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Colorado Secretary of State

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

SECTION 1. In the Colorado Revised Statutes, add 29-4-736 as follows:

29-4-736. DEFINITIONS. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AFFORDABLE HOUSING" MEANS PRIVATELY-OWNED RESIDENTIAL HOUSING PRICED AT LEAST THIRTY PERCENT LOWER THAN THE AVERAGE COMPARABLE HOUSING WITHIN THE SAME LOCAL GOVERNMENT.

(b) "ANNUAL GROWTH" MEANS THAT WHICH OCCURS IN A CALENDAR YEAR MEASURED IN THE TOTAL NUMBER OF PRIVATELY-OWNED RESIDENTIAL HOUSING UNITS ABOVE THAT FOR THE PREVIOUS YEAR.

(c) "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 HOUSING UNIT WHEREAS AN APARTMENT BUILDING WITH EIGHTY APARTMENTS HAS EIGHTY HOUSING UNITS.

(d) "LOCAL COUNTY" MEANS THAT PART OF THE COUNTY, WHETHER STATUTORY OR HOME RULE, AS A SEPARATE LOCAL GOVERNMENT WITHIN SUCH COUNTY AS IN THE UNINCORPORATED COUNTY.

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

(f) "PRIVATELY-OWNED RESIDENTIAL HOUSING" MEANS HOUSING 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, MEDICAL, OR PENAL FACILITY ARE EXCLUDED AS ARE COMMERCIAL ZONED ACCOMMODATIONS SUCH AS HOTELS AND MOTELS.

(g) "SENIOR HOUSING" MEANS PRIVATELY-OWNED RESIDENTIAL HOUSING FOR THE EXCLUSIVE TENANCY OF PERSONS AT LEAST SIXTY YEARS OF AGE.

(2) BEGINNING JANUARY 1, 2021, THE ELECTORS OF EVERY CITY, TOWN, CITY AND COUNTY, OR LOCAL COUNTY, WHETHER STATUTORY OR HOME RULE, RESERVE THE RIGHT TO LIMIT PRIVATELY-OWNED RESIDENTIAL HOUSING GROWTH BY INITIATIVE AND REFERENDUM WITHOUT STATE OR LOCAL LEGISLATIVE INHIBITION OR PENALTY. THIS RIGHT IS FURTHER RESERVED ON A COUNTYWIDE BASIS WHEREBY ELECTORS THROUGHOUT A COUNTY MAY ELECT TO LIMIT PRIVATELY-OWNED RESIDENTIAL HOUSING GROWTH UNIFORMLY TO A SINGLE GROWTH RATE IN ALL LOCAL GOVERNMENTS AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, WITHIN SUCH COUNTY BY INITIATIVE AND REFERENDUM.

(3) PRIVATELY-OWNED RESIDENTIAL HOUSING GROWTH IN THE CITY AND COUNTIES OF BROOMFIELD AND DENVER, AND COUNTYWIDE IN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, ELBERT, EL PASO, JEFFERSON, LARIMER, AND WELD, INCLUDING ALL LOCAL GOVERNMENTS WITHIN SUCH COUNTIES, SHALL NOT EXCEED ONE PERCENT ANNUALLY FOR THE YEARS 2021 AND 2022. IN SAID COUNTIES EACH LOCAL GOVERNMENT AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, AND EACH SAID CITY AND COUNTY SHALL ALLOT BUILDING PERMITS SO THAT HOUSING GROWTH DOES NOT EXCEED A ONE PERCENT ANNUAL GROWTH RATE IN THE TOTAL NUMBER OF PRIVATELY-OWNED RESIDENTIAL HOUSING UNITS IN EACH SAID YEAR. BEGINNING 2023 SUCH GROWTH LIMITATIONS MAY BE AMENDED OR REPEALED BY INITIATIVE AND REFERENDUM OR OTHERWISE SHALL REMAIN IN EFFECT.

(4) ONE AND ONE-HALF TENTHS PERCENT ADDITIONAL PRIVATELY-OWNED RESIDENTIAL HOUSING GROWTH SHALL BE ALLOWED IN SAID COUNTIES AND CITY AND COUNTIES WHEN SUCH HOUSING GROWTH IS AFFORDABLE HOUSING.

(5) ONE AND ONE-HALF TENTHS PERCENT ADDITIONAL PRIVATELY-OWNED RESIDENTIAL HOUSING GROWTH SHALL BE ALLOWED IN SAID COUNTIES AND CITY AND COUNTIES WHEN SUCH HOUSING IS SENIOR HOUSING.

(6) INITIATIVE AND REFERENDUM FOR THIS SECTION:

(a) SIGNATURE REQUIREMENTS FOR INITIATIVES AND REFERENDUMS FOR ENACTING, REPEALING, OR AMENDING PROPOSALS TO REGULATE THE GROWTH OF PRIVATELY-OWNED RESIDENTIAL HOUSING FOR LOCAL GOVERNMENTS, WHETHER STATUTORY OR HOME RULE, SHALL BE FIVE PERCENT OF THE VOTERS PARTICIPATING IN THE MOST RECENT GENERAL ELECTION IN SUCH LOCAL GOVERNMENT. SUCH PROPOSALS ON A COUNTYWIDE BASIS SHALL BE FIVE PERCENT OF THE TOTAL NUMBER OF VOTERS PARTICIPATING IN THE MOST RECENT ELECTION FOR SECRETARY OF STATE IN SUCH COUNTY. A SINGLE CHALLENGE EACH TO EITHER PETITION FORM AND CONTENT OR SIGNATURE SUFFICIENCY MAY BE MADE SUCH THAT THE SPECIFIED ELECTION DATE SHALL BE CONSERVED.

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