

2017-2018 #4
Amended (Strikeouts)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:
ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF COLORADO IS AMENDED BY THE
ADDITION OF A NEW SECTION TO READ:

Section 17. Colorado growth limitation

(1) THE ELECTORS OF EVERY CITY, TOWN, CITY AND COUNTY, OR LOCAL COUNTY, WHETHER STATUTORY OR HOME RULE, RESERVE THE RIGHT TO LIMIT HOUSING GROWTH BY INITIATIVE AND REFERENDUM WITHOUT LEGISLATIVE INHIBITION OR PENALTY. THIS RIGHT IS FURTHER RESERVED ON A COUNTYWIDE BASIS WHEREBY ELECTORS THROUGHOUT A COUNTY MAY ELECT TO LIMIT HOUSING GROWTH UNIFORMLY IN ALL LOCAL GOVERNMENTS AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, WITHIN SUCH COUNTY BY INITIATIVE AND REFERENDUM.

(2) PRIVATELY OWNED RESIDENTIAL HOUSING GROWTH IN THE CITY AND COUNTIES OF BROOMFIELD AND DENVER, AND COUNTYWIDE IN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO, JEFFERSON, LARIMER, AND WELD, INCLUDING ALL LOCAL GOVERNMENTS WITHIN SUCH COUNTIES, SHALL NOT EXCEED ONE PERCENT ANNUALLY FOR THE YEARS 2019 AND 2020. IN SAID COUNTIES EACH LOCAL GOVERNMENT AND ANY PART OF SUCH, WHETHER STATUTORY OR HOME RULE, AND EACH SAID CITY AND COUNTY SHALL ALLOT BUILDING PERMITS SO THAT HOUSING GROWTH DOES NOT EXCEED A ONE PERCENT ANNUAL GROWTH RATE IN THE TOTAL NUMBER OF HOUSING UNITS IN EACH SAID YEAR. BEGINNING 2021 SUCH GROWTH LIMITATIONS MAY BE AMENDED OR REPEALED BY INITIATIVE AND REFERENDUM OR OTHERWISE SHALL REMAIN IN EFFECT.

(3) AT LEAST THIRTY PERCENT OF THE HOUSING SUBJECT TO THE LIMITATION SHALL BE AFFORDABLE HOUSING AND AFFORDABLE SENIOR HOUSING.

(4) NO PERMITS TO BUILD NEW PRIVATELY OWNED RESIDENTIAL HOUSING UNITS SHALL BE ISSUED WITHIN SAID COUNTIES INCLUDING ALL LOCAL GOVERNMENTS CONTAINED WITHIN OR ANY PART OF SUCH AND SAID CITY AND COUNTIES BEGINNING WITH THE DECLARATION OF VOTER APPROVAL OF THIS SECTION UNTIL JANUARY 1, 2019.

(5) INITIATIVE AND REFERENDUM FOR THIS SECTION:

(a) SIGNATURE REQUIREMENTS FOR INITIATIVE AND REFERENDUM FOR ENACTING, REPEALING, OR AMENDING, PROPOSALS TO REGULATE THE GROWTH OF PRIVATELY OWNED RESIDENTIAL HOUSING FOR LOCAL GOVERNMENTS, WHETHER STATUTORY OR HOME RULE, SHALL BE AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF VOTERS PARTICIPATING IN THE MOST RECENT GENERAL ELECTION IN SUCH LOCAL GOVERNMENT. SUCH PROPOSALS ON A COUNTYWIDE BASIS SHALL BE A SUMMATION OF SUCH REQUIREMENT FROM EACH LOCAL GOVERNMENT ANY PART OF A LOCAL GOVERNMENT NOT GOVERNED WITHIN SUCH COUNTY.

(b) PETITIONS FOR COUNTYWIDE PROPOSALS SHALL BE ISSUED BY THE COUNTY CLERK FOR ALL LOCAL GOVERNMENTS OR ANY PART OF SUCH WITHIN SUCH COUNTY WITH STATED MINIMUM SIGNATURE REQUIREMENTS FOR EACH SUCH ENTITY.

(c) A SINGLE CHALLENGE FOR THE FORM AND CONTENT OF A PETITION MAY BE FILED WITHIN TEN BUSINESS DAYS FOLLOWING APPROVAL BY THE CLERK OF A LOCAL GOVERNMENT OR BY THE COUNTY CLERK IN THE CASE OF COUNTYWIDE PETITIONS AND BEFORE SIGNATURE GATHERING COMMENCES. AN EXPEDITED JUDICIAL DECISION FOR SUCH A CHALLENGE SHALL BE FINAL.

(d) A SINGLE CHALLENGE FOR SIGNATURE SUFFICIENCY MAY BE FILED WITHIN TEN BUSINESS OF THE CLERK'S CERTIFICATION OF SIGNATURE SUFFICIENCY AND AFTER ALLOWING FOR ADDITIONAL NEEDED SIGNATURES. RECERTIFICATION SHALL NOT EXCEED TWO WEEKS AND SHALL BE FINAL.

(6) AS IF ANY PROVISION OF THIS SECTION IS HELD INVALID, THE REMAINDER OF THIS

Colorado Secretary of State

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SECTION SHALL REMAIN UNIMPAIRED.

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AFFORDABLE HOUSING" MEANS HOUSING AT LEAST THIRTY PERCENT LOWER IN SALES PRICE THAN AVERAGE COMPARABLE NEWLY CONSTRUCTED HOUSING WITHIN THE SAME LOCAL GOVERNMENT.

(b) "ANNUAL GROWTH" MEANS THAT WHICH OCCURS IN A PARTICULAR CALENDAR YEAR MEASURED IN THE TOTAL NUMBER OF HOUSING UNITS ABOVE THAT FOR THE PREVIOUS YEAR.

(c) "HOUSING UNIT" MEANS A BUILDING OR ANY PORTION OF A BUILDING DESIGNED FOR OCCUPANCY AS COMPLETE, INDEPENDENT LIVING QUARTERS FOR ONE OR MORE PERSONS, HAVING DIRECT ACCESS FROM THE OUTSIDE OF THE BUILDING OR THROUGH A COMMON HALL AND HAVING LIVING, SLEEPING, KITCHEN, AND SANITARY FACILITIES FOR THE EXCLUSIVE USE OF THE OCCUPANTS. A DETACHED HOME HAS ONE HOUSING UNIT WHEREAS AN APARTMENT BUILDING WITH EIGHTY APARTMENTS HAS EIGHTY HOUSING UNITS.

(d) "LOCAL COUNTY" MEANS THE COUNTY, WHETHER STATUTORY OR HOME RULE, AS A SEPARATE LOCAL GOVERNMENT WITHIN SUCH COUNTY AS IN THE UNINCORPORATED COUNTY.

(e) "LOCAL GOVERNMENT" MEANS A CITY, TOWN, CITY AND COUNTY, OR LOCAL COUNTY, WHETHER STATUTORY OR HOME RULE.

(f) "PRIVATELY OWNED RESIDENTIAL HOUSING" MEANS A SUMMATION OF HOUSING UNITS WHICH ARE RESIDENTIALLY ZONED OR OTHERWISE INTENDED FOR PRIVATE RESIDENTIAL USE. THOSE OWNED BY A FEDERAL, STATE OR LOCAL GOVERNMENT ENTITY, OR AN EDUCATIONAL, MEDICAL, OR PENAL FACILITY ARE EXCLUDED AS ARE COMMERCIAL ZONED ACCOMMODATIONS SUCH AS HOTELS AND MOTELS.

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