

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 25-0668.01 Caroline Martin x5902

HOUSE BILL 25-1093

HOUSE SPONSORSHIP

Stewart R. and Barron, Bird, Boesenecker, Froelich, Lindsay, Lindstedt, Mabrey, McCluskie, Rutinel, Valdez

SENATE SPONSORSHIP

Ball and Hinrichsen, Cutter, Kipp, Winter F.

House Committees

Transportation, Housing & Local Government

Senate Committees

Local Government & Housing

SENATE
Amended 3rd Reading
March 14, 2025

A BILL FOR AN ACT

101 **CONCERNING LIMITATIONS ON LOCAL LAND USE POLICIES THAT**
102 **IMPOSE CONDITIONS THAT LIMIT GROWTH.**

SENATE
Amended 2nd Reading
March 13, 2025

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

HOUSE
3rd Reading Unamended
February 18, 2025

Current law preempts any local governmental entity housing growth restriction (anti-growth law) that explicitly limits the growth of the population in the local governmental entity's jurisdiction or the number of development permits or building permit applications for residential development unless it is a temporary, nonrenewable anti-growth law following a declared disaster emergency.

The bill clarifies that an anti-growth law also includes any

HOUSE
Amended 2nd Reading
February 14, 2025

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

restriction that explicitly seeks to impose additional restrictions or limitations on a particular housing type that exceed a governmental entity's zoning or building codes.

The bill also clarifies when a local government must provide the option of paying a fee in lieu of land dedication for a private property owner whose property does not meet the local government's standards for dedication.

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

SECTION 1. In Colorado Revised Statutes, 29-20-104.2, **amend** (2)(a); and add (2)(b.5) and (6) as follows:

29-20-104.2. Anti-growth law - preemption - legislative declaration - definitions. (2) As used in this section, unless the context otherwise requires:

(a) "Anti-growth law" means a GENERALLY APPLICABLE land use law that:

(I) Explicitly limits either the growth of the population in the governmental entity's jurisdiction or the number of development permits or building permit applications for residential development or the residential component of any mixed use development submitted to, reviewed by, approved by, or issued by a governmental entity for any calendar or fiscal year; As used in this subsection (2)(a), "land use law" means any statute, resolution, ordinance, code, rule, regulation, plan, policy, procedure, standard, initiative, guideline, requirement, or law that regulates the use or division of property or any interest in property OR

(II) IN CENSUS URBAN AREAS AS DEFINED BY THE UNITED STATES CENSUS BUREAU, EXPLICITLY DECREASES THE PERMITTED RESIDENTIAL DENSITY OR RESIDENTIAL USES OF LAND TO A LOWER RESIDENTIAL DENSITY OR FEWER RESIDENTIAL USES THAN WERE ALLOWED BY THE LAND'S USAGE AND ZONING AS OF JULY 1, 2025, WITHOUT ENSURING A

1 CORRESPONDING INCREASE OF RESIDENTIAL DENSITY OR RESIDENTIAL
2 USES ELSEWHERE IN THE JURISDICTION.

3 (b.5) "LAND USE LAW" MEANS ANY STATUTE, RESOLUTION,
4 ORDINANCE, CODE, RULE, REGULATION, PLAN, POLICY, PROCEDURE,
5 STANDARD, INITIATIVE, GUIDELINE, REQUIREMENT, OR LAW THAT
6 REGULATES THE USE OR DIVISION OF PROPERTY OR ANY INTEREST IN
7 PROPERTY.

8 (6) (a) AS USED IN THIS SUBSECTION (6), "WILDLIFE CROSSING
9 STRUCTURE" MEANS A STRUCTURE THAT WAS CONSTRUCTED TO
10 FACILITATE WILDLIFE MOVEMENT AND IS IDENTIFIED AND MAPPED BY THE
11 COLORADO DIVISION OF PARKS AND WILDLIFE IN A HIGH PRIORITY HABITAT
12 MAP THAT IS INCORPORATED INTO THE COLORADO ENERGY AND CARBON
13 MANAGEMENT COMMISSION'S REGULATIONS.

14 (b) NOTHING IN THIS SECTION APPLIES TO LAND THAT CONTAINS OR
15 IS DIRECTLY ADJACENT TO A WILDLIFE CROSSING STRUCTURE.

16 **SECTION 2.** In Colorado Revised Statutes, 29-20-203, **add** (3)
17 as follows:

18 **29-20-203. Conditions on land-use approvals.**

19 (3) NOTWITHSTANDING ANY OTHER LAW, AT ANY TIME BEFORE AN
20 ELECTION IS ORDERED PURSUANT TO SECTION 31-11-104, A MUNICIPALITY
21 MAY SEEK A JUDICIAL DETERMINATION AS TO THE LEGALITY OF A
22 PROPOSED LAND USE ORDINANCE THAT RESTRICTS OR LIMITS THE
23 DEVELOPMENT OR USE OF LAND SUBMITTED TO THE LEGISLATIVE BODY
24 PURSUANT TO SECTION 31-11-104 WITH REGARD TO ANY PROVISION OF
25 THE UNITED STATES CONSTITUTION OR THE STATE CONSTITUTION, THIS
26 SECTION, ARTICLE 68 OF TITLE 24, OR SECTION 29-20-104.2. THE OWNERS
27 OF PROPERTY SPECIFICALLY SUBJECT TO THE PROPOSED ORDINANCE AND
28 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS

1 PURSUANT TO SECTION 31-11-106 (2) SHALL BE ENTITLED TO INTERVENE
2 IN THE PROCEEDING. THE TIME PERIOD TO ADOPT AN INITIATED ORDINANCE
3 OR CALL AN ELECTION PURSUANT TO SECTION 31-11-104 (1) SHALL BE
4 TOLLED DURING THE PENDENCY OF ANY ACTION FILED PURSUANT TO THIS
5 SUBSECTION (3) INCLUDING ANY APPEAL.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2026 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.