

State Housing Reform and Housing in Arapahoe County

During the 2023 state legislative session there was a bill introduced that would have allowed the state to pre-empt local land use authority and mandate that local jurisdictions allow things like accessory dwelling units and up to a six-plex on any lot zoned for single-family residential use. The proposed legislation would have also mandated increased housing density within a certain proximity to transit, including a light rail station. City Council vehemently opposed this legislation, and in no small part to the efforts of City residents and City Council this bill died on the final day of the legislative session.

The 2024 state legislative session begins in January and communities across the state are preparing for another attempt by the state to mandate certain factors related to housing. Things like a mandate to plan for housing in general and affordable housing specifically, allowing accessory dwelling units on any residentially zoned property, and transit related housing (an increase in density around transit) are all anticipated. The legislation from 2023 and what is anticipated in 2024 is being proposed in an attempt to address a “housing crisis” that some in the state believe exists. The intent of this article is not to argue whether or not there is a housing crisis, but to provide information to residents about housing information across the state and in Arapahoe County.

In November of 2022, Colorado voters approved Proposition 123. This approval created a voluntary

program for cities, counties, and Native American reservation leaders to apply for affordable housing funds (grants and low interest loans) from the state and in exchange participating governments pledge to build 3% more affordable housing every year for the next three years. According to an article in the Colorado Sun dated December 1, 2023, titled *“A year after Colorado voters approved Proposition 123, demand for its affordable housing funds outweighs supply,”* 202 jurisdictions or more than 90% of Colorado’s population now lives in a community where government leaders have committed to building more affordable housing.

In August of 2023, shortly after the failure in the legislature, Governor Polis issued an executive order directing his administration to promote and streamline affordable, environment-minded housing development in Colorado that is focused around transit. According to an article in the Colorado Sun dated August 21, 2023, titled *“Colorado governor orders his administration to rework its housing initiatives after the legislature killed his signature bill,”* the directive impacts the Colorado Energy Office, the Office of Economic Development and International Trade, the Department of Transportation, the Department of Natural Resources, the Department of Local Affairs, the Department of Public Health and Environment, and the Department of Personnel and Administration. The agencies are to *“inventory all policies, plans, procedures and rules for programs that provide support to local governments ... for housing development, transportation, economic development, water infrastructure and conservation, and other growth-related programs.”* This article notes that the governor wants to make sure that programs promote efficient development that aligns with his climate goals and that housing is created *“for every budget.”*

Arapahoe County has been coordinating with its member municipalities to understand housing units that have been recently approved, are in the entitlement process, or planned through the municipality’s Master Plan (sometimes called a Comprehensive Plan). Based on information that Arapahoe County has gathered:

- ▲ More than 90,589 housing units are currently approved to be built in Arapahoe County. Using the average household size in the County, this equates to 236,437 people.
- ▲ As of 2021, Arapahoe County housing compared to state housing (shown in parentheses below) breaks down as shown below. Generally, Arapahoe County provides more diverse housing than the state average.

Housing Type	Arapahoe County (%)	State (%)
1-unit detached	56.2%	62%
1-unit attached	10.6%	7.4%
2-9 units	9.5%	8.8%
10-19 units	6.6%	9.2%
20+ units	13.8%	12.1%
Mobile homes	7%	3.7%

The Cherry Hills Village City Council has taken a position that any infringement on “home-rule authority,” which is granted by the Colorado constitution, whether related to housing or any other issue, is an over-reach of the state’s authority. Furthermore, each local jurisdiction is unique and should be able to address housing needs, to the extent one exists, as that community deems appropriate. City Council and staff will continue to advocate this position at the state capital regardless of the issue during the 2024 legislative session.

To stay informed on legislation at the state capital, visit leg.colorado.gov.

