those receiving the most support at the top of the page. The final column indicates the actions that received positive or neutral support overall which are colored in shades of green, and those that did not receive support, colored in shades of blue.

1. Increase Housing Choices for People									
Draft Action	Total Yes (count)	Total Yes (%)	Total Neutral (count)	Total Neutral (%)	Total Yes + Neutral (count)	Total Yes + Neutral (%)	Total No (count)	Total No (%)	Total Yes + Neutral - Total No
Establish clear and objective development standards for new housing in newly established neighborhoods.	206	52%	67	17%	273	69%	120	31%	153
Review and clarify ADU development standards to make it easier to develop this housing type.	165	41%	62	16%	227	57%	172	43%	55
Explore allowing ADU's town wide.	156	39%	62	16%	218	55%	178	45%	40
Develop pre-approved ADU housing plan sets to streamline review process and development of this housing type.	141	36%	76	19%	217	55%	180	45%	37
As part of the comprehensive plan consider evaluating residential land to support higher-density residential by allowing smaller lot zoning and smaller housing units	117	29%	47	12%	164	41%	237	59%	-73
Develop pre-approved missing middle housing plan sets.	97	25%	55	14%	152	38%	243	62%	-91
Consider allowing moderate density increases in single family zones to allow for duplex and triplexes.	116	29%	38	9%	154	38%	247	62%	-93
Explore incentives for ADU's and tie it to affordability requirements such as deed-restrictions.	83	21%	66	17%	149	38%	243	62%	-94
Evaluate minimum lot size, setbacks, lot coverage, and design standards to allow for increased density across all zones and existing planned developments (PD's).	88	22%	43	11%	131	33%	262	67%	-131
Evaluate parking reductions for housing types and analyze the modification of on-street parking.	79	20%	52	13%	131	33%	265	67%	-134
Explore reducing minimum parking requirements for missing middle housing, multifamily, mixed-use, senior housing, and ADU's.	80	20%	49	12%	129	32%	269	68%	-140
Establish thresholds for development types that could be approved administratively without a Town Board or public hearing meeting to support state housing legislation.	52	13%	48	12%	100	26%	291	74%	-191

2. Support and Promote Local and Regional Affordable Housing Efforts

Draft Action	Total Yes (count)	Total Yes (%)	Total Neutral (count)	Total Neutral (%)	Total Yes + Neutral (count)	Total Yes + Neutral (%)	Total No (count)	Total No (%)	Total Yes + Neutral - Total No
Partner with organizations such as Habitat for Humanity and Boulder County Housing Authority to support the creation of affordable homeownership options.	98	32%	40	13%	138	45%	171	55%	-33
Subsidized or reduced fees for affordable housing projects.	74	24%	35	11%	109	35%	203	65%	-94
Explore the creation of a housing trust fund and other local revenue sources to fund a variety of affordable housing activities.	52	17%	49	16%	101	33%	205	67%	-104
Establish the fee-in-lieu amounts as intended in the Inclusionary Housing Ordinance	36	12%	61	20%	97	32%	208	68%	-111
2.2.3. Expedited review for affordable housing projects.	63	20%	35	11%	98	32%	210	68%	-112
Partner with affordable housing providers to redevelop vacant or underutilized land for affordable housing.	69	22%	29	9%	98	32%	212	68%	-114
Explore the creation of a commercial/residential linkage fee to provide financial support for affordable housing projects.	45	15%	49	16%	94	31%	211	69%	-117
Density bonus.	50	16%	35	11%	85	28%	224	72%	-139
Height bonus.	32	10%	38	12%	70	23%	241	77%	-171
Create a land donation, land acquisition, or land banking program. (Town owns 15 acres of land with no future designated use currently)	45	14%	26	8%	71	22%	246	78%	-175

3. Remove Housing Barriers for People Who Often Encounter Them									
Draft Action	Total Yes (count)	Total Yes (%)	Total Neutral (count)	Total Neutral (%)	Total Yes + Neutral (count)	Total Yes + Neutral (%)	Total No (count)	Total No (%)	Total Yes + Neutral - Total No
Create a centralized Town webpage that provides links to regional housing provider programs that serve Superior residents.	147	47%	69	22%	216	70%	94	30%	122
Support programs and organizations that assist older adults with their housing needs.	152	48%	56	18%	208	66%	106	34%	102
Promote weatherization assistance programs that help low-income residents with energy-saving repairs.	153	49%	48	15%	201	64%	113	36%	88
Explore programs and partnerships, such as the Boulder-Longmont Housing Rehabilitation Program, to support housing rehabilitation to help income and asset-qualified homeowners fix problems in their homes such as roofing, plumbing, heating, electrical, etc.	157	50%	43	14%	200	64%	114	36%	86
Explore incentive programs and partnerships that promote the creation of senior housing.	127	39%	73	22%	200	62%	125	38%	75
Incentivize or explore existing programs (Boulder-Longmont Accessibility Program) that makes a home more accessible for income and asset-qualified renters or homeowners with a disabled or elderly family member.	136	43%	55	18%	191	61%	123	39%	68
Remove language barriers in accessing housing resources and information by using technological solutions and/or partnering with culturally specific organizations.	121	39%	59	19%	180	58%	133	42%	47
Support and/or partner with mission-driven affordable housing providers, such as Trailhead Community to provide affordable housing for people with intellectual disabilities in the Town or region.	87	28%	88	29%	175	57%	133	43%	42
Advocate for and support existing regional and state tenant protection programs that serve to improve outcomes for renters such as: - Provide ample notice periods for rent increases; lease terminations; and the need to vacate due to renovations. - Prohibit discrimination based on source of income. - Require landlords to provide a summary of tenant's rights.	126	40%	51	16%	177	57%	136	43%	41
Form partnerships and work with culturally specific organizations to promote the availability of programs, incentives, and housing availability.	104	34%	68	22%	172	56%	135	44%	37

3. Remove Housing Barriers for People Who Often Encounter Them									
Explore land use policy changes to support the development of housing for seniors.	119	38%	56	18%	175	55%	142	45%	33
Support programs and organizations that assist IDD with their housing needs.	87	28%	78	25%	165	53%	144	47%	21
Evaluate the Town's Group Homes regulations to identify barriers to group home development.	71	23%	66	21%	137	44%	175	56%	-38
Modify or increase the three unrelated people occupancy cap to create greater housing choices for renters.	82	26%	45	14%	127	40%	192	60%	-65

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 24-1304

BY REPRESENTATIVE(S) Vigil and Woodrow, Bacon, Boesenecker, deGruy Kennedy, Epps, Froelich, Hernandez, Herod, Jodeh, Joseph, Kipp, Mabrey, Rutinel, Sirota, Lindsay, Mauro, Parenti, Weissman, Willford, McCluskie;
also SENATOR(S) Priola and Hinrichsen, Cutter, Gonzales, Jaquez Lewis.

CONCERNING PARKING REQUIREMENTS WITHIN METROPOLITAN PLANNING ORGANIZATIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 36 to title 29 as follows:

ARTICLE 36
Strategic Growth

29-36-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

(a) THERE IS AN EXTRATERRITORIAL IMPACT WHEN LOCAL GOVERNMENTS ENACT LAND USE DECISIONS THAT REQUIRE A MINIMUM

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

AMOUNT OF PARKING SPACES;

(b) RESIDENTIAL DEVELOPMENTS FREQUENTLY HAVE MORE PARKING THAN IS UTILIZED, WHICH ADDS TO HOUSING COSTS AND ENCOURAGES ADDITIONAL VEHICLE OWNERSHIP AND VEHICLE MILES TRAVELED. ACCORDING TO THE REGIONAL TRANSPORTATION DISTRICT STUDY TITLED "RESIDENTIAL PARKING IN STATION AREAS: A STUDY OF METRO DENVER", UNSUBSIDIZED HOUSING DEVELOPMENTS NEAR REGIONAL TRANSPORTATION DISTRICT STATIONS PROVIDE FORTY PERCENT MORE PARKING THAN RESIDENTS UTILIZE AT PEAK TIMES, AND INCOME-RESTRICTED HOUSING DEVELOPMENTS PROVIDE FIFTY PERCENT MORE PARKING THAN IS USED.

(c) THE 2021 STUDY "PARKING & AFFORDABLE HOUSING" OF PARKING UTILIZATION AT AFFORDABLE HOUSING DEVELOPMENTS ALONG THE FRONT RANGE FOUND THAT HALF OF PARKING SPACES BUILT ON AVERAGE GO UNUSED, AND THAT REQUIREMENTS CAN BE UP TO FIVE TIMES THE NEED ESPECIALLY FOR BUILDINGS SERVING LOWER AREA MEDIAN INCOMES;

(d) LOCAL GOVERNMENT LAND USE DECISIONS THAT REQUIRE A MINIMUM AMOUNT OF PARKING SPACES BEYOND WHAT IS NECESSARY TO MEET MARKET DEMAND INCREASE VEHICLE MILES TRAVELED AND ASSOCIATED GREENHOUSE GAS EMISSIONS. ACCORDING TO A UNIVERSITY OF CALIFORNIA INSTITUTE OF TRANSPORTATION STUDIES ARTICLE TITLED "WHAT DO RESIDENTIAL LOTTERIES SHOW US ABOUT TRANSPORTATION CHOICES?", HIGHER AMOUNTS OF FREE PARKING PROVIDED IN RESIDENTIAL DEVELOPMENTS CAUSE HIGHER RATES OF VEHICLE OWNERSHIP, HIGHER RATES OF VEHICLE MILES TRAVELED, AND LESS FREQUENT TRANSIT USE.

(e) ACCORDING TO THE STUDY "EFFECTS OF PARKING PROVISION ON AUTOMOBILE USE IN U.S. CITIES: INFERRING CAUSALITY" IN THE JOURNAL TRANSPORTATION RESEARCH RECORD, AN INCREASE IN PARKING PROVISIONS FROM ONE-TENTH TO ONE-HALF PARKING SPACE PER PERSON IS ASSOCIATED WITH AN INCREASE IN AUTOMOBILE MODE SHARE OF ROUGHLY THIRTY PERCENT;

(f) ACCORDING TO THE ARTICLE "HOUSEHOLDS WITH CONSTRAINED OFF-STREET PARKING DRIVE FEWER MILES" IN THE JOURNAL TRANSPORTATION, VEHICLE OWNERSHIP RATES ARE FOURTEEN PERCENT HIGHER FOR HOUSEHOLDS WITH MORE THAN ONE AVAILABLE PARKING SPACE PER UNIT COMPARED TO THOSE WITH ONE OR FEWER, AND FOR EVERY

ADDITIONAL VEHICLE PER HOUSEHOLD, THE HOUSEHOLD TRAVELS ON AVERAGE SEVENTEEN MORE MILES OF TOTAL VEHICLE MILES TRAVELED PER DAY;

(g) COLORADANS DRIVE MORE MILES PER PERSON THAN THEY USED TO, WHICH PUTS STRESS ON TRANSPORTATION INFRASTRUCTURE AND INCREASING HOUSEHOLD COSTS. SINCE 1981, PER CAPITA VEHICLE MILES TRAVELED IN COLORADO HAVE RISEN BY OVER TWENTY PERCENT ACCORDING TO DATA FROM THE FEDERAL HIGHWAY ADMINISTRATION.

(h) INCREASED VEHICLE OWNERSHIP AND THE RESULTING VEHICLE MILES TRAVELED IMPACT NEIGHBORING JURISDICTIONS BY INCREASING CONGESTION, ROADWAY INFRASTRUCTURE MAINTENANCE COSTS, AIR POLLUTION, NOISE, AND GREENHOUSE GAS EMISSIONS;

(i) GIVEN THE CLOSE PROXIMITY AND INTERCONNECTED NATURE OF JURISDICTIONS WITHIN COLORADO'S METROPOLITAN REGIONS, MANY RESIDENTS TRAVEL FREQUENTLY BETWEEN JURISDICTIONS FOR WORK, SHOPPING, RECREATION, AND OTHER TRIPS;

(j) IN COLORADO'S MAJOR CITIES, A SIGNIFICANT SHARE OF EMPLOYEES COMMUTE TO JOBS IN THE CITY BUT LIVE ELSEWHERE, INCLUDING SEVENTY PERCENT OF EMPLOYEES IN DENVER, FORTY-FIVE PERCENT IN COLORADO SPRINGS, SIXTY PERCENT IN FORT COLLINS, FIFTY PERCENT IN PUEBLO, AND SIXTY-FIVE PERCENT IN GRAND JUNCTION, ACCORDING TO 2021 DATA FROM THE FEDERAL CENSUS;

(k) EXCESSIVE PARKING REQUIREMENTS LIMIT COMPACT, WALKABLE DEVELOPMENT BY MANDATING ADDITIONAL SPACE BETWEEN USES, WHICH THEN NECESSITATES DRIVING TO REACH MOST DESTINATIONS;

(l) LOWER DENSITY DEVELOPMENT HAS LOWERED REVENUE AND INCREASED CAPITAL AND MAINTENANCE COSTS COMPARED TO MORE COMPACT DEVELOPMENT. NATIONAL STUDIES, SUCH AS THE ARTICLE "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL

GOVERNMENTS.

(m) VEHICLE TRAFFIC, WHICH INCREASES WHEN LAND USE PATTERNS ARE MORE DISPERSED, CONTRIBUTES TWENTY PERCENT OF NITROGEN OXIDE EMISSIONS, A KEY OZONE PRECURSOR, ACCORDING TO THE EXECUTIVE SUMMARY OF THE MODERATE AREA OZONE STATE IMPLEMENTATION PLAN FOR THE 2015 OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS BY THE REGIONAL AIR QUALITY COUNCIL;

(n) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS CLASSIFIED THE DENVER METRO AREA AND THE NORTH FRONT RANGE AREA AS BEING IN SEVERE NONATTAINMENT FOR OZONE AND GROUND LEVEL OZONE, WHICH HAS SERIOUS IMPACTS ON HUMAN HEALTH, PARTICULARLY FOR VULNERABLE POPULATIONS;

(o) ACCORDING TO THE GREENHOUSE GAS POLLUTION REDUCTION ROADMAP, PUBLISHED BY THE COLORADO ENERGY OFFICE AND DATED JANUARY 14, 2021, THE TRANSPORTATION SECTOR IS THE SINGLE LARGEST SOURCE OF GREENHOUSE GAS POLLUTION IN COLORADO;

(p) NEARLY SIXTY PERCENT OF THE GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR COME FROM LIGHT-DUTY VEHICLES, THE MAJORITY OF CARS AND TRUCKS THAT COLORADANS DRIVE EVERY DAY;

(q) SECTION 43-1-128 (3) DIRECTS THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH GREENHOUSE GAS REDUCTION TARGETS, GUIDELINES, AND PROCEDURES FOR STATE AND REGIONAL TRANSPORTATION PLANS, AND THE RESULTING GREENHOUSE GAS PLANNING RULE AND ASSOCIATED MITIGATION POLICY DIRECTIVES INCLUDE A LIST OF GREENHOUSE GAS MITIGATION MEASURES TO ACHIEVE THOSE TARGETS, INCLUDING THE ELIMINATION OF MINIMUM PARKING REQUIREMENTS AND OTHER PARKING MANAGEMENT STRATEGIES;

(r) LOCAL GOVERNMENT LAND USE DECISIONS THAT REQUIRE A MINIMUM AMOUNT OF PARKING SPACES INCREASE THE COST OF NEW RESIDENTIAL PROJECTS, WHICH INCREASES HOUSING COSTS. ACCORDING TO THE REGIONAL TRANSPORTATION DISTRICT STUDY TITLED "RESIDENTIAL PARKING IN STATION AREAS: A STUDY OF METRO DENVER", STRUCTURED PARKING SPACES IN THE DENVER METROPOLITAN AREA COST TWENTY-FIVE THOUSAND DOLLARS EACH TO BUILD IN 2020 AND USE SPACE THAT WOULD

OTHERWISE BE USED FOR REVENUE GENERATING RESIDENTIAL UNITS, DECREASING THE PROFITABILITY OF RESIDENTIAL DEVELOPMENT. AS A RESULT, PARKING REQUIREMENTS THAT NECESSITATE THE CONSTRUCTION OF STRUCTURED PARKING SPACES MAY DISCOURAGE DEVELOPERS FROM BUILDING NEW RESIDENTIAL PROJECTS, OR, IF THEY DO MOVE FORWARD WITH PROJECTS, FORCE THEM TO RECOUP THE COSTS OF BUILDING EXCESSIVE PARKING BY INCREASING HOUSING PRICES.

(s) OFF-STREET SURFACE PARKING COSTS UP TO TEN THOUSAND DOLLARS PER SPACE, AND EACH SPACE REQUIRES UP TO TWO AND ONE-HALF TIMES ITS SQUARE FOOTAGE TO ACCOMMODATE. AS A RESULT, OFF-STREET SURFACE PARKING REQUIREMENTS ALSO MAY DISCOURAGE DEVELOPERS FROM BUILDING NEW RESIDENTIAL PROJECTS, OR, IF THEY DO MOVE FORWARD WITH PROJECTS, FORCE THEM TO BUILD FEWER UNITS THAN THEY OTHERWISE COULD AND RECOUP THE EXCESSIVE COST BY INCREASING HOME PRICES AND RENTS. AN ANALYSIS CONDUCTED BY THE PARKING REFORM NETWORK FOUND THAT AN OFF-STREET PARKING SPACE CAN ADD BETWEEN TWO HUNDRED AND FIVE HUNDRED DOLLARS PER MONTH IN RENT. WHETHER THESE COSTS ARE NECESSARY VARIES FROM ONE BUILDING PROJECT TO THE NEXT, AND THOSE VARIABLES ARE NOT ACCOUNTED FOR IN MANDATED PARKING MINIMUMS.

(t) MINIMUM PARKING REQUIREMENTS PUT SMALL BUSINESSES AT A DISADVANTAGE RELATIVE TO LARGE CORPORATIONS. LARGE CORPORATIONS HAVE MORE CAPITAL AT THEIR DISPOSAL TO FULFILL COSTLY PARKING REQUIREMENTS AND ARE LESS RELIANT ON FOOT TRAFFIC, HUMAN-SCALE VISIBILITY, AND A SENSE OF PLACE TO ATTRACT CUSTOMERS.

(u) IMPERVIOUS SURFACES SUCH AS THOSE BUILT FOR VEHICLE PARKING CREATE AN URBAN HEAT ISLAND EFFECT, CONTRIBUTING TO RISING TEMPERATURES, INCREASING ENERGY COSTS FOR AIR CONDITIONING, AND WORSENING GROUND LEVEL AIR QUALITY. EXCESSIVE LAND COVERAGE OF THIS KIND MAKES STORMWATER MANAGEMENT DIFFICULT AND EXPENSIVE, AND CONTRIBUTES TO FLASH FLOODING AND EROSION, CAUSING INTERJURISDICTIONAL CONFLICTS AND LEGAL DISPUTES.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE REQUIRED MINIMUM AMOUNT OF PARKING SPACES FOR A REAL PROPERTY IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-36-102. Definitions. AS USED IN THIS ARTICLE 36, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADAPTIVE REUSE" MEANS THE CONVERSION OF AN EXISTING STRUCTURE FROM THE USE FOR WHICH IT WAS CONSTRUCTED TO A NEW USE BY MAINTAINING ELEMENTS OF THE STRUCTURE AND ADAPTING SUCH ELEMENTS TO A NEW USE.

(2) "APPLICABLE TRANSIT PLAN" MEANS A PLAN OF A TRANSIT AGENCY WHOSE SERVICE TERRITORY IS WITHIN A METROPOLITAN PLANNING ORGANIZATION, INCLUDING A SYSTEM OPTIMIZATION PLAN OR A TRANSIT MASTER PLAN THAT:

(a) HAS BEEN APPROVED BY THE GOVERNING BODY OF A TRANSIT AGENCY ON OR AFTER JANUARY 1, 2019, AND ON OR BEFORE JANUARY 1, 2024;

(b) IDENTIFIES THE PLANNED FREQUENCY AND SPAN OF SERVICE FOR TRANSIT SERVICE OR SPECIFIC TRANSIT ROUTES; AND

(c) IDENTIFIES SPECIFIC TRANSIT ROUTES FOR SHORT-TERM IMPLEMENTATION ACCORDING TO THAT PLAN, OR IMPLEMENTATION BEFORE JANUARY 1, 2027.

(3) "APPLICABLE TRANSIT SERVICE AREA" MEANS AN AREA DESIGNATED BY THE MAP CREATED IN SECTION 29-36-106.

(4) "BUS RAPID TRANSIT SERVICE" MEANS A TRANSIT SERVICE THAT:

(a) IS IDENTIFIED AS BUS RAPID TRANSIT BY A TRANSIT AGENCY, IN A METROPOLITAN PLANNING ORGANIZATION'S FISCALLY CONSTRAINED LONG RANGE TRANSPORTATION PLAN OR IN AN APPLICABLE TRANSIT PLAN; AND

(b) INCLUDES ANY NUMBER OF THE FOLLOWING:

(I) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR LESS FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE;

(II) DEDICATED LANES OR BUSWAYS;

(III) TRAFFIC SIGNAL PRIORITY;

(IV) OFF-BOARD FARE COLLECTION;

(V) ELEVATED PLATFORMS; OR

(VI) ENHANCED STATIONS.

(5) "COMMUNITY-BASED ORGANIZATION" MEANS A COLORADO-BASED NONPROFIT ENTITY THAT:

(a) HAS A MISSION TO IMPROVE THE ENVIRONMENTAL, ECONOMIC, SOCIAL, CULTURAL, OR QUALITY OF LIFE CONDITIONS OF A COMMON COMMUNITY OF INTEREST;

(b) IS ACCESSIBLE FOR RESIDENTS OF ALL AGES, INCOMES, LANGUAGES, AND ABILITIES; OR

(c) ADDRESSES THE NEEDS OF DISPROPORTIONATELY IMPACTED AND MARGINALIZED COMMUNITIES IN THE REGION AND CENTERS VOICES OF MARGINALIZED COMMUNITIES IN TRANSPORTATION PLANNING, BOTH IN THEIR COMMUNITY AND AROUND THE REGION.

(6) "COMMUTER BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE THAT OPERATES FOR A MAJORITY OF ITS ROUTE ON A FREEWAY WITH ACCESS THAT IS LIMITED TO GRADE-SEPARATED INTERCHANGES.

(7) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE COUNTY BUT EXCLUDING A CITY AND COUNTY.

(8) "LAND USE APPROVAL" MEANS ANY FINAL ACTION OF A LOCAL GOVERNMENT THAT HAS THE EFFECT OF AUTHORIZING THE USE OR DEVELOPMENT OF A PARTICULAR PARCEL OF REAL PROPERTY.

(9) "LOADING SPACE" MEANS AN OFF-STREET SPACE OR BERTH THAT:

(a) IS ON THE SAME SITE WITH A BUILDING OR CONTIGUOUS TO A GROUP OF BUILDINGS;

(b) IS DESIGNATED FOR THE TEMPORARY PARKING OF EITHER:

(I) A COMMERCIAL VEHICLE WHILE MATERIALS ARE LOADED IN OR UNLOADED FROM THE VEHICLE; OR

(II) A VEHICLE WHILE PASSENGERS BOARD OR DISEMBARK FROM THE VEHICLE; AND

(c) ABUTS UPON A STREET, ALLEY, OR OTHER MEANS OF ACCESS.

(10) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY THAT IS WITHIN A METROPOLITAN PLANNING ORGANIZATION OR A COUNTY THAT HAS UNINCORPORATED AREAS WITHIN A METROPOLITAN PLANNING ORGANIZATION.

(11) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(12) "MAXIMUM PARKING REQUIREMENT" MEANS A REQUIREMENT ESTABLISHED IN LOCAL LAW THAT LIMITS THE NUMBER OF PARKING SPACES THAT MAY BE MADE AVAILABLE IN CONNECTION WITH A REAL PROPERTY.

(13) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(14) "MINIMUM PARKING REQUIREMENT" MEANS A REQUIREMENT ESTABLISHED IN LOCAL LAW THAT A NUMBER OF PARKING SPACES BE MADE AVAILABLE IN CONNECTION WITH A REAL PROPERTY.

(15) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(16) "PARKING SPACE" MEANS AN OFF-STREET SPACE DESIGNATED FOR MOTOR VEHICLE PARKING. A PARKING SPACE DOES NOT INCLUDE A LOADING SPACE.

(17) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE

HOUSING THAT:

(a) HAS RECEIVED LOANS, GRANTS, EQUITY, BONDS, OR TAX CREDITS FROM ANY SOURCE TO SUPPORT THE CREATION, PRESERVATION, OR REHABILITATION OF AFFORDABLE HOUSING THAT, AS A CONDITION OF FUNDING, ENCUMBERS THE PROPERTY WITH A RESTRICTED USE COVENANT OR SIMILAR RECORDED AGREEMENT TO ENSURE AFFORDABILITY, OR HAS BEEN INCOME-RESTRICTED UNDER A LOCAL INCLUSIONARY ZONING ORDINANCE OR OTHER REGULATION OR PROGRAM;

(b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE FOR HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

(c) ENSURES OCCUPANCY BY LOW- TO MODERATE-INCOME HOUSEHOLDS FOR A SPECIFIED PERIOD DETAILED IN A RESTRICTIVE USE COVENANT OR SIMILAR RECORDED AGREEMENT.

29-36-103. Limitations on minimum parking requirements.

(1) ON OR AFTER JUNE 30, 2025, A MUNICIPALITY SHALL NEITHER ENACT NOR ENFORCE LOCAL LAWS THAT ESTABLISH A MINIMUM PARKING REQUIREMENT THAT APPLIES TO A LAND USE APPROVAL FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ADAPTIVE RE-USE FOR RESIDENTIAL PURPOSES, OR ADAPTIVE RE-USE MIXED-USE PURPOSES WHICH INCLUDE AT LEAST FIFTY PERCENT OF USE FOR RESIDENTIAL PURPOSES THAT IS WITHIN THE MUNICIPALITY, A METROPOLITAN PLANNING ORGANIZATION, AND AT LEAST PARTIALLY WITHIN AN APPLICABLE TRANSIT SERVICE AREA.

(2) ON OR AFTER JUNE 30, 2025, A COUNTY SHALL NEITHER ENACT NOR ENFORCE LOCAL LAWS THAT ESTABLISH A MINIMUM PARKING REQUIREMENT THAT APPLIES TO A LAND USE APPROVAL FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT, ADAPTIVE RE-USE FOR RESIDENTIAL PURPOSES, OR ADAPTIVE RE-USE MIXED-USE PURPOSES WHICH INCLUDE AT LEAST FIFTY PERCENT OF USE FOR RESIDENTIAL PURPOSES THAT IS WITHIN THE UNINCORPORATED AREA OF THE COUNTY, A METROPOLITAN PLANNING ORGANIZATION, AND AT LEAST PARTIALLY WITHIN AN APPLICABLE TRANSIT SERVICE AREA.

(3) NOTHING IN THIS SECTION:

(a) LOWERS THE PROTECTIONS PROVIDED FOR PERSONS WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR PERSONS WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24;

(b) PREVENTS A LOCAL GOVERNMENT FROM ENACTING OR ENFORCING LOCAL LAWS THAT ESTABLISH A MAXIMUM PARKING REQUIREMENT;

(c) PREVENTS A LOCAL GOVERNMENT OR A DEVELOPER FROM BEING AWARDED FUNDING FOR AFFORDABLE HOUSING THAT REQUIRES A RATIO OF A CERTAIN NUMBER OF PARKING SPACES;

(d) AFFECTS THE ABILITY OF A LOCAL GOVERNMENT TO ENFORCE ANY AGREEMENT MADE IN CONNECTION WITH A LAND USE APPROVAL PRIOR TO THE EFFECTIVE DATE OF HOUSE BILL 24-1304, ENACTED IN 2024, TO PROVIDE REGULATED AFFORDABLE HOUSING IN EXCHANGE FOR REDUCING MINIMUM PARKING REQUIREMENTS;

(e) PREVENTS A LOCAL GOVERNMENT FROM ENACTING OR ENFORCING LOCAL LAWS THAT ESTABLISH A MINIMUM REQUIREMENT FOR BICYCLE PARKING; OR

(f) PREVENTS A LOCAL GOVERNMENT FROM IMPOSING THE FOLLOWING REQUIREMENTS ON A PARKING SPACE THAT IS VOLUNTARILY PROVIDED IN CONNECTION WITH A LAND USE APPROVAL:

(I) THAT THE OWNERS OF SUCH A PARKING SPACE CHARGE FOR THE USE OF THE SPACE;

(II) THAT THE OWNER OF A SUCH A PARKING SPACE CONTRIBUTE TO A PARKING ENTERPRISE, PERMITTING SYSTEM, OR SHARED PARKING PLAN; AND

(III) THAT SUCH A PARKING SPACE ALLOWS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH EXISTING LAW.

29-36-104. Limitations on minimum parking requirements.

(1) NOTWITHSTANDING SECTION 29-36-103, A LOCAL GOVERNMENT MAY

IMPOSE OR ENFORCE A MINIMUM PARKING REQUIREMENT IN CONNECTION WITH A HOUSING DEVELOPMENT PROJECT THAT IS INTENDED TO CONTAIN TWENTY UNITS OR MORE OR CONTAIN REGULATED AFFORDABLE HOUSING BY REQUIRING NO MORE THAN ONE PARKING SPACE PER DWELLING UNIT IN THE HOUSING DEVELOPMENT.

(2) (a) IN ORDER TO IMPOSE A MINIMUM PARKING REQUIREMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION IN CONNECTION WITH A HOUSING DEVELOPMENT PROJECT, A LOCAL GOVERNMENT MUST, NO LATER THAN NINETY DAYS AFTER RECEIVING A COMPLETED APPLICATION FOR THE HOUSING DEVELOPMENT PROJECT, PUBLICLY PUBLISH WRITTEN FINDINGS THAT FIND THAT NOT IMPOSING OR ENFORCING A MINIMUM PARKING REQUIREMENT IN CONNECTION WITH THE HOUSING DEVELOPMENT PROJECT WOULD HAVE A SUBSTANTIAL NEGATIVE IMPACT.

(b) A LOCAL GOVERNMENT'S WRITTEN FINDINGS PUBLISHED PURSUANT TO SUBSECTION (2)(a) MUST:

(I) BE SUPPORTED BY SUBSTANTIAL EVIDENCE THAT SUPPORTS THE FINDING OF A SUBSTANTIAL NEGATIVE IMPACT ON:

(A) SAFE PEDESTRIAN, BICYCLE, OR EMERGENCY ACCESS TO THE HOUSING DEVELOPMENT PROJECT; OR

(B) EXISTING ON- OR OFF-STREET PARKING SPACES WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT;

(II) BE REVIEWED AND APPROVED BY A PROFESSIONAL ENGINEER, AS DEFINED IN SECTION 12-120-202 (7).

(III) INCLUDE PARKING UTILIZATION DATA COLLECTED FROM THE AREA WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT; AND

(IV) DEMONSTRATE THAT THE LOCAL GOVERNMENT IMPLEMENTATION OF STRATEGIES TO MANAGE DEMAND FOR ON-STREET PARKING FOR THE AREA WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT WOULD NOT BE EFFECTIVE TO MITIGATE A SUBSTANTIAL NEGATIVE IMPACT FOUND PURSUANT TO THIS SECTION.

(3) ON OR BEFORE DECEMBER 31, 2026, AND EVERY DECEMBER 31ST THEREAFTER, IF APPLICABLE, A LOCAL GOVERNMENT SHALL, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS, SUBMIT INFORMATION REGARDING A MINIMUM PARKING REQUIREMENT IMPOSED OR ENFORCED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS.

(4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

29-36-105. Parking management technical assistance. (1)(a) ON OR BEFORE DECEMBER 31, 2024, THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, AND THE COLORADO ENERGY OFFICE, SHALL, WITHIN EXISTING RESOURCES, TO THE EXTENT FEASIBLE, DEVELOP AND PUBLISH BEST PRACTICES AND TECHNICAL ASSISTANCE MATERIALS CONCERNING OPTIMIZING PARKING SUPPLY AND MANAGING PARKING IN WAYS THAT INCREASE THE PRODUCTION OF AFFORDABLE HOUSING AND HOUSING SUPPLY. THESE BEST PRACTICES AND TECHNICAL ASSISTANCE MATERIALS MUST INCLUDE, BUT ARE NOT LIMITED TO, ELEMENTS RELATED TO:

(I) THE IMPLEMENTATION OF LOCAL PARKING MAXIMUMS;

(II) SAMPLE LANGUAGE TO REPLACE EXISTING LOCAL PARKING CODES WITH OTHER INCENTIVES FOR THE PRODUCTION OF AFFORDABLE HOUSING, TRANSPORTATION DEMAND MANAGEMENT STRATEGIES, AND OTHER DESIRED OUTCOMES;

(III) THE DESIGN AND IMPLEMENTATION OF PARKING BENEFIT DISTRICTS AND ON-STREET PARKING MANAGEMENT;

(IV) STRATEGIES FOR DEVELOPERS TO MANAGE THE SUPPLY AND PRICE OF PARKING SPACES TO MINIMIZE PARKING DEMAND BASED ON DIFFERENT LOCATION AND LAND USE CHARACTERISTICS AND TAKING INTO CONSIDERATION THE NUMBER OF RESIDENTS WHO NEED ACCESS TO PARKING AND ACCESS TO MASS TRANSIT;

(V) STRATEGIES THAT PRIORITIZE THE TRANSPORTATION NEEDS OF RESIDENTS OF REGULATED AFFORDABLE HOUSING, LOW-INCOME COMMUNITIES, AND COMMUNITIES WITH LOW RATES OF CAR OWNERSHIP;

(VI) STRATEGIES TO OPTIMIZE THE USE OF EXISTING PARKING THROUGH SHARED PARKING AGREEMENTS AND OTHER STRATEGIES; AND

(VII) INFORMATION FROM AFFORDABLE HOUSING PROVIDERS AND EXISTING STUDIES ON PARKING NEEDS FOR RESIDENTS OF REGULATED AFFORDABLE HOUSING BASED ON DIFFERENT LOCATION AND LAND USE CHARACTERISTICS.

(b) (I) IN DEVELOPING THE MATERIALS AND BEST PRACTICES DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL CONSULT WITH VARIOUS STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, METROPOLITAN PLANNING ORGANIZATIONS, DISPROPORTIONATELY IMPACTED COMMUNITIES, COMMUNITY-BASED ORGANIZATIONS, AFFORDABLE HOUSING PROVIDERS, TRANSIT AGENCIES, AND ACTIVE TRANSPORTATION ORGANIZATIONS. IN CONSULTING WITH THESE STAKEHOLDERS, THE DEPARTMENT OF LOCAL AFFAIRS MAY COLLECT THIS FEEDBACK THROUGH MULTIPLE MEANS, INCLUDING ONLINE OR IN-PERSON SURVEYS OR PUBLIC FEEDBACK SESSIONS.

(2) DURING THE FIRST REGULAR SESSION OF THE SEVENTY-FIFTH GENERAL ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PRESENT THE MATERIALS AND BEST PRACTICES DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION TO THE LOCAL GOVERNMENT AND HOUSING COMMITTEE OF THE SENATE AND THE TRANSPORTATION, HOUSING AND LOCAL GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES.

29-36-106. Applicable transit service areas map. (1) ON OR BEFORE SEPTEMBER 30, 2024, THE DEPARTMENT OF LOCAL AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, COLORADO ENERGY OFFICE, METROPOLITAN PLANNING ORGANIZATIONS, AND TRANSIT AGENCIES THAT OPERATE WITHIN METROPOLITAN PLANNING ORGANIZATIONS, SHALL PUBLISH A MAP THAT DESIGNATES APPLICABLE TRANSIT SERVICE AREAS TO BE USED BY LOCAL GOVERNMENTS IN COMPLYING WITH THIS PART 1.

(2) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL DESIGNATE APPLICABLE TRANSIT SERVICE AREAS AS AREAS THAT ARE WITHIN:

(a) ONE-QUARTER MILE OF EXISTING STATIONS SERVED BY ROUTES IDENTIFIED IN AN APPLICABLE TRANSIT PLAN FOR:

(I) COMMUTER BUS RAPID TRANSIT;

(II) COMMUTER RAIL WITH PLANNED OR SCHEDULED SERVICE THAT IS SCHEDULED TO RUN EVERY THIRTY MINUTES OR MORE FREQUENT BETWEEN SEVEN A.M. AND TEN A.M. AND BETWEEN FOUR P.M. AND SEVEN P.M.;

(III) LIGHT RAIL WITH PLANNED OR SCHEDULED SERVICE THAT IS SCHEDULED TO RUN EVERY THIRTY MINUTES OR MORE FREQUENT BETWEEN SEVEN A.M. AND TEN A.M. AND BETWEEN FOUR P.M. AND SEVEN P.M.; AND

(IV) A PUBLIC BUS ROUTE THAT HAS A PLANNED OR SCHEDULED FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE;

(b) ONE-QUARTER MILE OF CURRENTLY PLANNED OR EXISTING STATIONS AND STOPS SERVED BY PUBLIC BUS ROUTES THAT:

(I) HAVE A PLANNED OR SCHEDULED FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE; AND

(II) ARE IDENTIFIED WITHIN AN APPLICABLE TRANSIT PLAN FOR SHORT-TERM IMPLEMENTATION OR IMPLEMENTATION BEFORE JANUARY 1, 2030, ACCORDING TO THAT PLAN; OR

(c) FOR TRANSIT AGENCIES WITHIN METROPOLITAN PLANNING ORGANIZATIONS THAT DO NOT HAVE APPLICABLE TRANSIT PLANS, ONE-QUARTER MILE OF PUBLIC BUS ROUTES WITH EXISTING TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2024, WITH A SCHEDULED FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT DURING THE FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE.

SECTION 2. In Colorado Revised Statutes, 29-20-104, **amend** (1) introductory portion as follows:

29-20-104. Powers of local governments - definition. (1) Except

as expressly provided in section 29-20-104.2, ~~or~~ SECTION 29-20-104.5, AND ARTICLE 36 OF THIS TITLE 29, the power and authority granted by this section does not limit any power or authority presently exercised or previously granted. Except as provided in section 29-20-104.2, each local government within its respective jurisdiction has the authority to plan for and regulate the use of land by:

SECTION 3. In Colorado Revised Statutes, 30-15-401, **amend** (1)(h)(I)(B) as follows:

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

(h) (I) To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that:

(B) For the purposes of any minimum parking requirement a board of county commissioners imposes, the board of county commissioners is subject to ~~section 30-28-140~~ ARTICLE 36 OF TITLE 29 AND SECTION 30-28-140; and

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 24-1152

BY REPRESENTATIVE(S) Amabile and Weinberg, Bacon, Boesenecker, Epps, Froelich, Garcia, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, McCormick, Ortiz, Ricks, Rutinel, Sirota, Story, Valdez, Vigil, Willford, Woodrow, McCluskie, English, Herod, Martinez, McLachlan, Parenti, Weissman;
also SENATOR(S) Mullica and Exum, Cutter, Hinrichsen, Priola, Roberts, Winter F.

CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING UNITS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 35 to title 29 as follows:

ARTICLE 35
State Land Use Criteria For Strategic Growth
PART 1
ACCESSORY DWELLING UNITS

29-35-101. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND TO SUPPLY NEW HOUSING OPPORTUNITIES WITHOUT ADDED DISPERSED LOW-DENSITY HOUSING;

(II) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS, WHICH CAN BE IMPORTANT FOR A VARIETY OF RESIDENTS, SUCH AS OLDER HOMEOWNERS ON FIXED INCOMES AND LOW- AND MODERATE-INCOME HOMEOWNERS;

(III) ACCESSORY DWELLING UNITS PROVIDE FAMILIES WITH OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE CHILD OR ELDER CARE AND AGING IN PLACE, AND A 2021 SURVEY BY THE AARP FOUND THAT APPROXIMATELY SEVENTY-FIVE PERCENT OF PEOPLE FIFTY YEARS OF AGE OR OLDER WANT TO STAY IN THEIR HOMES OR COMMUNITIES FOR AS LONG AS THEY CAN. ACCORDING TO A 2018 STUDY BY THE CENTER FOR AMERICAN PROGRESS, FIFTY-ONE PERCENT OF COLORADANS LIVE IN A CHILD CARE DESERT-A COMMUNITY WHERE THERE ARE NO CHILD CARE PROVIDERS OR SO FEW OPTIONS THAT THERE ARE MORE THAN THREE TIMES AS MANY CHILDREN AS THERE ARE LICENSED CHILD CARE SLOTS. THESE CHILD CARE DESERTS ARE SITUATED WITHIN RURAL, SUBURBAN, AND URBAN COMMUNITIES AND ARE A MAJOR REASON FOR WORKING PARENTS TO LEAVE THE WORKFORCE.

(IV) ACCESSORY DWELLING UNITS ARE OFTEN OCCUPIED AT LOW TO NO RENT BY FAMILY MEMBERS, AND IF THEY ARE RENTED PRIVATELY, THEIR RENTS ARE RELATIVELY AFFORDABLE BECAUSE OF THEIR SMALL SIZE;

(V) AS COLORADO'S POPULATION AGES AND TYPICAL HOUSEHOLD SIZE CONTINUES TO DECREASE, ACCESSORY DWELLING UNITS OFFER MORE COMPACT HOUSING OPTIONS THAT ALIGN WITH THE STATE'S CHANGING DEMOGRAPHICS, AND COLORADANS OVER SIXTY-FIVE YEARS OF AGE ARE THE FASTEST-GROWING AGE COHORT IN COLORADO ACCORDING TO THE STATE DEMOGRAPHY OFFICE;

(VI) ACCESSORY DWELLING UNITS ENABLE SENIORS TO DOWNSIZE, MOVE INTO ACCESSIBLE UNITS, OR LIVE WITH FAMILY OR A CAREGIVER WHILE

REMAINING IN THEIR COMMUNITIES. A 2018 AARP SURVEY FOUND THAT SIXTY-SEVEN PERCENT OF ADULTS WOULD CONSIDER LIVING IN AN ACCESSORY DWELLING UNIT TO BE CLOSE TO SOMEONE BUT STILL HAVE A SEPARATE SPACE. MOST SENIORS DO NOT LIVE IN HOMES THAT ARE ACCESSIBLE, EVEN THOUGH DISABILITY IS PREVALENT AMONG THE SENIOR POPULATION AND INCREASES WITH AGE. LESS THAN FOUR PERCENT OF EXISTING HOUSING UNITS IN THE UNITED STATES ARE ESTIMATED TO BE LIVABLE FOR PEOPLE WITH MODERATE MOBILITY DIFFICULTIES, ACCORDING TO "HOUSING FOR AN AGING POPULATION" IN THE JOURNAL HOUSING POLICY DEBATE.

(VII) RELATIVE TO DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS;

(VIII) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS. ACCESSORY DWELLING UNITS CAN REDUCE LIFETIME CARBON DIOXIDE EMISSIONS BY FORTY PERCENT COMPARED TO MEDIUM-SIZED SINGLE-FAMILY HOMES, ACCORDING TO A REPORT FROM THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY. REDUCING EMISSIONS FROM THE HOUSING SECTOR IS CRITICAL FOR MEETING THE STATE'S GREENHOUSE GAS EMISSIONS TARGETS ESTABLISHED IN SECTION 25-7-102. ACCORDING TO "THE CARBON FOOTPRINT OF HOUSEHOLD ENERGY USE IN THE UNITED STATES" IN THE PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, REDUCING FLOOR SPACE PER CAPITA IS A CRITICAL STRATEGY TO REACHING MID-CENTURY CLIMATE GOALS.

(IX) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND AND INFRASTRUCTURE COSTS BY USING LESS PIPING, WHICH REDUCES WATER LOSS; INCLUDES LESS LANDSCAPED SPACE PER UNIT; AND MAKES BETTER USE OF EXISTING INFRASTRUCTURE.

(X) ACCESSORY DWELLING UNITS REDUCE GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR INFRASTRUCTURE SINCE ACCESSORY DWELLING UNITS ARE BUILT IN EXISTING NEIGHBORHOODS AND HAVE A RELATIVELY SMALL IMPACT ON EXISTING INFRASTRUCTURE. NATIONAL

STUDIES SUCH AS "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL GOVERNMENTS.

(XI) A NUMBER OF LOCAL LAND USE LAWS PROHIBIT HOMEOWNERS FROM BUILDING AN ACCESSORY DWELLING UNIT, OR APPLY REGULATIONS TO ACCESSORY DWELLING UNITS THAT SIGNIFICANTLY LIMIT THEIR CONSTRUCTION;

(XII) A NUMBER OF MUNICIPALITIES HAVE REMOVED BARRIERS TO ACCESSORY DWELLING UNIT CONSTRUCTION SUCH AS PARKING REQUIREMENTS, OWNER OCCUPANCY REQUIREMENTS, AND RESTRICTIVE SIZE AND DESIGN LIMITATIONS, WHICH HAS RESULTED IN ACCESSORY DWELLING UNIT PERMITS INCREASING TO TEN TO TWENTY PERCENT OF TOTAL NEW HOUSING PERMITS AND AN OVERALL INCREASE IN THE TOTAL HOUSING SUPPLY. SINCE CALIFORNIA IMPLEMENTED VARIOUS REFORMS TO ENCOURAGE ACCESSORY DWELLING UNIT CONSTRUCTION, INCLUDING REQUIRING CITIES TO ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT, PREVENTING THE IMPOSITION OF PARKING REQUIREMENTS, AND PREVENTING OWNER OCCUPANCY REQUIREMENTS, ACCESSORY DWELLING UNIT CONSTRUCTION HAS INCREASED SIGNIFICANTLY IN CALIFORNIA. FOLLOWING REFORMS TO CALIFORNIA'S ACCESSORY DWELLING UNIT LAW IN 2016, ACCESSORY DWELLING UNIT DEVELOPMENT HAS INCREASED RAPIDLY FROM AROUND ONE THOUSAND ACCESSORY DWELLING UNITS PERMITTED IN 2016 TO OVER TWENTY-FOUR THOUSAND IN 2022, OR ABOUT TWENTY PERCENT OF NEW HOUSING PERMITS STATEWIDE, ACCORDING TO DATA FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ANALYSIS BY THE BIPARTISAN POLICY CENTER.

(XIII) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY, AND HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN REGION, ACCORDING TO THE NATIONAL BUREAU OF ECONOMIC RESEARCH IN WORKING PAPERS SUCH AS "REGULATION AND HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS

AND WITHIN SINGLE FAMILY HOUSING MARKETS";

(XIV) INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF HOUSING SUPPLY" IN THE JOURNAL OF ECONOMIC PERSPECTIVES AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY" IN THE JOURNAL HOUSING POLICY DEBATE;

(XV) ACADEMIC RESEARCH SUCH AS "THE IMPACT OF BUILDING RESTRICTIONS ON HOUSING AFFORDABILITY" IN THE FEDERAL RESERVE BANK OF NEW YORK ECONOMIC POLICY REVIEW HAS IDENTIFIED ZONING AND OTHER LAND USE CONTROLS AS A PRIMARY DRIVER OF RISING HOUSING COSTS IN THE MOST EXPENSIVE HOUSING MARKETS;

(XVI) ACCESSORY DWELLING UNITS OFFER AFFORDABLE AND ATTAINABLE OPTIONS TO LIVE IN HIGH-OPPORTUNITY NEIGHBORHOODS, WHICH CAN HELP IMPROVE EQUITY OUTCOMES REGIONALLY AND STATEWIDE. AN ANALYSIS OF ACCESSORY DWELLING UNIT PERMITTING IN CALIFORNIA FOUND THAT ACCESSORY DWELLING UNITS ARE TYPICALLY PERMITTED ON PARCELS WITH RELATIVELY GOOD ACCESS TO JOBS COMPARED TO SURROUNDING AREAS, ACCORDING TO "WHERE WILL ACCESSORY DWELLING UNITS SPROUT UP WHEN A STATE LETS THEM GROW? EVIDENCE FROM CALIFORNIA" IN CITYSCAPE: A JOURNAL OF POLICY DEVELOPMENT AND RESEARCH.

(XVII) LOCAL GOVERNMENT REGULATION OF ACCESSORY DWELLING UNITS VARIES SIGNIFICANTLY WITHIN REGIONS AND STATEWIDE IN COLORADO IN TERMS OF WHERE THEY ARE ALLOWED, THE DIMENSIONAL AND DESIGN RESTRICTIONS APPLIED, AND OTHER REQUIREMENTS. THIS INCONSISTENCY INHIBITS THE DEVELOPMENT OF A ROBUST MARKET OF ACCESSORY DWELLING UNIT DEVELOPERS, MODULAR ACCESSORY DWELLING UNIT DESIGNS, AND ASSOCIATED COST REDUCTIONS. COLORADO IS SIMILAR TO MOST STATES IN THIS REGARD, AND, ACCORDING TO "ZONING BY A THOUSAND CUTS" IN THE PEPPERDINE LAW REVIEW, WHICH ANALYZED ACCESSORY DWELLING UNIT REGULATIONS ACROSS CONNECTICUT, "THE HIGH DEGREE OF REGULATORY VARIATION THWARTS THE DEVELOPMENT OF PROTOTYPE DESIGNS OR PREFABRICATED [ACCESSORY DWELLING UNITS] THAT COULD SATISFY DIFFERENT RULES ACROSS JURISDICTIONS".

(XVIII) MORE PERMISSIVE REGULATION BY LOCAL GOVERNMENTS OF ACCESSORY DWELLING UNITS PROVIDES A REASONABLE CHANCE FOR HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT AND THEREBY INCREASE HOUSING SUPPLY, STABILIZE HOUSING COSTS, AND CONTRIBUTE TO AFFORDABLE AND EQUITABLE HOME OWNERSHIP TO ADEQUATELY MEET THE HOUSING NEEDS OF A GROWING COLORADO POPULATION.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT INCREASING THE HOUSING SUPPLY THROUGH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-35-102. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT:

(a) SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED;

(b) INCORPORATES UNIVERSAL DESIGN; OR

(c) IS EITHER A TYPE A DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (10), OR A TYPE B DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (12).

(2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL, ATTACHED, OR DETACHED DWELLING UNIT THAT:

(a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS;

(b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE; AND

(c) INCLUDES FACILITIES FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

(3) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" MEANS

A LOCAL GOVERNMENT THAT THE DEPARTMENT HAS CERTIFIED PURSUANT TO SECTION 29-35-104 AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION.

(4) "ACCESSORY USE" MEANS A STRUCTURE OR THE USE OF A STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE CUSTOMARILY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE OR USE OF THE STRUCTURE.

(5)(a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A PROCESS IN WHICH:

(I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

(II) DOES NOT REQUIRE, AND CANNOT BE ELEVATED TO REQUIRE, A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR A HEARING OFFICER.

(b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, AN ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF, REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY, PROVIDED THAT:

(I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED LOCAL GOVERNMENT; AND

(II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES.

(6) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE COUNTY BUT EXCLUDING A CITY AND COUNTY.

(7) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(8) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS, INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING, SANITATION, AND SLEEPING.

(9) "EXEMPT PARCEL" MEANS A PARCEL THAT IS:

(a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5), OR IS SERVED BY A WELL WITH A PERMIT THAT CANNOT SUPPLY AN ADDITIONAL DWELLING UNIT;

(b) A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC DISTRICT;
OR

(c) IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(10) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36 CFR 60.3 (d).

(11) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED:

(a) ON THE NATIONAL REGISTER OF HISTORIC PLACES;

(b) ON THE COLORADO STATE REGISTER OF HISTORIC PROPERTIES; OR

(c) AS A CONTRIBUTING STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

(12) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR TRIBAL NATION WITH JURISDICTION IN COLORADO.

(13) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(14) "LOW- AND MODERATE-INCOME HOUSEHOLD" MEANS A HOUSEHOLD THAT IS CONSIDERED LOW-, MODERATE-, OR MEDIUM-INCOME, AS DETERMINED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(15) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(16) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(17) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(a) IS A DEFINED BENCHMARK OR CRITERION THAT ALLOWS FOR DETERMINATIONS OF COMPLIANCE TO BE CONSISTENTLY DECIDED REGARDLESS OF THE DECISION MAKER; AND

(b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

(I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT PLANS;

(II) COMPATIBLE WITH THE LAND USE OR DEVELOPMENT OF THE AREA SURROUNDING THE AREA DESCRIBED IN THE APPLICATION; OR

(III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY CHARACTER, OR NEIGHBORHOOD CHARACTER.

(18) "RESTRICTIVE DESIGN OR DIMENSION STANDARD" MEANS A STANDARD IN A LOCAL LAW THAT:

(a) REQUIRES AN ARCHITECTURAL STYLE, BUILDING MATERIAL, OR LANDSCAPING THAT IS MORE RESTRICTIVE FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;

(b) DOES NOT ALLOW FOR ACCESSORY DWELLING UNIT SIZES

BETWEEN FIVE HUNDRED AND SEVEN HUNDRED FIFTY SQUARE FEET;

(c) REQUIRES SIDE SETBACKS FOR AN ACCESSORY DWELLING UNIT THAT ARE LARGER THAN THE SIDE SETBACKS REQUIRED FOR A PRIMARY DWELLING UNIT IN THE SAME ZONING DISTRICT;

(d) REQUIRES A REAR SETBACK FOR AN ACCESSORY DWELLING UNIT THAT IS LARGER THAN THE GREATER OF:

(I) THE REAR SETBACK REQUIRED FOR OTHER ACCESSORY BUILDING TYPES IN THE SAME ZONING DISTRICT; OR

(II) FIVE FEET;

(e) IS A MORE RESTRICTIVE MINIMUM LOT SIZE STANDARD FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT; OR

(f) APPLIES MORE RESTRICTIVE AESTHETIC DESIGN OR DIMENSIONAL STANDARDS TO ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10), THAN OTHER ACCESSORY DWELLING UNITS.

(19) (a) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (19), "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL OR MOTEL UNIT.

(b) NOTWITHSTANDING SUBSECTION (19)(a) OF THIS SECTION, A LOCAL GOVERNMENT MAY APPLY ITS OWN DEFINITION OF "SHORT-TERM RENTAL" FOR PURPOSES OF THIS PART 1.

(20) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED BUILDING WITH A SINGLE DWELLING UNIT ON A SINGLE LOT.

(21) "SUBJECT JURISDICTION" MEANS EITHER:

(a) A MUNICIPALITY THAT BOTH HAS A POPULATION OF ONE THOUSAND OR MORE, AS REPORTED BY THE STATE DEMOGRAPHY OFFICE,

AND IS WITHIN A METROPOLITAN PLANNING ORGANIZATION; OR

(b) THE PORTION OF A COUNTY THAT IS BOTH WITHIN A CENSUS DESIGNATED PLACE WITH A POPULATION OF FORTY THOUSAND OR MORE, AS REPORTED IN THE MOST RECENT DECENNIAL CENSUS, AND WITHIN A METROPOLITAN PLANNING ORGANIZATION.

(22) "TANDEM PARKING SPACE" MEANS A PARKING SPACE THAT IS LOCATED EITHER IN FRONT OF OR BEHIND ONE OR MORE OTHER PARKING SPACES THAT SHARE THE SAME POINT OF ACCESS.

(23) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL REGARDLESS OF AGE OR ABILITIES.

(24) "VISITABLE UNIT" MEANS A DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

29-35-103. Accessory dwelling unit requirements for a subject jurisdiction. (1) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL ALLOW, SUBJECT TO AN ADMINISTRATIVE APPROVAL PROCESS, ONE ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF THE SUBJECT JURISDICTION WHERE THE JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS.

(2) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL NOT:

(a) REQUIRE THE CONSTRUCTION OF A NEW OFF-STREET PARKING SPACE IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION;

(b) REQUIRE AN ACCESSORY DWELLING UNIT, OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT, TO BE OWNER-OCCUPIED; EXCEPT THAT A SUBJECT JURISDICTION MAY REQUIRE A PROPERTY OWNER TO DEMONSTRATE THAT THE PROPERTY OWNER RESIDES ON THE PARCEL WHEN AN APPLICATION IS SUBMITTED:

(I) TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT. THIS EXCEPTION DOES NOT APPLY FOR AN ACCESSORY DWELLING UNIT THAT IS BEING CONSTRUCTED SIMULTANEOUSLY WITH A NEW PRIMARY DWELLING UNIT.

(II) FOR A LICENSE OR PERMIT FOR A SHORT-TERM RENTAL ON THE PARCEL THROUGH A LOCAL LAW OR PROGRAM.

(c) APPLY A RESTRICTIVE DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT.

(3) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION OR OTHER LOCAL GOVERNMENT FROM:

(a) REQUIRING THE DESIGNATION OF AN OFF-STREET PARKING SPACE IN CONNECTION WITH AN ACCESSORY DWELLING UNIT, SO LONG AS THERE IS AN EXISTING DRIVEWAY, GARAGE, TANDEM PARKING SPACE, OR OTHER OFF-STREET PARKING SPACE AVAILABLE FOR SUCH A DESIGNATION AT THE TIME OF THE CONSTRUCTION OR CONVERSION OF THE ACCESSORY DWELLING UNIT;

(b) REQUIRING, IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, ONE NEW PARKING SPACE ON A PARCEL THAT:

(I) DOES NOT HAVE AN EXISTING OFF-STREET PARKING SPACE, INCLUDING A DRIVEWAY, GARAGE, OR TANDEM PARKING SPACE, THAT COULD BE USED FOR AN ACCESSORY DWELLING UNIT;

(II) IS IN A ZONING DISTRICT THAT, AS OF JANUARY 1, 2024, REQUIRES ONE OR MORE PARKING SPACES FOR THE PRIMARY DWELLING UNIT; AND

(III) IS LOCATED ON A BLOCK WHERE ON-STREET PARKING IS PROHIBITED FOR ANY REASON INCLUDING ENSURING ACCESS FOR EMERGENCY SERVICES;

(c) ALLOWING THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT THAT IS SMALLER THAN FIVE HUNDRED SQUARE FEET OR GREATER THAN EIGHT HUNDRED SQUARE FEET, OR RESTRICTING THE

SIZE OF AN ACCESSORY DWELLING UNIT SO THAT IT IS NO LARGER THAN THE SIZE OF THE PRINCIPAL DWELLING UNIT ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT;

(d) ALLOWING THE CONSTRUCTION OR CONVERSION OF MULTIPLE ACCESSORY DWELLING UNITS ON THE SAME LOT;

(e) APPLYING A DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT THAT IS NOT A RESTRICTIVE DESIGN OR DIMENSION STANDARD;

(f) ADOPTING OR ENFORCING A GENERALLY APPLICABLE REQUIREMENT FOR:

(I) THE PAYMENT OF AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE, PURSUANT TO SECTION 29-20-104.5; OR

(II) THE MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 20 OF THIS TITLE 29;

(g) ENACTING OR APPLYING A LOCAL LAW CONCERNING THE SHORT-TERM RENTAL OF AN ACCESSORY DWELLING UNIT OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT;

(h) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A HISTORIC DISTRICT TO A LOT ON WHICH AN ACCESSORY DWELLING UNIT IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING A STANDARD OR PROCEDURE RELATED TO DEMOLITION;

(i) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY CODE, INCLUDING BUT NOT LIMITED TO, A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

(j) ALLOWING THE CONSTRUCTION OF, OR ISSUING A PERMIT FOR THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA ZONED FOR SINGLE-UNIT DETACHED DWELLINGS;

(k) ENCOURAGING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE, THROUGH THE APPLICATION OF LOCAL LAWS OR PROGRAMS INCLUDING THROUGH DEED RESTRICTIONS, MADE AFFORDABLE TO

HOUSEHOLDS UNDER CERTAIN INCOME LIMITS OR USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE PURSUANT TO A LOCAL, REGIONAL, OR STATE AFFORDABLE HOUSING PROGRAM;

(l) DEFINING ACCESSORY DWELLING UNIT IN LOCAL LAW AS INCLUDING OR EXCLUDING OTHER DWELLING UNIT TYPES SUCH AS A "MOTOR HOME", AS DEFINED IN SECTION 42-1-102 (57), A "MULTIPURPOSE TRAILER", AS DEFINED IN SECTION 42-1-102 (60.3), AND A "RECREATIONAL VEHICLE", AS DEFINED IN SECTION 24-32-902 (9); OR

(m) REQUIRING A STATEMENT BY A WATER OR WASTEWATER SERVICE PROVIDER REGARDING ITS CAPACITY TO SERVICE THE PROPERTY AS A CONDITION OF PERMITTING AN ACCESSORY DWELLING UNIT.

(4) THIS SECTION ONLY APPLIES TO A PARCEL IN A SUBJECT JURISDICTION THAT IS NOT AN EXEMPT PARCEL.

29-35-104. Accessory dwelling unit supportive jurisdiction report - certification of a jurisdiction as an accessory dwelling unit supportive jurisdiction. (1) (a) IN ORDER TO BE CERTIFIED AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION BY THE DEPARTMENT, A LOCAL GOVERNMENT MUST SUBMIT TO THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, A REPORT DEMONSTRATING EVIDENCE OF THE LOCAL GOVERNMENT:

(I) COMPLYING WITH SECTION 29-35-103 AS A SUBJECT JURISDICTION OR, IF THE LOCAL GOVERNMENT IS NOT A SUBJECT JURISDICTION, AS IF THE LOCAL GOVERNMENT WERE A SUBJECT JURISDICTION FOR PURPOSES OF SECTION 29-35-103; AND

(II) IMPLEMENTING ONE OR MORE OF THE FOLLOWING STRATEGIES:

(A) WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT-RELATED FEES THAT ARE INCURRED BY LOW- AND MODERATE-INCOME HOUSEHOLDS;

(B) ENACTING LOCAL LAWS OR PROGRAMS THAT INCENTIVIZE THE AFFORDABILITY OF CERTAIN ACCESSORY DWELLING UNITS INCLUDING ACCESSORY DWELLING UNITS USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE;

(C) PROVIDING PRE-APPROVED PLANS FOR THE CONSTRUCTION OF ACCESSORY DWELLING UNITS;

(D) IMPLEMENTING A PROGRAM TO PROVIDE EDUCATION AND TECHNICAL ASSISTANCE TO HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT;

(E) IMPLEMENTING A PROGRAM TO REGULATE THE USE OF ACCESSORY DWELLING UNITS FOR SHORT-TERM RENTALS;

(F) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION AND CONVERSION OF ACCESSIBLE AND VISITABLE ACCESSORY DWELLING UNITS;

(G) ASSISTING PROPERTY OWNERS WITH ENSURING THAT PRE-EXISTING ACCESSORY DWELLING UNITS COMPLY WITH LOCAL LAWS;

(H) ENABLING A PATHWAY FOR THE SEPARATE SALE OF AN ACCESSORY DWELLING UNIT;

(I) ENACTING LOCAL LAWS THAT ENCOURAGE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); OR

(J) ANY OTHER STRATEGY THAT IS APPROVED BY THE DEPARTMENT AND THAT ENCOURAGES THE CONSTRUCTION, CONVERSION, OR USE OF ACCESSORY DWELLING UNITS.

(b)(I) ON OR BEFORE JUNE 30, 2025, A SUBJECT JURISDICTION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION, THE DEPARTMENT MAY ALLOW A SUBJECT JURISDICTION TO SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NO MORE THAN SIX MONTHS AFTER THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION IF THE SUBJECT JURISDICTION DEMONSTRATES, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT THE SUBJECT JURISDICTION HAS:

(A) INITIATED A PROCESS TO UPDATE ITS LOCAL LAWS AS NECESSARY

TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION;

(B) A PLAN AND TIMELINE TO UPDATE ITS LOCAL LAWS AS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

(C) PROVIDED AN EXPLANATION FOR NOT BEING ABLE TO MEET THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

(c) IF A LOCAL GOVERNMENT THAT IS NOT A SUBJECT JURISDICTION SUBMITS A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THAT LOCAL GOVERNMENT SHALL, AS PART OF THE REPORT, SUBMIT EVIDENCE OF COMPLYING WITH THE REQUIREMENTS FOR A SUBJECT JURISDICTION DESCRIBED IN SECTION 29-35-103.

(2)(a) WITHIN NINETY DAYS OF RECEIVING A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE REPORT, EITHER APPROVE OR REJECT THE REPORT, AND PROVIDE FEEDBACK TO THE LOCAL GOVERNMENT ON THE REPORT.

(b) IF THE DEPARTMENT APPROVES A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THAT LOCAL GOVERNMENT A CERTIFICATE INDICATING THAT THE LOCAL GOVERNMENT QUALIFIES AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION. THE DEPARTMENT MAY REVOKE SUCH A CERTIFICATE IF A LOCAL GOVERNMENT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION.

(c) IF THE DEPARTMENT REJECTS A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY GRANT THE LOCAL GOVERNMENT AN ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT ANY DEFICIENCIES IDENTIFIED IN THE REPORT AND RESUBMIT AN AMENDED REPORT. WITHIN NINETY DAYS OF RECEIVING AN AMENDED REPORT, THE DEPARTMENT SHALL REVIEW THE AMENDED REPORT, EITHER APPROVE OR REJECT THE AMENDED REPORT, AND PROVIDE FEEDBACK ON THE AMENDED REPORT.

(3) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF

TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, MAY DEVELOP POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

29-35-105. Accessory dwelling unit fee reduction and encouragement grant program - created - application - criteria - awards - fund - reporting requirements - rules - definitions - repeal.

(1) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM IS CREATED IN THE DEPARTMENT TO PROVIDE GRANTS TO ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS FOR ACTIVITIES THAT PROMOTE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS, INCLUDING BUT NOT LIMITED TO, OFFSETTING COSTS INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR CONSTRUCTING ACCESSORY DWELLING UNITS, OR WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT ASSOCIATED FEES AND OTHER REQUIRED COSTS.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO OFFSET BOTH ELIGIBLE COSTS AND THE COST OF WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR REASONABLE AND NECESSARY ACCESSORY DWELLING UNIT FEES AND OTHER REQUIRED COSTS FOR:

- (a) LOW- AND MODERATE-INCOME HOUSEHOLDS;
- (b) AFFORDABLE ACCESSORY DWELLING UNITS;
- (c) ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS;
- (d) ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS FOR MEMBERS OF THE LOCAL WORKFORCE; OR
- (e) ACCESSORY DWELLING UNITS USED TO SUPPORT OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, PROVIDE TECHNICAL ASSISTANCE, DEVELOP A TOOLKIT TO SUPPORT LOCAL GOVERNMENTS IN ENCOURAGING ACCESSORY DWELLING UNIT CONSTRUCTION, RECEIVE GRANT APPLICATIONS

AND AWARD GRANTS AS PROVIDED IN THIS SECTION.

(4) TO RECEIVE A GRANT, AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

(a) A COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 29-35-104 CERTIFYING THAT THE LOCAL GOVERNMENT IS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION;

(b) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT HAS PERMITTED AND WHEN THE LOCAL GOVERNMENT PERMITTED THOSE ACCESSORY DWELLING UNITS;

(c) THE TYPE AND COSTS OF FEES AND OTHER ELIGIBLE COSTS THAT THE LOCAL GOVERNMENT IS PROPOSING TO USE A GRANT AWARD TO PAY FOR;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT EXPECTS TO SUPPORT WITH A GRANT AWARD AND THE PERIOD FOR WHICH THE LOCAL GOVERNMENT INTENDS TO SUPPORT THOSE ACCESSORY DWELLING UNITS; AND

(e) INFORMATION ABOUT THE TYPES OF HOUSEHOLDS AND ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT INTENDS TO SUPPORT WITH A GRANT AWARD, SUCH AS WHETHER THE LOCAL GOVERNMENT INTENDS TO SUPPORT LOW- AND MODERATE-INCOME HOUSEHOLDS, AFFORDABLE ACCESSORY DWELLING UNITS, ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS, ACCESSORY DWELLING UNITS FOR HOUSING THE LOCAL WORKFORCE, OR ACCESSORY DWELLING UNITS SUPPORTING OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(5) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT SHALL GIVE PRIORITY TO LOCAL GOVERNMENTS THAT:

(a) IMPOSE ACCESSORY DWELLING UNIT FEES AND COSTS THAT ARE REASONABLE AND NECESSARY;

(b) HAVE DEMONSTRATED A SIGNIFICANT COMMITMENT TO FURTHER CONSTRUCTION AND CONVERSION OF ACCESSORY DWELLING UNITS THROUGH THE ADOPTION OF STRATEGIES DESCRIBED IN SECTION 29-35-104 (1)(a)(II); AND

(c) PROVIDE OFFSETS FOR, OR WAIVE A GREATER NUMBER OF ACCESSORY DWELLING UNIT FEES FOR:

(I) LOW- AND MODERATE-INCOME HOUSEHOLDS; OR

(II) ACCESSORY DWELLING UNITS THAT ARE RENTED TO LOW- AND MODERATE-INCOME HOUSEHOLDS.

(6) IN AWARDING A GRANT, THE DEPARTMENT SHALL AWARD A LOCAL GOVERNMENT AN AMOUNT EQUAL TO NO MORE THAN FIFTEEN THOUSAND DOLLARS PER ACCESSORY DWELLING UNIT PERMITTED BY THE LOCAL GOVERNMENT, TO BE REIMBURSED BASED ON THE NUMBER OF PERMITTED ACCESSORY DWELLING UNITS.

(7) (a) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND AND GIFTS, GRANTS, OR DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM.

(c) ON OR BEFORE JUNE 30, 2024, THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(8) IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION, EACH LOCAL GOVERNMENT THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ACCESSORY DWELLING UNITS WITH ACCESSORY DWELLING UNIT FEES OR COSTS THAT LOCAL GOVERNMENTS WAIVED, REDUCED, OR PROVIDED FINANCIAL ASSISTANCE FOR IN THE PAST YEAR;

(b) THE TOTAL AMOUNT OF ELIGIBLE COSTS THAT LOCAL GOVERNMENTS INCURRED AND WERE REIMBURSED FOR THROUGH THE GRANT PROGRAM IN THE PAST YEAR IN CONNECTION WITH THE GRANT PROGRAM;

(c) THE NUMBER OF THE ACCESSORY DWELLING UNITS DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION THAT WERE BUILT IN THE PAST YEAR THAT WERE BUILT BY LOW- AND MODERATE-INCOME HOUSEHOLDS, THAT ARE AFFORDABLE ACCESSORY DWELLING UNITS, AND THAT ARE VISITABLE OR ACCESSIBLE ACCESSORY DWELLING UNITS;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); AND

(e) THE NUMBER OF ACCESSORY DWELLING UNIT PERMITS AWARDED, DENIED, OR IN PROGRESS IN THE LOCAL GOVERNMENT'S JURISDICTION.

(9) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, POLICIES AND PROCEDURES BOTH AS REQUIRED IN THIS SECTION AND AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACCESSORY DWELLING UNIT FEE" MEANS A REASONABLE AND NECESSARY FEE COLLECTED OR REQUIRED BY A LOCAL GOVERNMENT IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT. SUCH A FEE MAY INCLUDE IMPACT FEES.

(b) (I) "ELIGIBLE COSTS" MEANS COSTS INCURRED BY A LOCAL GOVERNMENT AND DETERMINED BY THE DEPARTMENT TO BE INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR

CONSTRUCTING ACCESSORY DWELLING UNITS, OR OTHER REASONABLE AND NECESSARY FEES LEVIED BY OR COSTS BORNE BY THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT.

(II) NOTWITHSTANDING SUBSECTION (10)(b)(I) OF THIS SECTION, IN ORDER FOR COSTS INCURRED BY A LOCAL GOVERNMENT IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS TO QUALIFY AS ELIGIBLE COSTS, AT LEAST ONE SUCH PRE-APPROVED ACCESSORY DWELLING UNIT PLAN MUST BE FOR AN ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNIT.

(c) "FUND" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

(d) "GRANT PROGRAM" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM CREATED IN THIS SECTION.

(11) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

SECTION 2. In Colorado Revised Statutes, 24-32-3305, **add** (3.3) as follows:

24-32-3305. Rules - advisory committee - enforcement. (3.3) THE DEPARTMENT SHALL CREATE FOR FACTORY-BUILT STRUCTURES, INCLUDING THOSE THAT WOULD BE CONSIDERED ACCESSORY DWELLING UNITS, MODEL PUBLIC SAFETY CODE REQUIREMENTS RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS, WIND SHEAR FACTORS, OR WILDFIRE RISK, FOR LOCAL GOVERNMENTS TO CONSIDER AND ADOPT PURSUANT TO SECTION 24-32-3318 (2)(a).

SECTION 3. In Colorado Revised Statutes, 24-46-104, **add** (1)(q) as follows:

24-46-104. Powers and duties of commission - repeal. (1) The commission has the following powers and duties:

(q) (I) TO EXPEND EIGHT MILLION DOLLARS TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF

ARTICLE 4 OF TITLE 29, FOR THE CREATION AND OPERATION OF ONE OR MORE OF THE FOLLOWING PROGRAMS TO BENEFIT LOW- TO MODERATE-INCOME RESIDENTS IN LOCAL GOVERNMENTS THAT HAVE BEEN CERTIFIED AS ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS BY THE DEPARTMENT OF LOCAL AFFAIRS:

(A) AN ACCESSORY DWELLING UNIT CREDIT ENHANCEMENT PROGRAM THAT SUPPORTS LENDERS OFFERING AFFORDABLE LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS FOR THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(B) A PROGRAM THAT ALLOWS FOR THE BUYING DOWN OF INTEREST RATES ON LOANS MADE TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(C) A PROGRAM THAT OFFERS DOWN PAYMENT ASSISTANCE IN CONNECTION WITH ACCESSORY DWELLING UNITS, PRINCIPAL REDUCTION ON LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS MADE IN CONNECTION WITH ACCESSORY DWELLING UNITS, OR BOTH; OR

(D) A PROGRAM IN WHICH THE COLORADO HOUSING AND FINANCE AUTHORITY OFFERS LOANS, REVOLVING LINES OF CREDIT, OR GRANTS TO ELIGIBLE NON-PROFITS, PUBLIC HOUSING AUTHORITIES, AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS TO MAKE DIRECT LOANS OR GRANTS TO SUPPORT THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS FOR LOW- AND MODERATE-INCOME BORROWERS OR TENANTS.

(II) ANY CONTRACT MADE BY THE COMMISSION WITH THE COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO THIS SUBSECTION (1)(q) MAY INCLUDE NORMAL AND CUSTOMARY FEES AND EXPENSES FOR ADMINSTRATING THE PROGRAMS DESCRIBED IN THIS SUBSECTION (1)(q).

SECTION 4. In Colorado Revised Statutes, 24-46-105, **add** (1)(c) as follows:

24-46-105. Colorado economic development fund - creation - report - repeal. (1) (c) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER EIGHT MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

THE COMMISSION SHALL USE THE FUNDS TRANSFERRED PURSUANT TO THIS SUBSECTION (1)(c)(I) TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF ARTICLE 4 OF TITLE 29, FOR THE PURPOSES DESCRIBED IN SECTION 24-46-104 (1)(q).

(II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 5. In Colorado Revised Statutes, 24-67-105, **add** (5.3) as follows:

24-67-105. Standards and conditions for planned unit development - definitions. (5.3) (a) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT IS ADOPTED OR APPROVED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), AND THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, MUST NOT RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT OR IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103.

(b) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT WAS ADOPTED OR APPROVED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, AND THAT RESTRICTS THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT:

(I) SHALL NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING UNIT IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103; AND

(II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW PURSUANT TO SECTION 29-35-103.

(c) NOTWITHSTANDING SUBSECTION (5.3)(b) OF THIS SECTION, A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH

PLANNED UNIT DEVELOPMENT.

(d) AS USED IN THIS SUBSECTION (5.3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (13).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 6. In Colorado Revised Statutes, 38-33.3-106.5, **add** (4) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (4) (a) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(b) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(c) SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION DO NOT APPLY

TO REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN THIS SUBSECTION (4)(c), "REASONABLE RESTRICTION" MEANS A SUBSTANTIVE CONDITION OR REQUIREMENT THAT DOES NOT UNREASONABLY INCREASE THE COST TO CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY DWELLING UNIT CONSISTENT WITH PART 1 OF ARTICLE 35 OF TITLE 29.

(d) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (3).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 7. Appropriation. (1) For the 2024-25 state fiscal year, \$537,246 is appropriated to the department of local affairs. This appropriation is from the accessory dwelling unit fee reduction and encouragement grant program fund created in section 29-35-105 (7)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$467,246 for use by division of local government for accessory dwelling unit fee reduction and encouragement grant program related to local government services, which amount is based on an assumption that the division will require an additional 4.9 FTE; and

(b) \$70,000 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, \$70,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection (1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

An Act

HOUSE BILL 24-1007

BY REPRESENTATIVE(S) Rutinel and Mabrey, Bacon, Boesenecker, deGruy Kennedy, English, Epps, Froelich, Garcia, Hernandez, Jodeh, Kipp, Lindsay, Lindstedt, Marvin, Mauro, McCormick, Ortiz, Parenti, Ricks, Sirota, Velasco, Vigil, Weissman, Willford, McCluskie, Herod, Martinez; also SENATOR(S) Exum and Gonzales, Buckner, Coleman, Cutter, Danielson, Fields, Hinrichsen, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F.

CONCERNING RESIDENTIAL OCCUPANCY LIMITS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 29-20-111 as follows:

29-20-111. Local government residential occupancy limits - short title - legislative declaration - definition. (1) THE SHORT TITLE OF THIS SECTION IS THE "HOME (HARMONIZING OCCUPANCY MEASURES EQUITABLY) ACT".

(2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT OCCUPANCY LIMITS AND THE INCREASED AVAILABILITY OF HOUSING ARE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

MATTERS OF MIXED STATEWIDE AND LOCAL CONCERN.

(3) A LOCAL GOVERNMENT SHALL NOT LIMIT THE NUMBER OF PEOPLE WHO MAY LIVE TOGETHER IN A SINGLE DWELLING BASED ON FAMILIAL RELATIONSHIP. LOCAL GOVERNMENTS RETAIN THE AUTHORITY TO IMPLEMENT RESIDENTIAL OCCUPANCY LIMITS BASED ONLY ON:

(a) DEMONSTRATED HEALTH AND SAFETY STANDARDS, SUCH AS INTERNATIONAL BUILDING CODE STANDARDS, FIRE CODE REGULATIONS, OR COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WASTEWATER AND WATER QUALITY STANDARDS; OR

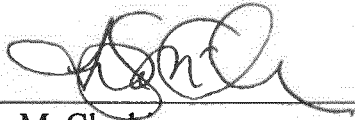
(b) LOCAL, STATE, FEDERAL, OR POLITICAL SUBDIVISION AFFORDABLE HOUSING PROGRAM GUIDELINES.

(4) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY CITY, HOME RULE OR STATUTORY COUNTY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

SECTION 2. Effective date. This act takes effect July 1, 2024.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

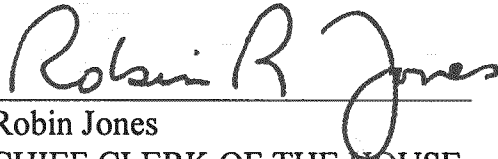
preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

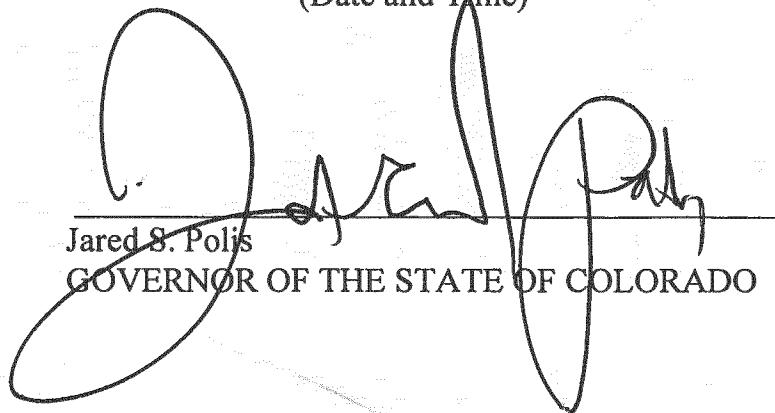


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Monday April 15th 2024 at 12:15 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO



AGENDA ITEM: Presentation –Comprehensive Plan Scope

MEETING DATE: May 21, 2024

PRESENTED BY: Lisa Ritchie, AICP, Planning and Building Director
Renae Stavros, AICP, Planner III

PRESENTED FOR: Discussion

BACKGROUND:

The Town of Superior last updated the Comprehensive Plan in 2012 (see attachment). The stated purpose of the plan is:

The purpose of the plan is to provide a basis for current and future land use decisions in the Town of Superior. This plan seeks to facilitate rational decisions regarding future development that are based on limited natural resources, economic considerations, and sound community design and planning principles.

Many of the goals and recommendations related to development in the plan have been put into place, including the development of Downtown Superior (Superior Town Center), Roger’s Farm, Lanterns Lane, and Calmante. The Resolute property was partially developed with residential uses, with some remaining availability for commercial development. The Town developed Wildflower Park, consistent with the recommendation of the Plan. The Town also acquired the Ridge II property and Coyote Ridge Open Space. Three opportunities areas remain undeveloped; Zarahias, the 76th Street Properties and Town (previously Richmond) 15. Portions of Discovery Office Park remain undeveloped as well.

The Town also adopted a Transportation Plan in 2014. Similar to the Comprehensive Plan, many of the goals and recommendations in this plan have been constructed. These include the Diverging Diamond Interchange, the creation of the transportation network into and through Downtown Superior, added capacity on 88th Street, and completion of the US 36 bikeway and associated connections and underpasses.

Following the last Comprehensive Plan, the Town has experienced dramatic change, some planned for, and some unanticipated. In addition to the development noted above, the Town experienced impacts from the 2013 Floods, the COVID-19 Pandemic, the construction of the Community Center, and 2021 Marshall Fire. While the completion of Downtown Superior

presents many additional opportunities for community connections and events, the Superior Marketplace remains the Town's economic engine.

2024 COMPREHENSIVE PLAN UPDATE

The Town approved a budget of \$150,000 to update the Comprehensive Plan in 2024. In March, the Colorado Dept of Local Affairs (DOLA) awarded the Town an additional \$150,000 to support the development of the plan. This grant requires inclusion of the following elements within the plan:

- A Three Mile Plan, pursuant to state statutes (the Town already does this annually)
- An assessment of risks and vulnerabilities of natural and human caused hazards and goals, strategies, and/or actions to address those hazards
- Identification of recommendations for Land Use code updates to conform with an updated Comprehensive Plan
- Demonstrated engagement with neighboring jurisdictions and major service providers/special districts
- Assessment of housing needs and affordability
- Inclusion of water supply and conservation efforts to ensure sufficient water supply for projected development and an overall water conservation strategy

With the additional funds, Town staff intends to develop a concurrent update to the Transportation Plan. The Town intends to hire separate consultants for the development of each plan, but provide joint outreach opportunities throughout the process. The Town expects to spend roughly 2/3 of the budget on the Comprehensive Plan and 1/3 on the Transportation Plan. The Public Works Department will lead the Transportation Plan, however staff and the consultant teams will work closely together throughout the entire process.

In April of this year, Town staff published a Request for Proposals (RFP) for consultant support for the Comprehensive Plan. The Town Board will approve a contract with the selected consultant, along with the finalized scope.

DRAFT SCOPE:

Staff is presenting the Draft Comprehensive Plan scope for review by the Planning Commission. Where feasible, feedback from the Planning Commission may be included in the final scope presented to the Town Board.

The components of the contract scope will include:

- Project Management and Administration
- Outreach and Engagement - *To occur throughout the entire process*
 - Identify key stakeholders and partner organizations
 - Considering creation of an Advisory Team of key staff, and possibly inclusion of residents or member of Town Committees
 - Identification of underrepresented groups, along with outreach strategies
 - Creation of project website and branding, utilization of ShapeSuperior
 - Mix of in-person and online engagement throughout the entire process

- Community Survey to initiate the vision phase
- Community Workshops
- Pop-ups at community events, local stores and amenities
- Data Collection and Analysis
 - Review of existing plans and policy work
 - Inventory of existing conditions
 - Review of Chapter 16 and existing Planned Developments
 - Identification of other long-range planning gaps/needs
- Market and Fiscal Analysis
 - Analysis of key land use categories; residential, retail, office and industrial/flex
 - 10 to 20-year demand estimates
 - Qualitative and locational calibrations
 - Integration of Housing Plan
 - Evaluates the implementation and location for Housing Plan recommendations
 - Sales Tax Leakage and Visitation Analysis
 - Understand where our residents are shopping and who is visiting our stores
 - Fiscal Analysis
 - Evaluates a no-action policy scenario, and up to two action alternatives for financial impacts to the Town
- Climate Action, Resiliency and Hazard Mitigation
 - Review and analyze existing policies, plans and problems
 - Gap assessment to identify opportunities to improve outcomes
- Growth Alternatives Analysis
 - Develop the vision for growth over the next 5-20 years
 - Develop Future Land Use Map
- Draft Policy Recommendations and Implementation Strategies
- Draft Comprehensive Plan

DISCUSSION:

Planning Staff seeks feedback from the Planning Commission on the draft Comprehensive Plan scope.

ATTACHMENTS:

- 2012 Comprehensive Plan