

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 26-0409.01 Caroline Martin x5902

**HOUSE BILL 26-1313**

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**HOUSE SPONSORSHIP**

**Boesenecker and Stewart R.,**

**SENATE SPONSORSHIP**

**Ball,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE ADJUSTMENT OF REQUIREMENTS FOR**  
102 **GOVERNMENTS TO RECEIVE FUNDING FROM THE STATEWIDE**  
103 **AFFORDABLE HOUSING FUND.**

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**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>.)*

Current law requires a local government or a tribal government (government) desiring to receive funding from the statewide affordable housing fund to have filed with the division of housing of the department of local affairs (division) a commitment specifying how, within a 3-year cycle, affordable housing units within the government's territorial

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.*

boundaries will be increased by 3% each year over the baseline number of affordable housing units (baseline number). The baseline number resets every 3 years for the next cycle. To be eligible for funding from the statewide affordable housing fund, a government is required to file a commitment with the division and achieve the 3% increase over the baseline number each year during the 3-year cycle.

The bill changes the requirements for the 3-year cycle beginning on January 1, 2027, and each 3-year cycle thereafter, so that a government desiring to receive funding from the statewide affordable housing fund is no longer required to increase affordable housing units by 3% above the baseline each year, but is instead required to meet the target increase number of affordable housing units (target increase number). The target increase number equals the average annual number of permits for new housing units or functional equivalents of permits for new housing units that have been issued over the past 3 years within the jurisdiction of the government, multiplied by the number of years of the upcoming 3-year cycle to which the government is committing, multiplied by:

- 0.10 if the average annual job growth rate in the county in which the government is located is significantly lower than the statewide median annual job growth rate over the past 3 years, as determined by the division;
- 0.15 if the average annual job growth rate in the county in which the government is located is close to the statewide median annual job growth rate over the past 3 years, as determined by the division; or
- 0.20 if the average annual job growth rate in the county in which the government is located is significantly higher than the statewide median annual job growth rate over the past 3 years, as determined by the division.

The bill permits a government that desires to be eligible for funding from the statewide affordable housing fund but is unable to achieve the 3% annual increase in affordable housing units for the 3-year cycle beginning on January 1, 2024 to file a good faith effort waiver with the division. The division may, in its discretion, grant a good faith effort waiver to a government that filed for a waiver on or after June 15, 2026 but before November 1, 2026 and complied with other requirements of the bill.

The bill permits a government that desires to be eligible for funding from the statewide affordable housing fund but is unable to meet the target increase number in affordable housing units for the 3-year cycle beginning on January 1, 2027 to file an adjustment waiver with the division. The division may, in its discretion, grant an adjustment waiver to a government that filed for a waiver and complied with other requirements of the bill.

For the purposes of determining whether a government has

achieved the target increase number for the 3-year cycle beginning on January 1, 2027, and for each 3-year cycle thereafter, an affordable housing unit that satisfies the following criteria counts for one affordable housing unit plus the following corresponding additional unit amount:

- A unit that is developed on land donated by the local government or tribal government qualifies for an additional 0.10 of a unit;
- A unit that is developed to be sold qualifies for an additional 0.20 of a unit; and
- A unit that is restricted to be rented or sold to a household with an annual income of at or below 30% of the area median income qualifies for an additional 0.20 of a unit.

If affordable housing is developed and qualifies for a property tax exemption, thereby reducing property tax revenue to the county in which the affordable housing is located, and the county did not provide any money to develop the affordable housing, the division may, in its discretion, allow each such affordable housing unit to count as up to 1.15 affordable housing units for the county at the time of vertical construction. If a county's property tax revenue will be reduced due to the development of affordable housing, the county shall submit, at the time of the project underwriting for the affordable housing, documentation to the division of anticipated reduced property tax revenue.

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

2           **SECTION 1.** In Colorado Revised Statutes, 29-32-105, **amend**  
3 (1)(c) introductory portion, (1)(c)(I), (1)(d), (3)(a), (3)(b)(II), (3)(b)(IV),  
4 (3)(b)(VI), (3)(b)(VII), and (3)(d); and **add** (1)(d.5), (4), (5), (6), (7), (8),  
5 (9), and (10) as follows:

6           **29-32-105. Affordable housing commitments - local**  
7 **governments - tribal governments - three-year commitment cycle -**  
8 **expedited development approval process - eligibility for assistance**  
9 **from the fund - waivers.**

10           (1) (c) FOR THE THREE-YEAR CYCLE BEGINNING ON JANUARY 1,  
11 2024, the baseline number of affordable housing units within the  
12 territorial boundaries of a local government or tribal government, as  
13 referenced in this subsection (1), shall be determined by the local

1 government or tribal government by reference to:

2 (I) The 2017-2021 American Community Survey 5-year  
3 FIVE-YEAR estimates published by the United States census bureau; ~~The~~  
4 ~~baseline number shall reset for 2027, based on the 2020-2024 American~~  
5 ~~Community Survey 5-year estimates, expected to be published in the~~  
6 ~~spring of 2026 and every third year thereafter with the publication of the~~  
7 ~~corresponding American Community Survey 5-year estimates; or~~

8 (d) By November 1, 2026 and by November 1st of each  
9 subsequent year ~~in which the baseline resets~~ PRECEDING THE FIRST YEAR  
10 OF A THREE-YEAR CYCLE, the governing body of each local government,  
11 other than local housing authorities, or tribal government desiring to  
12 receive funding under this ~~article~~ ARTICLE 32 or desiring to make  
13 affordable housing projects within its territorial boundaries eligible for  
14 funding under this ~~article~~ ARTICLE 32 shall make and file with the division  
15 a commitment specifying how, by December 31 of the third year  
16 thereafter, the combined number of newly constructed affordable housing  
17 units, and existing units converted to affordable housing, AND UNITS WITH  
18 AFFORDABILITY RESTRICTIONS THAT EXTEND BEYOND THE THREE-YEAR  
19 CYCLE AND FOR AT LEAST FIFTEEN YEARS within its territorial boundaries  
20 shall be increased by ~~three percent each year over the baseline number of~~  
21 ~~affordable housing units within its territorial boundaries determined as~~  
22 ~~provided in subsection (1)(c) of this section~~ THE TARGET INCREASE  
23 NUMBER. THE TARGET INCREASE NUMBER EQUALS THE AVERAGE ANNUAL  
24 NUMBER OF PERMITS FOR NEW HOUSING UNITS OR FUNCTIONAL  
25 EQUIVALENTS OF PERMITS FOR NEW HOUSING UNITS THAT HAVE BEEN  
26 ISSUED OVER THE PAST THREE YEARS WITHIN THE JURISDICTION OF THE  
27 LOCAL GOVERNMENT OR TRIBAL GOVERNMENT, MULTIPLIED BY THE

1 NUMBER OF YEARS OF THE UPCOMING THREE-YEAR CYCLE TO WHICH A  
2 LOCAL GOVERNMENT OR TRIBAL GOVERNMENT IS COMMITTING,  
3 MULTIPLIED BY:

4 (I) TEN ONE-HUNDREDTHS IF THE AVERAGE ANNUAL JOB GROWTH  
5 RATE OVER THE PAST THREE YEARS, AS RECORDED BY THE STATE  
6 DEMOGRAPHY OFFICE FOR THE COUNTY IN WHICH THE LOCAL  
7 GOVERNMENT OR TRIBAL GOVERNMENT IS LOCATED, IS SIGNIFICANTLY  
8 LOWER THAN THE STATEWIDE MEDIAN ANNUAL JOB GROWTH RATE OVER  
9 THE PAST THREE YEARS, AS DETERMINED BY THE DIVISION;

10 (II) FIFTEEN ONE-HUNDREDTHS IF THE AVERAGE ANNUAL JOB  
11 GROWTH RATE OVER THE PAST THREE YEARS, AS RECORDED BY THE STATE  
12 DEMOGRAPHY OFFICE FOR THE COUNTY IN WHICH THE LOCAL  
13 GOVERNMENT OR TRIBAL GOVERNMENT IS LOCATED, IS CLOSE TO THE  
14 STATEWIDE MEDIAN ANNUAL JOB GROWTH RATE OVER THE PAST THREE  
15 YEARS, AS DETERMINED BY THE DIVISION; OR

16 (III) TWENTY ONE-HUNDREDTHS IF THE AVERAGE ANNUAL JOB  
17 GROWTH RATE OVER THE PAST THREE YEARS, AS RECORDED BY THE STATE  
18 DEMOGRAPHY OFFICE FOR THE COUNTY IN WHICH THE LOCAL  
19 GOVERNMENT OR TRIBAL GOVERNMENT IS LOCATED, IS SIGNIFICANTLY  
20 HIGHER THAN THE STATEWIDE MEDIAN ANNUAL JOB GROWTH RATE OVER  
21 THE PAST THREE YEARS, AS DETERMINED BY THE DIVISION.

22 (d.5) FOR THE THREE-YEAR CYCLE BEGINNING ON JANUARY 1,  
23 2027, AND FOR EACH THREE-YEAR CYCLE THEREAFTER, THE DIVISION  
24 SHALL ESTABLISH THRESHOLDS FOR JOB GROWTH RATES THAT THE  
25 DIVISION CONSIDERS TO BE SIGNIFICANTLY LOWER THAN, CLOSE TO, OR  
26 SIGNIFICANTLY HIGHER THAN THE STATEWIDE MEDIAN ANNUAL JOB  
27 GROWTH RATE OVER THE PAST THREE YEARS, TO BE USED PURSUANT TO

1 SUBSECTION (1)(d) OF THIS SECTION TO DETERMINE THE TARGET INCREASE  
2 NUMBER. IN ESTABLISHING THE THRESHOLDS FOR JOB GROWTH RATES, THE  
3 DIVISION SHALL DEFINE EACH THRESHOLD AS A SPECIFIC NUMERICAL  
4 RANGE BASED ON THE STATEWIDE MEDIAN ANNUAL JOB GROWTH RATE FOR  
5 THE PAST THREE YEARS.

6 (3) (a) Beginning in 2027, to be eligible under this ~~article~~ ARTICLE  
7 32 for direct funding, or for affordable housing projects within a local  
8 government's or tribal government's territorial boundaries to be eligible  
9 for funding, local governments, other than local housing authorities, or  
10 tribal governments, ~~must~~ SHALL:

11 (I) Satisfy both the requirements of subsection (1) of this section  
12 to commit to and achieve ~~annual~~ increases in the number of affordable  
13 housing units within their territorial boundaries, and the requirements of  
14 subsection (2) of this section to implement a system to expedite the  
15 development approval process for affordable housing projects; OR

16 (II) SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS  
17 SECTION TO COMMIT TO INCREASES IN THE NUMBER OF AFFORDABLE  
18 HOUSING UNITS WITHIN THEIR TERRITORIAL BOUNDARIES, SATISFY THE  
19 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION TO IMPLEMENT A  
20 SYSTEM TO EXPEDITE THE DEVELOPMENT APPROVAL PROCESS FOR  
21 AFFORDABLE HOUSING PROJECTS, AND HAVE RECEIVED APPROVAL FROM  
22 THE DIVISION OF A GOOD FAITH EFFORT WAIVER SUBMITTED IN  
23 ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

24 (b) (II) If a local government or tribal government makes and files  
25 with the division the commitment required by subsection (1) of this  
26 section by November 1, 2026, or by November 1st of a subsequent year  
27 ~~in which the baseline resets~~, PRECEDING THE FIRST YEAR OF A THREE-YEAR

1 CYCLE, and it met its commitment to increase affordable housing made  
2 under subsection (1) of this section for the previous three-year cycle OR  
3 RECEIVED A WAIVER PURSUANT TO THIS SECTION, it ~~shall be deemed to~~  
4 ~~have~~ HAS satisfied the requirements of subsection (1) of this section  
5 through the end of the current three-year cycle.

6 (IV) If a local government or tribal government fails to meet its  
7 commitment to increase affordable housing made and filed pursuant to  
8 subsection (1) of this section for any three-year cycle AND DOES NOT  
9 RECEIVE A WAIVER PURSUANT TO THIS SECTION, it ~~shall be~~ IS ineligible to  
10 receive financial assistance from the division or administrator during the  
11 first calendar year of the next three-year cycle.

12 (VI) A developer, whether for-profit or nonprofit, or a local  
13 government or tribal government developing an affordable housing  
14 project within the territorial boundaries of a local government or tribal  
15 government that fails to meet the requirements of subsection (1) or (2) of  
16 this section ~~shall be~~ AND THAT HAS NOT RECEIVED A WAIVER PURSUANT  
17 TO THIS SECTION IS ineligible to receive financial assistance from the  
18 division or administrator. Notwithstanding this restriction, a project  
19 within the territorial boundaries of an eligible municipality ~~shall be~~ IS  
20 eligible for funding even if the county in which the project is located is  
21 ineligible.

22 (VII) Ineligible local governments and tribal governments and  
23 developers of projects in ineligible local government and tribal  
24 government jurisdictions ~~shall~~ ARE not ~~be~~ required to pay back to the  
25 division or the administrator money paid to them under this ~~article~~  
26 ARTICLE 32 prior to ineligibility.

27 (d) (I) The division ~~shall be~~ IS responsible for determining

1 compliance with this section. For the purpose of calculating whether a  
2 local government or tribal government has met the requirements of  
3 subsection (1) of this section:

4 (A) A new residential housing unit is ~~to be~~ counted at the time it  
5 is permitted rather than the time it is constructed;

6 (B) An existing housing unit newly qualifying as affordable  
7 housing is ~~to be~~ counted at the time it is permitted and fully funded rather  
8 than at the time the conversion is completed; ~~For the purpose of~~  
9 ~~calculating whether a local government or tribal government has met the~~  
10 ~~requirements of subsection (1) of this section;~~

11 (C) In addition to affordable housing growth achieved through the  
12 programs in this ~~article~~ ARTICLE 32, any new deed restricted affordable  
13 HOUSING THAT IS newly constructed, or NEWLY converted to affordable  
14 HOUSING, OR HAS AFFORDABILITY RESTRICTIONS THAT EXTEND BEYOND  
15 THE THREE-YEAR CYCLE AND FOR AT LEAST FIFTEEN YEARS within a local  
16 government's or tribal government's territorial boundaries ~~shall be~~ IS  
17 counted toward the local government's or tribal government's growth  
18 requirement; ~~For the purpose of calculating whether a local government~~  
19 ~~or tribal government has met the requirements of subsection (1) of this~~  
20 ~~section;~~

21 (D) All units funded through the programs created in section  
22 29-32-104 (1)(b), (1)(c)(I), (1)(c)(II), and (1)(c)(III) are counted ~~towards~~  
23 TOWARD the local government's or tribal government's growth  
24 requirement; AND

25 (E) EACH HOUSING UNIT THAT IS DEVELOPED AS PART OF A LARGER  
26 DEVELOPMENT PROJECT THAT IS SUBJECT TO A DEED RESTRICTION OF AT  
27 LEAST FIFTEEN YEARS AND IN WHICH THE AVERAGE RENTAL PRICE OF ALL

1 UNITS IN THE PROJECT IS AFFORDABLE TO A HOUSEHOLD WITH AN ANNUAL  
2 INCOME OF AT OR BELOW SIXTY PERCENT OF THE AREA MEDIAN INCOME  
3 COUNTS AS ONE AFFORDABLE HOUSING UNIT.

4 (II) Regional collaboration and partnership is encouraged. Local  
5 governments and tribal governments may enter into written agreements  
6 with other local governments and tribal governments that allow each  
7 jurisdiction to receive partial credit ~~towards~~ TOWARD the local  
8 government's or tribal government's growth requirement for the purpose  
9 of calculating whether a local government or tribal government has met  
10 the requirements of subsection (1) of this section. ■ ■ EXCEPT FOR ANY  
11 CREDITS AWARDED PURSUANT TO SUBSECTION (9) OR (10) OF THIS SECTION  
12 THAT ARE IN EXCESS OF THE TOTAL AMOUNT OF UNITS PRODUCED, the sum  
13 of the total units credited to the local governments and tribal governments  
14 ~~shall~~ MUST not exceed the total number of units produced through the  
15 collaboration.

16 (4) IF A LOCAL GOVERNMENT, OTHER THAN A LOCAL HOUSING  
17 AUTHORITY, OR A TRIBAL GOVERNMENT DESIRES TO RECEIVE FUNDING  
18 UNDER THIS ARTICLE 32 OR DESIRES TO MAKE AFFORDABLE HOUSING  
19 PROJECTS WITHIN ITS TERRITORIAL BOUNDARIES ELIGIBLE FOR FUNDING  
20 UNDER THIS ARTICLE 32, AND IS UNABLE TO ACHIEVE, FOR THE  
21 THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2024, THE ANNUAL  
22 INCREASES IN THE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN ITS  
23 TERRITORIAL BOUNDARIES SET FORTH IN SUBSECTION (1) OF THIS SECTION,  
24 THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT MAY FILE A GOOD  
25 FAITH EFFORT WAIVER WITH THE DIVISION. THE LOCAL GOVERNMENT OR  
26 TRIBAL GOVERNMENT IS ELIGIBLE TO FILE A GOOD FAITH EFFORT WAIVER  
27 AND BE APPROVED BY THE DIVISION IF THE LOCAL GOVERNMENT OR

1 TRIBAL GOVERNMENT COMPLIES WITH SUBSECTION (5) OF THIS SECTION  
2 AND:

3 (a) HAS RECEIVED APPROVAL FROM THE DIVISION THAT THE LOCAL  
4 GOVERNMENT OR TRIBAL GOVERNMENT HAS COMPLIED WITH SUBSECTION  
5 (2) OF THIS SECTION;

6 (b) HAS RECEIVED TECHNICAL GUIDANCE FROM THE DIVISION'S  
7 PROPOSITION 123 COMMUNITY SUPPORT TEAM;

8 (c) HAS ACHIEVED AT LEAST SIXTY-FIVE PERCENT OF THE ANNUAL  
9 INCREASES IN THE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN ITS  
10 TERRITORIAL BOUNDARIES AS REQUIRED BY SUBSECTION (1) OF THIS  
11 SECTION FOR THE THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2024, OR  
12 IS ABLE TO SATISFY THE REQUIREMENT OF SUBSECTION (1) OF THIS  
13 SECTION TO ACHIEVE ANNUAL INCREASES IN THE NUMBER OF AFFORDABLE  
14 HOUSING UNITS WITHIN ITS TERRITORIAL BOUNDARIES FOR THE  
15 THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2024 IF THE REQUIREMENT  
16 HAD BEEN BASED ON THE TARGET INCREASE NUMBER SPECIFIED IN  
17 SUBSECTION (1)(d) OF THIS SECTION.

18 (5) TO BE ELIGIBLE TO FILE A GOOD FAITH EFFORT WAIVER AND BE  
19 APPROVED BY THE DIVISION, IN ADDITION TO MEETING THE REQUIREMENTS  
20 OF SUBSECTION (4) OF THIS SECTION, THE LOCAL GOVERNMENT OR TRIBAL  
21 GOVERNMENT SHALL:

22 (a) SUBMIT A NARRATIVE DESCRIPTION OF ITS ACHIEVEMENTS IN  
23 ADVANCING AFFORDABLE HOUSING DEVELOPMENTS WITHIN THE  
24 THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2024;

25 (b) SUBMIT DOCUMENTATION OF ITS ADOPTION OF LOCAL LAND  
26 USE, ZONING, OR REGULATORY REFORMS THAT INCREASE THE FEASIBILITY  
27 OF DEVELOPING AFFORDABLE HOUSING;

1 (c) SUBMIT DOCUMENTATION OF ADDITIONAL LOCAL  
2 COMMITMENTS TO FUND AFFORDABLE HOUSING OR ESTABLISHED METHODS  
3 FOR REDUCING THE COST OF DEVELOPING AFFORDABLE HOUSING;

4 (d) IMPLEMENT PROCESS OR CAPACITY IMPROVEMENTS THAT  
5 REDUCE BARRIERS TO DEVELOPING AFFORDABLE HOUSING, SUCH AS A  
6 HOUSING ACTION PLAN; OR

7 (e) PARTICIPATE IN REGIONAL COLLABORATION TO DEVELOP MORE  
8 AFFORDABLE HOUSING THROUGH A FORMAL REGIONAL AGREEMENT.

9 (6) A LOCAL GOVERNMENT OR TRIBAL GOVERNMENT SEEKING A  
10 GOOD FAITH EFFORT WAIVER FOR THE THREE-YEAR CYCLE BEGINNING ON  
11 JANUARY 1, 2024 SHALL, ON OR AFTER JUNE 15, 2026 BUT BEFORE  
12 NOVEMBER 1, 2026, SUBMIT TO THE DIVISION DOCUMENTATION OF  
13 COMPLIANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION. THE  
14 DIVISION SHALL DETERMINE, IN ITS DISCRETION, WHETHER TO GRANT A  
15 GOOD FAITH EFFORT WAIVER TO A LOCAL GOVERNMENT OR TRIBAL  
16 GOVERNMENT.

17 (7) IF A LOCAL GOVERNMENT, OTHER THAN A LOCAL HOUSING  
18 AUTHORITY, OR A TRIBAL GOVERNMENT DESIRES TO RECEIVE FUNDING  
19 UNDER THIS ARTICLE 32 OR DESIRES TO MAKE AFFORDABLE HOUSING  
20 PROJECTS WITHIN ITS TERRITORIAL BOUNDARIES ELIGIBLE FOR FUNDING  
21 UNDER THIS ARTICLE 32, BUT IS UNABLE TO ACHIEVE, FOR THE  
22 THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2027, THE ANNUAL  
23 INCREASES IN THE NUMBER OF AFFORDABLE HOUSING UNITS WITHIN ITS  
24 TERRITORIAL BOUNDARIES SET FORTH IN SUBSECTION (1) OF THIS SECTION,  
25 THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT MAY FILE AN  
26 ADJUSTMENT WAIVER WITH THE DIVISION. TO BE ELIGIBLE TO FILE AN  
27 ADJUSTMENT WAIVER FOR THE THREE-YEAR CYCLE BEGINNING ON

1 JANUARY 1, 2027, AND BE APPROVED BY THE DIVISION, THE LOCAL  
2 GOVERNMENT OR TRIBAL GOVERNMENT SHALL:

3 (a) RECEIVE APPROVAL FROM THE DIVISION THAT THE LOCAL  
4 GOVERNMENT OR TRIBAL GOVERNMENT HAS COMPLIED WITH SUBSECTION  
5 (2) OF THIS SECTION;

6 (b) SUBMIT TO THE DIVISION A DETAILED NARRATIVE EXPLAINING  
7 WHY THE ANNUAL INCREASE IN THE NUMBER OF AFFORDABLE HOUSING  
8 UNITS IS UNATTAINABLE WITHIN ITS TERRITORIAL BOUNDARIES FOR THE  
9 THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2027. THE DETAILED  
10 NARRATIVE MUST BE SUPPORTED BY RELIABLE AND VERIFIABLE DATA,  
11 SUCH AS:

12 (I) A LOCAL HOUSING NEEDS ASSESSMENT COMPLETED NO EARLIER  
13 THAN THREE YEARS BEFORE SUBMITTAL;

14 (II) AN INVENTORY OF DEED-RESTRICTED UNITS RECORDED WITH  
15 THE LOCAL GOVERNMENT, TRIBAL GOVERNMENT, OR COUNTY CLERK FOR  
16 THE COUNTY IN WHICH THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT  
17 IS LOCATED;

18 (III) A COMPREHENSIVE PLAN OR AREA PLAN GROWTH  
19 PROJECTIONS DEMONSTRATING THAT THE ANNUAL INCREASE  
20 REQUIREMENT IN THE NUMBER OF AFFORDABLE HOUSING UNITS EXCEEDS  
21 THE TOTAL PROJECTED GROWTH OF THE JURISDICTION BY A SIGNIFICANT  
22 MARGIN;

23 (IV) UTILITY OR SERVICE PROVIDER DOCUMENTATION;

24 (V) INFRASTRUCTURE CAPACITY LIMITATIONS; OR

25 (VI) ENVIRONMENTAL OR GEOGRAPHIC CONSTRAINT MAPS;

26 (c) PROPOSE A REVISED ANNUAL INCREASE IN THE NUMBER OF  
27 AFFORDABLE HOUSING UNITS BASED ON THE VERIFIABLE DATA SUBMITTED

1 PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION THAT IS NOT LESS THAN  
2 ONE UNIT PER YEAR; AND

3 (d) FILE DOCUMENTATION WITH THE DIVISION DEMONSTRATING  
4 THAT THE LOCAL GOVERNMENT'S OR TRIBAL GOVERNMENT'S COMMITMENT  
5 FOR THE THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2027,  
6 REPRESENTED A SIGNIFICANT INCREASE ABOVE ITS COMMITMENT FOR THE  
7 THREE-YEAR CYCLE BEGINNING ON JANUARY 1, 2027.

8 (8) IN ADDITION TO THE CRITERIA LISTED IN SUBSECTION (7) OF  
9 THIS SECTION, WHEN DECIDING WHETHER TO GRANT AN ADJUSTMENT  
10 WAIVER, THE DIVISION SHALL ALSO CONSIDER WHETHER AND THE EXTENT  
11 TO WHICH A LOCAL GOVERNMENT OR TRIBAL GOVERNMENT EXCEEDED THE  
12 ANNUAL INCREASE IN THE NUMBER OF AFFORDABLE HOUSING UNITS  
13 WITHIN ITS TERRITORIAL BOUNDARIES SET FORTH IN SUBSECTION (1) OF  
14 THIS SECTION FOR THE THREE-YEAR CYCLE BEGINNING ON JANUARY 1,  
15 2024.

16 (9) FOR THE PURPOSES OF DETERMINING WHETHER A LOCAL  
17 GOVERNMENT, OTHER THAN A LOCAL HOUSING AUTHORITY, OR A TRIBAL  
18 GOVERNMENT HAS ACHIEVED THE ANNUAL INCREASES IN THE NUMBER OF  
19 AFFORDABLE HOUSING UNITS WITHIN ITS TERRITORIAL BOUNDARIES SET  
20 FORTH IN SUBSECTION (1) OF THIS SECTION FOR THE THREE-YEAR CYCLE  
21 BEGINNING ON JANUARY 1, 2027, AND FOR EACH THREE-YEAR CYCLE  
22 THEREAFTER, AN AFFORDABLE HOUSING UNIT THAT SATISFIES THE  
23 FOLLOWING CRITERIA COUNTS FOR ONE AFFORDABLE HOUSING UNIT PLUS  
24 THE FOLLOWING CORRESPONDING ADDITIONAL UNIT AMOUNT:

25 (a) AN AFFORDABLE HOUSING UNIT THAT IS DEVELOPED ON LAND  
26 DONATED BY THE LOCAL GOVERNMENT OR TRIBAL GOVERNMENT  
27 QUALIFIES FOR AN ADDITIONAL ONE-TENTH OF A UNIT;

1 (b) AN AFFORDABLE HOUSING UNIT THAT IS DEVELOPED WITH  
2 MONEY PROVIDED BY MULTIPLE LOCAL GOVERNMENTS OR TRIBAL  
3 GOVERNMENTS QUALIFIES FOR AN ADDITIONAL ONE-TENTH OF A UNIT;

4 (c) AN AFFORDABLE HOUSING UNIT THAT IS DEVELOPED TO BE  
5 FOR-SALE HOUSING IN ACCORDANCE WITH SECTION 29-32-101 (2) OR THAT  
6 IS DEVELOPED AND SOLD IN CONNECTION WITH THE PROGRAM DESCRIBED  
7 IN SECTION 29-32-104 (3)(a) QUALIFIES FOR AN ADDITIONAL TWO-TENTHS  
8 OF A UNIT; AND

9 (d) AN AFFORDABLE HOUSING UNIT THAT IS RESTRICTED TO BE  
10 RENTED OR SOLD TO A HOUSEHOLD WITH AN ANNUAL INCOME OF AT OR  
11 BELOW FORTY PERCENT OF THE AREA MEDIAN INCOME, INCLUDING A  
12 SUPPORTIVE HOUSING UNIT AS DEFINED IN SECTION 24-32-3701 (17),  
13 QUALIFIES FOR AN ADDITIONAL TWO-TENTHS OF A UNIT.

14 (10) IF AFFORDABLE HOUSING THAT COUNTS TOWARD A  
15 COMMITMENT MADE BY A LOCAL GOVERNMENT OR TRIBAL GOVERNMENT  
16 PURSUANT TO SUBSECTION (1) OF THIS SECTION IS DEVELOPED AND  
17 QUALIFIES FOR A PROPERTY TAX EXEMPTION, THEREBY REDUCING  
18 PROPERTY TAX REVENUE TO THE COUNTY IN WHICH THE AFFORDABLE  
19 HOUSING IS LOCATED, AND THE COUNTY DID NOT PROVIDE ANY MONEY TO  
20 DEVELOP THE AFFORDABLE HOUSING, THE DIVISION MAY, IN ITS  
21 DISCRETION, ALLOW EACH SUCH AFFORDABLE HOUSING UNIT TO COUNT AS  
22 UP TO ONE AND FIFTEEN-HUNDREDTHS AFFORDABLE HOUSING UNITS FOR  
23 THE COUNTY AT THE TIME OF VERTICAL CONSTRUCTION. ■ ■

24 **SECTION 2. Safety clause.** The general assembly finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.