

Proposed Initiative #76(a)
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:
ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF COLORADO IS AMENDED BY THE
ADDITION OF A NEW SECTION TO READ:

Section 15. Colorado growth limitation

(1) THE ELECTORS OF EVERY CITY, TOWN, CITY AND COUNTY, OR LOCAL COUNTY, WHETHER STATUTORY OR HOME RULE, RESERVE THE RIGHT TO LIMIT HOUSING GROWTH WITHOUT LEGISLATIVE INHIBITION OR PENALTY BY INITIATIVE AND REFERENDUM. THIS RIGHT IS FURTHER RESERVED ON A COUNTYWIDE BASIS WHEREBY ELECTORS THROUGHOUT A COUNTY MAY ELECT TO LIMIT HOUSING GROWTH UNIFORMLY IN EVERY CITY, TOWN, CITY AND COUNTY, LOCAL COUNTY, AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, WITHIN SUCH COUNTY.

(2) PRIVATELY OWNED RESIDENTIAL HOUSING GROWTH IN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO, JEFFERSON AND LARIMER SHALL NOT EXCEED ONE PERCENT ANNUALLY FOR THE YEARS 2007, 2008, 2009, AND 2010. IN SAID COUNTIES EACH LOCAL GOVERNMENT AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, SHALL ALLOT BUILDING PERMITS SO THAT SAID HOUSING GROWTH DOES NOT EXCEED A ONE PERCENT ANNUAL GROWTH RATE IN THE TOTAL NUMBER OF DWELLING UNITS IN EACH SAID YEAR. AT LEAST THIRTY PERCENT OF THE HOUSING SUBJECT TO THE LIMITATION SHALL BE AFFORDABLE HOUSING AND AFFORDABLE SENIOR HOUSING AS SHALL BE DEFINED BY THE GENERAL ASSEMBLY AND SUBJECT TO INITIATIVE AND REFERENDUM IN EACH LOCAL GOVERNMENT. BETWEEN NOVEMBER 8, 2006, AND JANUARY 1, 2007, NO PERMITS TO BUILD NEW PRIVATELY OWNED RESIDENTIAL HOUSING UNITS SHALL BE ISSUED WITHIN SAID COUNTIES. THIS MEASURE SHALL BE CALLED FOR THE 2010 NOVEMBER GENERAL ELECTION FOR COUNTYWIDE ELECTORS IN EACH OF THE SAID COUNTIES TO ENACT INDEFINITELY SUBJECT TO SUBSEQUENT MEASURES OR REPEAL BEGINNING IN 2011.

(3) IT SHALL BE A CLASS I MISDEMEANOR FOR AN ELECTED PUBLIC OFFICIAL OR HIS OR HER APPOINTEES TO ENGAGE IN THE SYSTEMATIC SPREAD OF DECEPTIVE OR DISTORTED INFORMATION REGARDING HOUSING GROWTH BY INTENTIONALLY RELEASING AT LEAST TWO SUCH STATEMENTS OR PUBLICATIONS TO THE PUBLIC.

(a) A FIRST CONVICTION FOR THIS OFFENSE SHALL REQUIRE A FINE OF AT LEAST ONE THOUSAND DOLLARS.

(b) A SECOND CONVICTION SHALL REQUIRE A FINE OF AT LEAST FIVE THOUSAND DOLLARS AND AT LEAST TEN DAYS IN JAIL.

(c) EACH SUBSEQUENT CONVICTION SHALL REQUIRE THE MAXIMUM SENTENCE OF A FIVE THOUSAND DOLLAR FINE OR AS AMENDED AND AT LEAST EIGHTEEN MONTHS IN JAIL.

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

(a) "ANNUAL GROWTH" MEANS THAT WHICH OCCURS IN A PARTICULAR CALENDAR YEAR MEASURED IN THE TOTAL NUMBER OF DWELLING UNITS ABOVE THAT FOR THE PREVIOUS YEAR.

(b) "DWELLING UNIT" MEANS A BUILDING OR ANY PORTION OF A BUILDING DESIGNED FOR OCCUPANCY AS COMPLETE, INDEPENDENT LIVING QUARTERS FOR ONE OR MORE PERSONS, HAVING DIRECT ACCESS FROM THE OUTSIDE OF THE BUILDING OR THROUGH A COMMON HALL AND HAVING LIVING, SLEEPING, KITCHEN AND SANITARY FACILITIES FOR THE EXCLUSIVE USE OF THE OCCUPANTS. A DETACHED HOME HAS ONE DWELLING UNIT WHEREAS AN APARTMENT BUILDING WITH EIGHTY APARTMENTS HAS EIGHTY DWELLING UNITS.

(c) "LOCAL COUNTY" MEANS THAT PART OF A COUNTY MOST GENERALLY KNOWN AS THE UNINCORPORATED OR STATUTORY COUNTY BUT MAY BE HOME RULE WHEN A CHARTER IS ADOPTED. LOCAL COUNTY IS A LOCAL GOVERNMENT WITH A DISTINCT ZONING JURISDICTION WHICH DOES NOT INCLUDE A CITY, TOWN, OR CITY AND COUNTY.

(d) "LOCAL GOVERNMENT" MEANS A CITY, TOWN, CITY AND COUNTY, OR LOCAL COUNTY, WHETHER STATUTORY OR HOME RULE.

(e) "PRIVATELY OWNED RESIDENTIAL HOUSING" MEANS A SUMMATION OF DWELLING UNITS WHICH ARE RESIDENTIALLY ZONED OR OTHERWISE INTENDED FOR PRIVATE RESIDENTIAL USE. THOSE OWNED BY A FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY, OR AN EDUCATIONAL OR MEDICAL FACILITY ARE EXCLUDED.

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