

CHAPTER 48

GOVERNMENT - LOCAL

HOUSE BILL 25-1093

BY REPRESENTATIVE(S) Stewart R. and Barron, Bird, Boesenecker, Froelich, Lindsay, Lindstedt, Mabrey, Rutinel, Valdez, McCluskie, Espenozza, Joseph;
also SENATOR(S) Ball and Hinrichsen, Cutter, Kipp, Winter F.

AN ACT

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b.5) "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.

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

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

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

29-20-203. Conditions on land-use approvals. (3) NOTWITHSTANDING ANY OTHER LAW, AT ANY TIME BEFORE AN ELECTION IS ORDERED PURSUANT TO SECTION 31-11-104, A MUNICIPALITY MAY SEEK A JUDICIAL DETERMINATION AS TO THE LEGALITY OF A PROPOSED LAND USE ORDINANCE THAT RESTRICTS OR LIMITS THE DEVELOPMENT OR USE OF LAND SUBMITTED TO THE LEGISLATIVE BODY PURSUANT TO SECTION 31-11-104 WITH REGARD TO ANY PROVISION OF THE UNITED STATES CONSTITUTION OR THE STATE CONSTITUTION, THIS SECTION, ARTICLE 68 OF TITLE 24, OR SECTION 29-20-104.2. THE OWNERS OF PROPERTY SPECIFICALLY SUBJECT TO THE PROPOSED ORDINANCE AND PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO SECTION 31-11-106 (2) SHALL BE ENTITLED TO INTERVENE IN THE PROCEEDING. THE TIME PERIOD TO ADOPT AN INITIATED ORDINANCE OR CALL AN ELECTION PURSUANT TO SECTION 31-11-104 (1) SHALL BE TOLLED DURING THE PENDENCY OF ANY ACTION FILED PURSUANT TO THIS SUBSECTION (3) INCLUDING ANY APPEAL.

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

Approved: March 31, 2025