

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0572.01 Caroline Martin x5902

HOUSE BILL 26-1114

HOUSE SPONSORSHIP

Stewart R. and Woodrow,

SENATE SPONSORSHIP

Ball,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN ALLOWED MINIMUM LOT SIZE FOR SUBJECT**
102 **JURISDICTIONS.**

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 that, on or after October 1, 2031, a subject jurisdiction shall not require that a parcel have an area larger than 2,000 square feet if the parcel's residential use is limited to a single family home. The bill exempts certain types of parcels from this requirement.

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:

PART 5

MINIMUM LOT SIZE

29-35-501. Legislative declaration.

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

8 (a) HOUSING AFFORDABILITY IS A MAJOR ISSUE THAT AFFECTS ALL
9 COLORADANS. HOUSING AFFORDABILITY AFFECTS WHERE PEOPLE ARE
10 ABLE TO LIVE, WHICH IN TURN AFFECTS TRANSIT, COMMUTING, THE
11 WORKFORCE, AND THE ENVIRONMENT, THEREBY AFFECTING THE
12 WELL-BEING OF PEOPLE ACROSS COLORADO;

13 (b) RISING LAND COSTS ARE A SIGNIFICANT DRIVER OF
14 UNAFFORDABLE HOUSING IN COLORADO, WITH LAND VALUES RISING FROM
15 THIRTY-ONE PERCENT OF COLORADO HOME VALUES IN 2012 TO
16 FIFTY-EIGHT PERCENT IN 2024, ACCORDING TO THE AMERICAN
17 ENTERPRISE INSTITUTE:

18 (c) LAND VALUE MODELING SHOWS THAT, IN THE MAJORITY OF
19 CORE-BASED STATISTICAL AREAS IN COLORADO, IT IS FEASIBLE TO BUILD
20 A SINGLE FAMILY STARTER HOME THAT CAN BE SOLD FOR LESS THAN FIVE
21 HUNDRED THOUSAND DOLLARS ON A LOT THAT IS TWO THOUSAND SQUARE
22 FEET OR SMALLER:

23 (d) THE SMALLER THE LOT SIZE, THE MORE AFFORDABLE SINGLE
24 FAMILY STARTER HOMES CAN BE. IN ORDER FOR DEVELOPERS TO BUILD
25 STARTER HOMES THAT COLORADANS CAN AFFORD, THEY MUST BE ABLE TO
26 BUILD ON SMALLER LOTS. IN MANY JURISDICTIONS, DEVELOPERS ARE NOT
27 ABLE TO BUILD ON SMALLER LOTS DUE TO UNNECESSARILY LARGE

1 MINIMUM LOT SIZE REQUIREMENTS; AND

2 (e) THERE IS COLORADO-SPECIFIC GUIDANCE FOR SUBJECT
3 JURISDICTIONS TO FOLLOW IN IMPLEMENTING THE NEW MINIMUM LOT SIZE
4 ALLOWANCE. THE COLORADO STARTER HOME INITIATIVE IS PUBLISHING
5 A STARTER HOME ZONING TEMPLATE, WHICH IS A FLEXIBLE ROADMAP THAT
6 WILL HELP COMMUNITIES CREATE CONDITIONS FOR THE DEVELOPMENT OF
7 MORE AFFORDABLE HOUSING, AND INCLUDES GUIDANCE RELATED TO LOT
8 SIZES.

9 (2) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND
10 DECLARES THAT:

11 (a) ALLOWING A CONSISTENT MINIMUM LOT SIZE FOR SINGLE
12 FAMILY RESIDENTIAL PARCELS WILL HELP TO INCREASE HOUSING
13 AFFORDABILITY, THEREBY HELPING ALL COLORADANS;

14 (b) THE GENERAL ASSEMBLY DOES NOT INTEND TO CREATE ANY
15 ADDITIONAL BURDEN ON SUBJECT JURISDICTIONS IN ALLOWING MINIMUM
16 LOT SIZE REQUIREMENTS, AND THEREFORE HAS PROVIDED THAT
17 IMPLEMENTATION MAY HAPPEN AT ANY POINT BEFORE OCTOBER 1, 2031,
18 WHICH ALLOWS SUBJECT JURISDICTIONS TO IMPLEMENT THE REQUIREMENT
19 AS A PART OF AN EXISTING PROCESS; AND

20 (c) ALLOWING A CONSISTENT MINIMUM LOT SIZE FOR SINGLE
21 FAMILY RESIDENTIAL PARCELS IS A MATTER OF MIXED STATE AND LOCAL
22 CONCERN. THE AFFORDABILITY OF HOUSING IN ONE COMMUNITY AFFECTS
23 NEIGHBORING COMMUNITIES, AND COLORADO'S HOUSING SUPPLY IMPACTS
24 TRANSIT, TRANSPORTATION, EMPLOYMENT, ECONOMY, ENERGY, WATER,
25 AND INFRASTRUCTURE AND REQUIRES COLLABORATIVE SOLUTIONS.

26 **29-35-502. Definitions.**

27 AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (1) "EXEMPT PARCEL" MEANS A PARCEL THAT IS:

3 (a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT
4 SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

5 (b) SERVED BY A WELL THAT IS NOT CONNECTED TO A WATER
6 DISTRIBUTION SYSTEM, AS DEFINED IN SECTION 25-9-102 (6);

7 (c) SERVED BY A SEPTIC TANK, AS DEFINED IN SECTION 25-10-103
8 (18); OR

9 (d) A HISTORIC PROPERTY THAT IS LOCATED OUTSIDE OF A
10 HISTORIC DISTRICT.

11 (2) "SUBJECT JURISDICTION" HAS THE MEANING SET FORTH IN
12 SECTION 29-35-402 (21).

13 **29-35-503. Permitted minimum lot size for subject
14 jurisdictions.**

15 (1) ON OR AFTER OCTOBER 1, 2031, A SUBJECT JURISDICTION
16 SHALL NOT REQUIRE THAT A PARCEL HAVE AN AREA LARGER THAN TWO
17 THOUSAND SQUARE FEET IF THE PARCEL'S RESIDENTIAL USE IS LIMITED TO
18 A SINGLE FAMILY HOME. THIS SECTION DOES NOT APPLY TO EXEMPT
19 PARCELS.

20 (2) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION
21 FROM:

22 (a) APPLYING AND ENFORCING A LOCAL INFRASTRUCTURE
23 STANDARD, INCLUDING A STANDARD RELATED TO UTILITIES,
24 TRANSPORTATION, OR PUBLIC WORKS CODE;

25 (b) APPLYING AND ENFORCING A LOCAL LIFE SAFETY CODE,
26 INCLUDING A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

27 (c) APPLYING AND ENFORCING A REGULATION RELATED TO HUMAN

1 AND ENVIRONMENTAL HEALTH AND SAFETY, INCLUDING OIL AND GAS
2 SETBACKS, FLOODPLAIN REGULATIONS, AND AIRPORT INFLUENCE AREAS;

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

7 (e) REQUIRING A STATEMENT BY A WATER OR WASTEWATER
8 SERVICE PROVIDER REGARDING THE PROVIDER'S CAPACITY TO SERVICE A
9 PARCEL; OR

10 (f) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A
11 HISTORIC DISTRICT TO A PARCEL LOCATED WITHIN A HISTORIC DISTRICT.

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