

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0029.01 Caroline Martin x5902

HOUSE BILL 25-1169

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A BILL FOR AN ACT

101 **CONCERNING THE PROMOTION OF RESIDENTIAL DEVELOPMENT ON**
102 **QUALIFYING PROPERTIES.**

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>.)

The bill requires a subject jurisdiction, on or after December 31, 2026, to allow a residential development to be constructed on a qualifying property that does not contain an exempt parcel, subject to an administrative approval process.

The bill specifies that a subject jurisdiction shall not:

- Disallow construction of a residential development on the

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.

HOUSE
3rd Reading Unamended
March 17, 2025

HOUSE
Amended 2nd Reading
March 5, 2025

- basis of height if the tallest structure in the residential development is no more than 3 stories or 45 feet tall;
- Disallow construction of a residential development on the basis of height if the tallest structure in the residential development complies with the height-related standards for the zoning district in which the residential development will be built or any zoning district that is contiguous to the qualifying property on which the residential development will be built;
- Disallow construction of a residential development based on the number of dwelling units that the residential development will contain, except in accordance with standards listed in the bill; or
- Apply standards to a residential development on a qualifying property that are more restrictive than the standards the subject jurisdiction applies to similar housing constructed within the subject jurisdiction, including standards related to structure setbacks from property lines; lot coverage or open space; on-site parking requirements; numbers of bedrooms in a multifamily residential development; or on-site landscaping, screening, and buffering requirements.

A subject jurisdiction shall allow the following uses in a residential development on a qualifying property:

- Childcare; and
- The provision of recreational, social, or educational services provided by community organizations for use by the residents of the residential development and the surrounding community.

A subject jurisdiction may condition additional uses in a residential development on the uses being allowed only on the ground floor of the residential development and the uses occupying no more than 15% of the ground floor area of the residential development.

The bill requires a faith-based organization, school district, or state college or university to notify the county assessor that a subject jurisdiction has allowed the construction of a residential development on a qualifying property within the county.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
3 35 of title 29 as follows:

4 **PART 5**

1 RESIDENTIAL DEVELOPMENT ON
2 QUALIFYING PROPERTIES

3 **29-35-501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
4 FINDS AND DECLARES THAT:

5 (a) COLORADANS ARE OVERWHELMINGLY BURDENED WITH THE
6 COST OF HOUSING. IN 2022, FORTY-FIVE PERCENT OF COLORADO RENTERS
7 SPENT OVER THIRTY PERCENT OF THEIR INCOME ON RENT. IN ORDER TO
8 AFFORD THE MEDIAN RENT OF ONE THOUSAND SEVEN HUNDRED
9 SEVENTY-ONE DOLLARS WITHOUT BEING COST-BURDENED, A COLORADO
10 RENTER MUST EARN AN ANNUAL INCOME THAT EXCEEDS SEVENTY
11 THOUSAND DOLLARS. FURTHER, TO PURCHASE A MEDIAN-PRICED HOME IN
12 COLORADO WITH A TWENTY PERCENT DOWN PAYMENT WITHOUT BEING
13 COST-BURDENED, A COLORADAN MUST EARN AN ANNUAL INCOME THAT
14 EXCEEDS ONE HUNDRED TWENTY-NINE THOUSAND DOLLARS.

15 (b) AS OF NOVEMBER 2024, THE AVERAGE COST OF CONSTRUCTION
16 IN COLORADO WAS APPROXIMATELY FOUR HUNDRED EIGHTY-THREE
17 THOUSAND DOLLARS PER UNIT, REPRESENTING AN INCREASE OF OVER
18 SIXTY THOUSAND DOLLARS FROM THE PREVIOUS YEAR;

19 (c) AS COLORADO GROWS, SO DOES THE CHALLENGE OF PROVIDING
20 AFFORDABLE HOUSING TO ITS RESIDENTS. WHILE LAND THAT IS AVAILABLE
21 FOR NEW HOUSING IN ESTABLISHED COMMUNITIES IS IN SHORT SUPPLY,
22 MANY QUALIFYING ORGANIZATIONS OWN UNDERUTILIZED PROPERTIES
23 UPON WHICH HOUSING COULD BE BUILT.

24 (d) IN DENVER, JEFFERSON, ARAPAHOE, AND DOUGLAS COUNTIES
25 ALONE, FAITH-BASED ORGANIZATIONS OWN MORE THAN FIVE THOUSAND
26 ACRES OF UNDEVELOPED LAND, SOME OF WHICH HAS NEVER BEEN
27 DEVELOPED AND SOME OF WHICH HAS BEEN VACANT FOR OVER SEVENTY

1 YEARS. IN MANY CASES, FAITH-BASED ORGANIZATIONS ARE MOWING OR
2 MAINTAINING THESE LOTS AT SIGNIFICANT COST WITH NO REAL BENEFIT TO
3 THE COMMUNITY.

4 (e) COLORADO URGENTLY NEEDS MORE HOUSING TO MEET THE
5 NEEDS OF A GROWING STATEWIDE POPULATION AND ADDRESS ISSUES
6 DIRECTLY RELATED TO HOUSING, SUCH AS TRANSIT, COMMUTING, THE
7 WORKFORCE, AND THE ENVIRONMENT. PROVIDING OPPORTUNITIES TO
8 CONSTRUCT RESIDENTIAL DEVELOPMENTS ON UNDERUTILIZED LAND IS A
9 MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

10 (f) LOCAL ZONING REGULATIONS CAN PREVENT HOUSING FROM
11 BEING DEVELOPED ON VACANT PROPERTIES BY PROHIBITING RESIDENTIAL
12 DEVELOPMENT IN ASSOCIATION WITH PLACES OF ASSEMBLY, OR BY
13 REQUIRING EXTENSIVE REZONING PROCESSES THAT ADD COST AND
14 UNCERTAINTY TO AFFORDABLE HOUSING PROJECTS; AND

15 (g) THIS HOUSE BILL 25-1169, ENACTED IN 2025, STREAMLINES
16 THE BUILDING PROCESS FOR QUALIFYING PROPERTIES, INCLUDING
17 PROPERTIES OWNED BY FAITH-BASED ORGANIZATIONS, BY PROVIDING A
18 PROCESS THAT ALLOWS RESIDENTIAL DEVELOPMENTS TO BE CONSTRUCTED
19 ON QUALIFYING PROPERTIES AS LONG AS CERTAIN REQUIREMENTS ARE
20 SATISFIED.

21 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
22 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EVERY PERSON
23 INVOLVED IN THE CONSTRUCTION, MANAGEMENT, AND OPERATION OF A
24 QUALIFYING PROPERTY IN CONNECTION WITH THIS PART 5 COMPLIES WITH
25 THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., THE
26 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
27 12101 ET SEQ., AND ALL OTHER STATE AND FEDERAL LAWS.

1 **29-35-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 29-35-402 (8).

5 (2) "EXEMPT PARCEL" MEANS:

6 (a) A PARCEL THAT IS NOT SERVED BY A DOMESTIC WATER AND
7 SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5); IS
8 SERVED BY A WELL THAT IS NOT CONNECTED TO A WATER DISTRIBUTION
9 SYSTEM, AS DEFINED IN SECTION 25-9-102 (6); OR IS SERVED BY A SEPTIC
10 TANK, AS DEFINED IN SECTION 25-10-103 (18);

11 (b) A PARCEL WHERE RESIDENTIAL USE IS PREVENTED OR LIMITED
12 BY STATE REGULATION, FEDERAL REGULATION, OR DEED RESTRICTION
13 PURSUANT TO:

14 (I) FEDERAL AVIATION ADMINISTRATION RESTRICTIONS PURSUANT
15 TO 14 CFR 77 OR 49 U.S.C. chapter 471;

16 (II) AN ENVIRONMENTAL COVENANT PURSUANT TO SECTION
17 25-15-318 TO SECTION 25-15-323; OR

18 (III) FLAMMABLE GAS OVERLAY ZONING DISTRICT RESTRICTIONS;

19 (c) A PARCEL THAT IS USED AS A CEMETERY, AS DEFINED IN
20 SECTION 10-15-102 (2); ==

21 (d) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

22 (e) A PARCEL LOCATED WITHIN AN AIRPORT INFLUENCE AREA
23 WHERE THE LOCAL ZONING PROHIBITS RESIDENTIAL LAND USES; OR

24 (f) A HISTORIC PROPERTY THAT IS LOCATED OUTSIDE OF A
25 HISTORIC DISTRICT.

26 (3) "FAITH-BASED ORGANIZATION" MEANS ANY ORGANIZATION,
27 CHURCH, BODY OF COMMUNICANTS, OR GROUP THAT IS:

1 (a) GATHERED IN COMMON MEMBERSHIP FOR THE PURPOSE OF
2 PROPAGATING ITS FAITH OR CARRYING ON HUMANITARIAN WORK RELATED
3 TO THAT FAITH;

4 (b) LOCATED ON PROPERTY OWNED BY A NONPROFIT
5 ORGANIZATION WITH A RELIGIOUS MISSION;

6 (c) LOCATED ON PROPERTY THAT IS USED FOR RELIGIOUS
7 PURPOSES; AND

8 (d) NOT ORGANIZED FOR PRIVATE GAIN OR CORPORATE PROFIT.

9 (4) "HISTORIC DISTRICT" HAS THE SAME MEANING AS SET FORTH
10 IN SECTION 29-35-402 (10).

11 (5) "HISTORIC PROPERTY" HAS THE SAME MEANING AS SET FORTH
12 IN SECTION 29-35-402 (11).

13 (6) "QUALIFYING PROPERTY" MEANS REAL PROPERTY THAT
14 CONTAINS NO MORE THAN FIVE ACRES OF LAND AND THAT HAS BEEN
15 OWNED BY A FAITH-BASED ORGANIZATION, A SCHOOL DISTRICT, AS
16 DEFINED IN SECTION 22-30-103 (13), OR A STATE COLLEGE OR UNIVERSITY,
17 AS DEFINED IN SECTION 23-2-102 (15), FOR AT LEAST FIVE YEARS.

18 (7) "RESIDENTIAL DEVELOPMENT" MEANS A DEVELOPMENT WITH
19 ONE OR MORE STRUCTURES THAT CONTAINS PERMANENT DWELLING UNITS
20 AND DOES NOT CONTAIN ANY TEMPORARY HOUSING OR SHELTER SPACE.

21 (8) "SIMILAR HOUSING" MEANS HOUSING THAT IS SIMILAR IN FORM
22 AND NUMBER OF DWELLING UNITS.

23 (9) "SUBJECT JURISDICTION" MEANS A LOCAL GOVERNMENT THAT
24 HAD A POPULATION GREATER THAN TWO THOUSAND PEOPLE AS OF THE
25 LAST UNITED STATES CENSUS.

26 **29-35-503. Residential developments on qualifying properties.**

27 **(1) Residential developments on qualifying properties. ON OR AFTER**

1 DECEMBER 31, 2026, A SUBJECT JURISDICTION SHALL ALLOW A
2 RESIDENTIAL DEVELOPMENT TO BE CONSTRUCTED ON A QUALIFYING
3 PROPERTY THAT DOES NOT CONTAIN AN EXEMPT PARCEL, SUBJECT TO AN
4 ADMINISTRATIVE APPROVAL PROCESS AND IN ACCORDANCE WITH
5 SECTIONS 29-35-504 AND 29-35-505.

6 (2) **Subject jurisdiction administrative practices.** NOTHING IN
7 THIS SECTION PREVENTS A SUBJECT JURISDICTION FROM:

8 (a) APPLYING AND ENFORCING INFRASTRUCTURE STANDARDS IN
9 LOCAL LAW DURING THE ADMINISTRATIVE APPROVAL PROCESS, INCLUDING
10 STANDARDS RELATED TO UTILITIES, TRANSPORTATION, OR PUBLIC WORKS
11 CODES;

12 (b) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY
13 CODE, INCLUDING A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

14 (c) APPLYING AND ENFORCING REGULATIONS RELATED TO HUMAN
15 AND ENVIRONMENTAL HEALTH AND SAFETY, INCLUDING OIL AND GAS
16 SETBACKS, FLOODPLAIN REGULATIONS, AND AIRPORT INFLUENCE AREAS;

17 (d) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
18 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN
19 ACCORDANCE WITH SECTION 29-20-104.5, OR THE MITIGATION OF IMPACTS
20 IN ACCORDANCE WITH PART 2 OF ARTICLE 20 OF THIS TITLE 29;

21 (e) REQUIRING A STATEMENT BY A WATER OR WASTEWATER
22 SERVICE PROVIDER REGARDING THE PROVIDER'S CAPACITY TO SERVICE THE
23 PROPERTY AS A CONDITION OF ALLOWING A RESIDENTIAL DEVELOPMENT;

24 (f) APPLYING AND ENFORCING INCLUSIONARY ZONING
25 ORDINANCES, DEED RESTRICTIONS, COMMUNITY BENEFIT AGREEMENTS,
26 DEVELOPMENT AGREEMENTS, OR OTHER AFFORDABLE HOUSING POLICIES
27 OR STANDARDS;

1 (g) APPLYING STANDARDS TO ALLOW A RESIDENTIAL
2 DEVELOPMENT TO BE CONSTRUCTED ON A QUALIFYING PROPERTY WHEN
3 SUCH RESIDENTIAL DEVELOPMENT WOULD OTHERWISE BE DISALLOWED
4 BASED ON THE STANDARDS DESCRIBED IN SECTION 29-35-505 (1), OR
5 OTHERWISE OFFERING AFFORDABLE HOUSING INCENTIVES TO DEVELOPERS;

6 ==

7 (h) ENACTING OR APPLYING A LOCAL LAW CONCERNING A
8 SHORT-TERM RENTAL, AS THAT TERM IS DEFINED IN SECTION 29-35-402
9 (19), OF A DWELLING UNIT ON A QUALIFYING PROPERTY;

10 (i) EXERCISING THE SUBJECT JURISDICTION'S RIGHT OF FIRST
11 REFUSAL IN ACCORDANCE WITH SECTION 29-4-1202; OR

12 (j) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A
13 HISTORIC DISTRICT TO A QUALIFYING PROPERTY THAT IS LOCATED IN A
14 HISTORIC DISTRICT, INCLUDING A STANDARD OR PROCEDURE RELATED TO
15 DEMOLITION.

16 (3) **Changes to tax exempt status.** NOTWITHSTANDING
17 MISSION-DEFINED ACTIVITIES CONDUCTED UPON QUALIFYING PROPERTIES,
18 PERMITTED ACTIVITIES OUTLINED IN THIS SECTION ARE NOT
19 AUTOMATICALLY EXEMPT FROM TAXATION AT THE LOCAL, STATE, OR
20 FEDERAL LEVEL.

21 (4) **School district administrative practices.** NOTHING IN THIS
22 SECTION PREVENTS A SCHOOL DISTRICT FROM CONSTRUCTING,
23 PURCHASING, OR REMODELING A TEACHERAGE PURSUANT TO SECTION
24 22-32-110 (1)(d), OR FROM USING ANY OF THE PROCESSES DESCRIBED IN
25 SECTION 22-32-124 REGARDING BUILDINGS AND STRUCTURES.

26 (5) **Prohibition on discrimination.** A RESIDENTIAL DEVELOPMENT
27 CONSTRUCTED PURSUANT TO THIS SECTION IS CONSIDERED HOUSING FOR

1 A COMMERCIAL PURPOSE PURSUANT TO 42 U.S.C. SEC. 3607 ET SEQ. ANY
2 PERSON INVOLVED IN THE CONSTRUCTION, MANAGEMENT, AND OPERATION
3 OF A RESIDENTIAL DEVELOPMENT PURSUANT TO THIS SECTION:

4 (a) MUST COMPLY WITH ALL FEDERAL AND STATE LAWS
5 REGARDING NONDISCRIMINATORY ACCESS TO HOUSING, INCLUDING THE
6 FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ.; THE
7 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
8 SEQ.; AND THE COLORADO ANTI-DISCRIMINATION ACT, PARTS 3 THROUGH
9 8 OF ARTICLE 34 OF TITLE 24; AND

10 (b) MAY BE SUBJECT TO A DISCRIMINATION COMPLAINT FILED WITH
11 THE COLORADO CIVIL RIGHTS DIVISION OR OTHER COURT.

12 **29-35-504. Affordability requirements for qualifying**
13 **properties.** (1) A SUBJECT JURISDICTION SHALL NOT ALLOW A
14 RESIDENTIAL DEVELOPMENT CONTAINING RENTED DWELLING UNITS TO BE
15 CONSTRUCTED ON A QUALIFYING PROPERTY UNLESS THE RESIDENTIAL
16 DEVELOPMENT COMPLIES WITH ONE OF THE FOLLOWING REQUIREMENTS:

17 (a) IF THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY
18 ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING POLICY THAT
19 APPLIES TO THE QUALIFYING PROPERTY, THE RESIDENTIAL DEVELOPMENT
20 MUST COMPLY WITH THE INCLUSIONARY ZONING ORDINANCE OR OTHER
21 AFFORDABLE HOUSING POLICY;

22 (b) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN
23 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING
24 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY AND THE MARKET
25 RATE RENT IN THE SUBJECT JURISDICTION, AS CALCULATED BY A
26 RECOGNIZED AND PUBLICLY AVAILABLE HOUSING INDUSTRY RESOURCE, IS
27 AT OR BELOW ONE HUNDRED TWENTY PERCENT OF THE MONTHLY AREA

1 MEDIAN INCOME AS ESTABLISHED ANNUALLY BY THE UNITED STATES
2 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE COUNTY IN
3 WHICH THE QUALIFYING PROPERTY IS LOCATED, THE RESIDENTIAL
4 DEVELOPMENT MUST ALIGN WITH THE SUBJECT JURISDICTION'S
5 DEMONSTRATED HOUSING NEEDS AS DETERMINED IN A HOUSING NEEDS
6 ASSESSMENT PUBLISHED IN ACCORDANCE WITH SECTION 24-32-3703 OR
7 24-32-3704; OR

8 (c) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN
9 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING
10 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY AND THE MARKET
11 RATE RENT IN THE SUBJECT JURISDICTION, AS CALCULATED BY A
12 RECOGNIZED AND PUBLICLY AVAILABLE HOUSING INDUSTRY RESOURCE,
13 IS ABOVE ONE HUNDRED TWENTY PERCENT OF THE MONTHLY AREA
14 MEDIAN INCOME AS ESTABLISHED ANNUALLY BY THE UNITED STATES
15 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE COUNTY IN
16 WHICH THE QUALIFYING PROPERTY IS LOCATED, THEN AT LEAST TWENTY
17 PERCENT OF THE DWELLING UNITS RENTED IN THE RESIDENTIAL
18 DEVELOPMENT MUST HAVE A DESIGNATED IMPUTED INCOME LIMIT BY
19 HOUSEHOLD SIZE THAT DOES NOT EXCEED EIGHTY PERCENT OF THE AREA
20 MEDIAN INCOME.

21 (2) A SUBJECT JURISDICTION SHALL NOT ALLOW A RESIDENTIAL
22 DEVELOPMENT CONTAINING DWELLING UNITS THAT WILL BE SOLD TO BE
23 CONSTRUCTED ON A QUALIFYING PROPERTY UNLESS THE RESIDENTIAL
24 DEVELOPMENT COMPLIES WITH ONE OF THE FOLLOWING REQUIREMENTS:

25 (a) IF THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY
26 ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING POLICY THAT
27 APPLIES TO THE QUALIFYING PROPERTY, THE RESIDENTIAL DEVELOPMENT

1 MUST COMPLY WITH THE INCLUSIONARY ZONING ORDINANCE OR OTHER
2 AFFORDABLE HOUSING POLICY; OR

3 (b) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN
4 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING
5 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY, THEN AT LEAST
6 THIRTY PERCENT OF THE DWELLING UNITS SOLD IN THE RESIDENTIAL
7 DEVELOPMENT MUST HAVE A DESIGNATED IMPUTED INCOME LIMIT BY
8 HOUSEHOLD SIZE THAT DOES NOT EXCEED ONE HUNDRED FORTY PERCENT
9 OF THE STATEWIDE AREA MEDIAN INCOME AS ESTABLISHED ANNUALLY BY
10 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
11 DEVELOPMENT.

12 (3) (a) IF A RESIDENTIAL DEVELOPMENT MUST COMPLY WITH
13 AFFORDABILITY REQUIREMENTS PURSUANT TO THE SUBJECT
14 JURISDICTION'S DEMONSTRATED HOUSING NEEDS IN ACCORDANCE WITH
15 SUBSECTION (1)(b) OF THIS SECTION, OR IF A RESIDENTIAL DEVELOPMENT
16 MUST COMPLY WITH AFFORDABILITY REQUIREMENTS PURSUANT TO
17 SUBSECTION (1)(c) OF THIS SECTION, THE AFFORDABILITY REQUIREMENTS
18 MUST BE IMPOSED BY ONE OF THE FOLLOWING INSTRUMENTS, WHICH MUST
19 REQUIRE THAT THE SUBJECT JURISDICTION HAS THE RIGHT TO REQUIRE
20 SPECIFIC PERFORMANCE AND MUST BE RECORDED IN THE PUBLIC RECORDS
21 IN THE COUNTY IN WHICH THE RESIDENTIAL DEVELOPMENT IS LOCATED:

22 (I) A DEED RESTRICTION LASTING FOR AT LEAST FORTY YEARS; ==

23 (II) A COVENANT THAT RUNS WITH THE LAND FOR AT LEAST FORTY
24 YEARS; OR

25 (III) A LAND LEASE LASTING FOR AT LEAST FORTY YEARS.

26 (b) THE AFFORDABILITY REQUIREMENTS DESCRIBED IN SUBSECTION
27 (2)(b) OF THIS SECTION MUST BE IMPOSED BY ONE OF THE FOLLOWING

1 INSTRUMENTS, WHICH MUST REQUIRE THAT THE SUBJECT JURISDICTION
2 HAS THE RIGHT TO REQUIRE SPECIFIC PERFORMANCE AND MUST BE
3 RECORDED IN THE PUBLIC RECORDS IN THE COUNTY IN WHICH THE
4 RESIDENTIAL DEVELOPMENT IS LOCATED:

5 (I) A DEED RESTRICTION LASTING FOR AT LEAST THIRTY YEARS; ==

6 (II) A COVENANT THAT RUNS WITH THE LAND FOR AT LEAST
7 THIRTY YEARS; OR

8 (III) A LAND LEASE LASTING FOR AT LEAST THIRTY YEARS.

9 **29-35-505. Qualifying property requirements for a subject**
10 **jurisdiction - allowable uses.** (1) A SUBJECT JURISDICTION SHALL NOT:

11 (a) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
12 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
13 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT IS NO MORE THAN THREE
14 STORIES OR FORTY-FIVE FEET TALL;

15 (b) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
16 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
17 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT COMPLIES WITH THE
18 HEIGHT-RELATED STANDARDS:

19 (I) OF THE ZONING DISTRICT IN WHICH THE RESIDENTIAL
20 DEVELOPMENT WILL BE BUILT; OR

21 (II) THAT APPLY TO ANY PARCEL THAT IS CONTIGUOUS TO THE
22 QUALIFYING PROPERTY ON WHICH THE RESIDENTIAL DEVELOPMENT WILL
23 BE BUILT;

24 (c) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
25 ON A QUALIFYING PROPERTY BASED ON THE NUMBER OF DWELLING UNITS
26 THE RESIDENTIAL DEVELOPMENT WILL CONTAIN, EXCEPT IN ACCORDANCE
27 WITH ONE OF THE STANDARDS LISTED IN SUBSECTION (1)(d) OF THIS

1 SECTION; OR

2 (d) APPLY STANDARDS TO A RESIDENTIAL DEVELOPMENT ON A

3 QUALIFYING PROPERTY THAT ARE MORE RESTRICTIVE THAN THE

4 STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO SIMILAR

5 HOUSING CONSTRUCTED WITHIN THE SUBJECT JURISDICTION, INCLUDING

6 STANDARDS RELATED TO:

7 (I) STRUCTURE SETBACKS FROM PROPERTY LINES;

8 (II) LOT COVERAGE OR OPEN SPACE;

9 (III) ON-SITE PARKING REQUIREMENTS;

10 (IV) NUMBERS OF BEDROOMS IN A MULTIFAMILY RESIDENTIAL

11 DEVELOPMENT; [REDACTED]

12 (V) ON-SITE LANDSCAPING, SCREENING, AND BUFFERING

13 REQUIREMENTS; OR

14 (VI) MINIMUM DWELLING UNITS PER ACRE.

15 (2) PROVIDED THAT THE USES ARE ALLOWED CONDITIONALLY OR

16 BY RIGHT WITHIN THE ZONING DISTRICT IN WHICH A QUALIFYING PROPERTY

17 IS LOCATED, A SUBJECT JURISDICTION SHALL ALLOW THE FOLLOWING USES

18 IN A RESIDENTIAL DEVELOPMENT ON A QUALIFYING PROPERTY:

19 (a) CHILDCARE; AND

20 (b) THE PROVISION OF RECREATIONAL, SOCIAL, OR EDUCATIONAL

21 SERVICES PROVIDED BY COMMUNITY ORGANIZATIONS FOR USE BY THE

22 RESIDENTS OF THE RESIDENTIAL DEVELOPMENT AND THE SURROUNDING

23 COMMUNITY.

24 (3) A SUBJECT JURISDICTION MAY CONDITION ALLOWANCE OF THE

25 USES DESCRIBED IN SUBSECTION (2) OF THIS SECTION ON:

26 (a) THE USES BEING ALLOWED ONLY ON THE GROUND FLOOR OF

27 THE STRUCTURES IN THE RESIDENTIAL DEVELOPMENT; AND

1 (b) THE USES OCCUPYING NO MORE THAN FIFTEEN PERCENT OF THE
2 STRUCTURES IN THE RESIDENTIAL DEVELOPMENT.

3 **29-35-506. Notification to county assessor.** WITHIN TWO WEEKS
4 OF A SUBJECT JURISDICTION ALLOWING THE CONSTRUCTION OF A
5 RESIDENTIAL DEVELOPMENT ON A QUALIFYING PROPERTY PURSUANT TO
6 SECTION 29-35-503 (1), THE FAITH-BASED ORGANIZATION, SCHOOL
7 DISTRICT, OR STATE COLLEGE OR UNIVERSITY THAT OWNS THE QUALIFYING
8 PROPERTY SHALL PROVIDE NOTICE OF THE ALLOWANCE OF THE
9 CONSTRUCTION OF THE RESIDENTIAL DEVELOPMENT TO THE COUNTY
10 ASSESSOR IN THE COUNTY IN WHICH THE QUALIFYING PROPERTY IS
11 LOCATED. THE NOTICE MUST INCLUDE THE PROPERTY ADDRESS, THE
12 ASSESSOR'S PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY, AND THE
13 DATE ON WHICH THE RESIDENTIAL DEVELOPMENT WAS ALLOWED BY THE
14 SUBJECT JURISDICTION.

15 **SECTION 2. Safety clause.** The general assembly finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety or for appropriations for
18 the support and maintenance of the departments of the state and state
19 institutions.