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SECRETARY OF STATE
STATE OF COLORADO
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Be it Enacted by the People of the State of Colorado:

SECTION 1. Article XVI of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 9. Limitation on water available for new residential housing growth.

(1) BEGINNING IN 2011, THE AMOUNT OF WATER AVAILABLE ANNUALLY FOR NEWLY CONSTRUCTED, PRIVATELY OWNED RESIDENTIAL HOUSING UNITS FOR THE CITIES AND COUNTIES OR COUNTIES OF ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, EL PASO, JEFFERSON, LARIMER, AND WELD SHALL NOT EXCEED ONE PERCENT OF THE TOTAL WATER USED FOR PRIVATELY OWNED RESIDENTIAL PURPOSES ANNUALLY AVERAGED OVER THE PREVIOUS TEN YEARS IN SUCH CITIES AND COUNTIES OR COUNTIES. EACH LOCAL GOVERNMENT AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, SHALL ALLOT BUILDING PERMITS SO THAT HOUSING GROWTH DOES NOT EXCEED THE LIMITATION ON WATER USE CUMULATIVELY FOR SUCH CITY AND COUNTY OR COUNTY IN A CALENDAR YEAR. SUCH ALLOTMENTS SHALL BE DECLARED BY JANUARY 31 OF EACH CALENDAR YEAR AND SHALL NOT BE EXCEEDED. UNUSED ALLOTMENTS MAY BE SOLD DURING SUCH YEAR TO OTHER LOCAL GOVERNMENTS AND SHALL BE VALID FOR ONE YEAR FROM SALE. THESE LIMITATIONS SHALL COMMENCE FOR AT LEAST FIVE YEARS SEQUENTIALLY BEGINNING FOR 2011 AND SHALL NOT BE SUBJECT TO SUBSECTION (5) OF THIS SECTION UNTIL 2016.

(2) WATER USE CONTROLLED BY THE TYPE OF HOUSING, THAT IS, HOUSING WITHOUT LAWNS, OR WITH A DRY-LAND VEGETATION COVENANT, OR OTHER VALID BASIS, MAY BE CAUSE FOR ADDITIONAL PERMITS BUT SHALL NOT EXCEED PROJECTED WATER USE OR SUCH LOCAL GOVERNMENT SHALL LOSE EQUIVALENT PERMITS FOR THE FOLLOWING YEAR.

(3) A TEN PERCENT INCREASE IN THE ALLOWED WATER ALLOTMENT, PENDING AVAILABILITY, SHALL BE AVAILABLE TO A LOCAL GOVERNMENT WHEN AT LEAST THIRTY PERCENT OF THE HOUSING GROWTH IS AFFORDABLE AND AFFORDABLE SENIOR HOUSING AS DEFINED BY THE GENERAL ASSEMBLY.

(4) WATER SUPPLY ENTITIES SHALL RETAIN ALL RECORDS OF CURRENT WATER USE AND ANNUAL INCREASES FOR EACH LOCAL GOVERNMENT OR ANY PART OF SUCH WITHIN A PARTICULAR CITY AND COUNTY OR COUNTY AND SHALL MAKE SUCH AVAILABLE FOR PUBLIC VIEW BY INTERNET IN THE AFFECTED CITIES AND COUNTIES OR COUNTIES.

(5) THE WATER LIMITATIONS AS DESCRIBED IN THIS SECTION SHALL BE

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SUBJECT TO INITIATIVE AND REFERENDUM IN ALL OTHER COLORADO CITIES AND COUNTIES AND COUNTIES WITHOUT RESTRICTION.

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

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

(B) "HOUSING 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 HOUSING UNITS.

(C) "LOCAL COUNTY" MEANS THAT PART OF THE COUNTY AS A LOCAL GOVERNMENT WITH A DISTINCT ZONING JURISDICTION THAT DOES NOT INCLUDE ANOTHER LOCAL GOVERNMENT SUCH AS A CITY OR TOWN.

(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 HOUSING UNITS THAT 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.

(F) "WATER SUPPLY ENTITY" MEANS A MUNICIPALITY, COUNTY, SPECIAL DISTRICT, WATER CONSERVANCY DISTRICT, WATER CONSERVATION DISTRICT, OR OTHER PUBLIC OR PRIVATE WATER SUPPLY COMPANY WITH THE LEGAL AUTHORITY TO SUPPLY, DISTRIBUTE, OR OTHERWISE PROVIDE WATER AT RETAIL TO DOMESTIC, COMMERCIAL, INDUSTRIAL, IRRIGATION, OR PUBLIC FACILITY CUSTOMERS.

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