

a county, city and county, or municipality has over all property within its boundaries. All powers granted by this article shall be subject to such control and jurisdiction.

**Source: L. 98:** Entire article added, p. 1092, § 1, effective September 1.

**29-25-118. Method not exclusive.** Nothing in this article shall repeal or affect any other law or any part thereof, it being intended that this article shall provide a separate method of accomplishing its objectives and not an exclusive one.

**Source: L. 98:** Entire article added, p. 1092, § 1, effective September 1.

## AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARDS

### ARTICLE 26

#### Affordable Housing Dwelling Unit Advisory Boards

**Law reviews:** For article, "Hang 'em High": Affordable Housing Covenants in Colorado (Part I)", see 48 Colo. Law. 45 (July 2019).

29-26-101.	Legislative declaration.	29-26-104.	No effect upon local housing agency.
29-26-102.	Definitions.		
29-26-103.	Affordable housing dwelling unit advisory boards.		

**29-26-101. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) It is in the public interest to maintain a diverse housing stock in order to preserve some diversity of housing opportunities for the state's residents and people of low- and moderate-income.

(b) A housing shortage for persons of low- and moderate-income is detrimental to the public health, safety, and welfare. In particular, the inability of such persons to reside near where they work negatively affects the balance between jobs and housing in many regions of the state and has serious detrimental transportation and environmental consequences.

(c) As an initial step in fostering the establishment of affordable housing dwelling unit programs that will satisfy the housing needs of all the residents of a particular jurisdiction, it is appropriate for the general assembly to authorize local governments to establish affordable housing dwelling unit advisory boards.

(d) In selecting members of the advisory boards, the governing bodies of local government shall give preference to residents of the jurisdiction who have demonstrated experience in housing matters, preferably within the territorial boundaries of the jurisdiction, as a result of their current or former experience, without limitation, as a:

- (I) Registered or certified civil engineer or architect;
- (II) Planner;
- (III) Real estate broker licensed in accordance with part 2 of article 10 of title 12;
- (IV) Representative of a lending institution that finances residential development within the territorial boundaries of the local government;
- (V) Representative of the local housing authority;
- (VI) Residential builder with extensive experience in producing single-family or multiple-family dwelling units;
- (VII) Representative of either the public works or planning department of the local government; or
- (VIII) Representative of a nonprofit housing organization that provides services within the territorial boundaries of the local government.

(e) In addition, one or more members of the board, in the discretion of the local government, shall be a resident of the jurisdiction without demonstrated experience in housing matters.

(2) In creating this article, the general assembly intends that affordable housing dwelling unit advisory boards shall address the housing needs of low- and moderate-income persons, promote a full range of housing choices, and develop effective policies to encourage the construction and continued existence of affordable housing.

**Source:** L. 2001: Entire article added, p. 974, § 1, effective August 8. L. 2008: (1)(d)(III) amended, p. 511, § 31, effective April 17. L. 2019: (1)(d)(III) amended, (HB 19-1172), ch. 136, p. 1717, § 210, effective October 1.

**29-26-102. Definitions:** As used in this article, unless the context otherwise requires:

(1) "Affordable housing dwelling unit" means a residential structure that is purchased or rented by and is occupied as a primary residence by one or more income eligible households, or a comparable definition as established by a local government that is consistent with the purposes of this article.

(2) "Board" means an affordable housing dwelling unit advisory board established pursuant to this article.

(3) "Local government" means a county, home rule or statutory city, territorial charter city, town, or city and county.

(4) "Local housing authority" means the housing authority of a local government.

(5) "Ordinance" means any ordinance, resolution, statute, regulation, or rule promulgated by a local government pursuant to this article.

**Source:** L. 2001: Entire article added, p. 975, § 1, effective August 8.

**29-26-103. Affordable housing dwelling unit advisory boards.** (1) To further the purposes of this article, as specified in section 29-26-101, the governing body of any local government may, by ordinance, establish an affordable housing dwelling unit advisory board. Any such board or similar entity in effect prior to July 1, 2001, shall continue to be in full force and effect after that date.

(2) An ordinance promulgated under this article may authorize the board to make recommendations to the local government or the local housing authority as to one or more of the following:

(a) A jurisdiction-wide definition of affordable housing and affordable housing dwelling unit;

(b) Quantifying jurisdiction-wide affordable housing dwelling unit sales prices and rental rates. In developing its recommendations as to the sales prices and rental rates, the board shall consider all ordinary, necessary, and reasonable costs required to construct and market the required number of affordable housing dwelling units by private industry in the jurisdiction and other relevant information, such as the jurisdiction's general market and economic conditions.

(c) Jurisdiction-wide affordable housing dwelling unit qualifying income guidelines;

(d) Changes in density requirements contained in the jurisdiction's zoning or planning ordinances to encourage the provision of affordable housing;

(e) Policies for the modification of requirements adopted in connection with an affordable housing dwelling unit program established by the local government; and

(f) Any other matters that, in the discretion of the board, shall affect the construction and continued existence of affordable housing dwelling units or shall otherwise further the purposes of this article.

(3) (a) Members of a board for any given jurisdiction shall be appointed by the governing body of the local government. Selection of the chair and other organizational matters shall be addressed either by the board itself or by the local government through ordinance in the discretion of the governing body of the local government establishing the board pursuant to this paragraph (a).

(b) The number of members of a board and their terms shall be established by the governing body of the local government through ordinance. To the greatest extent practicable, membership on such boards shall reflect the intent of this article as expressed in section 29-26-101 (1).

Source: L. 2001: Entire article added, p. 976, § 1, effective August 8.

**29-26-104. No effect upon local housing agency.** Nothing in this article shall be construed to affect the operation of a local housing authority and any board created by this article is encouraged to cooperate with a local housing authority in the establishment and implementation of policies that shall further the intent of this article.

Source: L. 2001: Entire article added, p. 977, § 1, effective August 8.

**COMPETITION IN UTILITY AND ENTERTAINMENT SERVICES**

**ARTICLE 27**

**Competition in Utility and Entertainment Services**

**PART 1**

**PART 3**

**COMPETITION IN UTILITY AND ENTERTAINMENT SERVICES**

**COMPLIANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS**

- 29-27-101. Legislative declaration.
- 29-27-102. Definitions.
- 29-27-103. Provision of cable television, telecommunications, and broadband internet services or middle mile infrastructure.

- 29-27-301. General operating limitations.
- 29-27-302. Scope of article. (Repealed)
- 29-27-303. Enforcement and appeal.
- 29-27-304. Applicability. (Repealed)

**PART 4**

**PERMIT APPROVAL - PROCESS AND DEADLINE**

**PART 2**

**CONDITIONS FOR PROVIDING SERVICES**

- 29-27-201. Vote - referendum. (Repealed)
- 29-27-202. Exemption for unserved areas. (Repealed)

- 29-27-401. Legislative declaration.
- 29-27-402. Definitions.
- 29-27-403. Permit - approval - deadline - exception.
- 29-27-404. Permit process.

**PART 1**

**COMPETITION IN UTILITY AND ENTERTAINMENT SERVICES**

**29-27-101. Legislative declaration.** (1) The general assembly hereby finds and declares that it is the policy of the state to ensure that cable television service, telecommunications service, broadband internet service, and middle mile infrastructure are each provided within a consistent, comprehensive, and nondiscriminatory federal, state, and local government framework.

(2) The general assembly further finds and declares that:

- (a) There is a need for statewide uniformity in the regulation of all public and private entities that provide cable television service, telecommunications service, broadband internet service, and middle mile infrastructure.
- (b) Municipal ordinances, rules, and other regulations governing the provision of cable