



Colorado Housing Affordability Project Issue Brief No. 6: State Legislative Reforms for Housing Affordability

This paper is one in a series of Colorado Housing Affordability Project issue briefs summarizing the latest research on housing concerns statewide, from the origins of the affordability crisis to the best practices for addressing it. For every topic, CHAP's subject-matter-expert authors identify a component of that crisis, deliver the information essential to understanding the issue, and provide links or citations to further explore the supporting research. The entire CHAP issue brief series is available at <https://cohousingaffordabilityproject.org/the-research/> and continues to grow, so check back often.

The Issue: What measures have other states passed to address the effects of land use regulation on housing affordability?

The Takeaway: Several states have taken measures to mitigate the impact of land use regulation on affordability. The measures enacted generally reduce land use and zoning restrictions on accessory dwelling units (“ADUs”), permit middle housing¹ in more areas, appropriate funds for affordable housing initiatives and research, require more land use training for officials, and modify municipalities’ voting procedures for zoning code changes, among other things.

The Research: Below, we summarize various states’ recent land use reform measures to address housing affordability concerns.

Connecticut

Connecticut’s House Bill 6107, “An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and a Commission on Connecticut’s Development and Future,” (“**HB 6107**”) became law on June 10, 2021² and:

- Permits ADUs “as of right” in all single family dwelling districts, which means that municipalities can no longer require special permits or public hearings for the development of ADUs.³
- Provides guidelines for how municipalities should regulate ADUs to best promote housing affordability.⁴

¹ “Middle housing” is a term defined by state law that typically means “duplexes, triplexes, quadplexes, cottage clusters, and townhouses.” Sub. H.B. 6107 § 1(b)(5), Gen. Assemb., Reg. Sess. (Conn. 2021).

² *Substitute for Raised H.B. No. 6107 Session Year 2021*, Conn. Gen. Assemb., https://www.cga.ct.gov/asp/CGABillStatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB6107 (last visited July 12, 2021); H.B. 6107.

³ H.B. 6107 § 6; Alexis Harrison, *The HB 6107 Zoning Bill Myths vs ‘Facts’ vs the Reality*, CT MIRROR (June 1, 2021), <https://ctmirror.org/category/ct-viewpoints/the-hb-6107-zoning-bill-myths-vs-facts-vs-the-reality/>.

⁴ *2021 Legislative Reforms*, DESEGREGATE CT, <https://www.desegregatect.org/hb6107> (last visited July 12, 2021) (“Connecticut became the 8th state to enact state-level legislation for accessory apartments.”).



- Establishes that ADUs can either be attached to the principal dwelling or detached from the principal dwelling, as long as they are on the same lot, and makes clear that all local zoning regulations must permit at least one ADU on a lot with a single-family dwelling.⁵
- Prevents zoning codes from requiring more than one parking space to be provided for a studio or one bedroom dwelling, or more than two parking spaces for a dwelling with two or more bedrooms.⁶
 - Connecticut became the first state in the country to alter parking restrictions statewide rather than limiting reform to parking associated with housing near transit stations.⁷
- Requires zoning regulations adopted by zoning commissions to:
 - Consider the impact of land use on contiguous municipalities and the planning region.⁸
 - Be consistent with the soil type, terrain, and infrastructure capacity of an area.⁹
 - Provide for or require “cluster development,”¹⁰
 - Require estimates of vehicle miles traveled to assess the potential traffic impact of developments and determine how to mitigate any impact of traffic at a proposed development.¹¹
- Prohibits zoning commissions from adopting zoning regulations that:
 - Establish a minimum floor area for a dwelling unit that is greater than the minimum floor area in the applicable building or housing code.¹²
 - Place a cap on the number of multi-family housing units over four units, middle housing developments, or mixed-use developments that may be allowed in a municipality.¹³
- Alters some of the more subjective language originally used in the state’s Zoning Enabling Act.¹⁴
 - Removes “prevent overcrowding of land,” “avoid undue concentration of population,” and “conserving value of buildings” from permitted purposes for a municipality to establish zoning regulations.¹⁵

⁵ H.B. 6107 § 6.

⁶ *Id.* § 4(d)(9); *2021 Legislative Reforms, supra* note 4 (“Zoning codes may not require a minimum number of parking spaces for new housing units in excess of one space for studio and one-bedroom homes or two spaces for two-plus-bedroom homes.”).

⁷ *2021 Legislative Reforms, supra* note 4; Michael Andersen, *A New Idea for State-Led Upzoning: Letting Cities Opt Out*, SIGHTLINE INST. (May 28, 2021, 12:27 AM), <https://www.sightline.org/2021/05/28/a-new-idea-for-state-led-upzoning-letting-cities-opt-out/> (“[S]tate-level parking legislation is very rare.”). Most parking requirement changes have focused on housing built specifically near transit stations, rather than changing provisions state wide. *Id.*

⁸ H.B. 6107 § 4(b)(2)(G).

⁹ *Id.* § 4(c)(1).

¹⁰ *Id.* Cluster development is “a building pattern concentrating units on a particular portion of a parcel so that at least one-third of the parcel remains as open space to be used exclusively for recreational, conservation and agricultural purposes” Conn. Gen. Stat. § 8-18 (2020).

¹¹ H.B. 6107 § 4(c)(9).

¹² *Id.* § 4(d)(7).

¹³ *Id.* § 4(d)(8).

¹⁴ *Id.* § 4(b)(3).

¹⁵ *Id.*; Harrison, *supra* note 3.



- Prevents a municipality from denying a permit based on a “character” standard unless the character is specifically described and discussed in the municipality governing regulations.¹⁶
- Requires municipalities to consider the impact on neighboring areas in the “planning region” when making or revising local zoning regulations.¹⁷
- Requires each municipality to adopt an affordable housing plan by June 1, 2022 specifying how it will increase affordable housing within its jurisdiction.¹⁸
- Requires local officials who participate in planning and zoning to complete a minimum of four hours of land use training.¹⁹
- Establishes a commission that will evaluate policies that impact land use, housing affordability, infrastructure, and conservation.²⁰
- Permits municipalities to opt out of some of the provisions of HB 6107.²¹
 - (1) Municipalities can opt out of the mandatory regulations regarding ADUs before January 1, 2023; and (2) municipalities can opt out of the parking provisions at any time.²²
 - Opting out of either reform requires 2/3 vote of the municipality’s zoning commission and 2/3 vote of the city council.²³

Impact of Legislation. While the municipal opt out provisions likely will limit HB 6107’s impact in some locations,²⁴ the other provisions will push Connecticut to be more intentional in its planning in addressing affordable housing issues. By requiring consideration of neighboring areas, providing training to local officials, and evaluating existing policies, this bill requires the state to holistically assess its progress addressing affordable housing concerns and determine how best to go forward. Further, because municipalities have to follow a specific, lengthy process to opt out of the bill’s provisions, many may not go through the tedious process of opting out.²⁵ Instead, communities may be able to alleviate some affordable housing needs by permitting homeowners to develop ADUs and easing parking requirements on new developments. A municipality’s success will demonstrate to other municipalities throughout the state that these changes effectively alleviate affordable housing issues in the state.

¹⁶ H.B. 6107 § 4(d)(10) (establishing that zoning regulations cannot be applied to deny an application based on “character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures . . .”).

¹⁷ *Id.* § 4(b)(2)(g) (“[C]onsider the impact of permitted land uses on contiguous municipalities and on the planning region . . .”).

¹⁸ *Id.* § 12(a)(1) (“Not later than June 1, 2022 . . . each municipality shall prepare or amend and adopt an affordable housing plan for the municipality . . .”).

¹⁹ *Id.* § 9.

²⁰ *Id.* § 13(a) (“There is established a Commission on Connecticut’s Development and Future with the Legislative Department, which shall evaluate policies related to land use, conservation, housing affordability and infrastructure.”).

²¹ Andersen, *supra* note 7.

²² H.B. 6107 §§ 3, 5; Harrison, *supra* note 3; Anna Bybee-Schler, *Fairfield Affordable Housing Could be Affected by CT Zoning Bill*, PATCH (May 30, 2021, 5:00 PM).

²³ H.B. 6107 § 5; *see also* Kristina Vakhman, *Affordable Housing Bill Passes with Questionable Impact*, CT NEWS JUNKIE (May 20, 2021, 8:44 PM), <https://ctnewsjunkie.com/2021/05/20/affordable-housing-bill-passes-with-questionable-impact/>.

²⁴ Vakhman, *supra* note 23.

²⁵ *Id.* (“It is our hope that municipalities within Connecticut will see the vast benefits to permitting housing diversity and embrace this new policy around ADU’s.”).



Utah

Utah passed three main pieces of legislation in 2021 to address affordable housing concerns. First, House Bill 82, “Single Family Housing Modifications,” (“**HB 82**”) was signed into law on March 16, 2021.²⁶

A. *HB 82: IADU Reform*

- Requires municipalities to permit internal accessory dwelling units (“**IADUs**”) within a primary, single family dwelling that is not attached to other residences, occupied by the owner of record in single-family residential zones.²⁷
- Attempts to prevent owners from using IADUs as short-term rentals (“**STRs**”).²⁸
- Allows municipalities to adopt ordinances that punish those who attempt to use an IADU as a STR through fines, charges, potential prosecution, and other measures.²⁹ For example, Park City sends a letter to the property owner operating an illegal STR that strongly encourages them to obtain a business license for their illegal STR operation.³⁰
- Prevents municipalities from restricting the size of the IADU in relation to the primary dwelling, restricting the total lot size where an IADU can be developed, or restricting the street frontage.³¹
- Allows municipalities to require IADUs to be designed in ways that do not change the appearance of the primary dwelling,³² require the primary dwelling of an IADU to include an additional parking space for the IADU,³³ and require the owner of a primary dwelling to obtain a permit to rent out the IADU.³⁴
- Permits municipalities to place a number of restrictions on IADU development, including prohibiting an IADU from being created in a mobile home³⁵ and prohibiting IADUs in specific types of zoning districts such as university housing areas.³⁶

These changes to IADU regulations under HB 82 are mandatory and must be adopted by municipalities by October 1, 2021.³⁷

²⁶ H.B. 82, Gen. Assemb., Reg. Sess. (Utah 2021).

²⁷ *Id.* § 4 (enacting Utah Code § 10-9a-530). IADUs must be attached to a single-family dwelling and are permitted in any area zoned primarily for residential use. *Id.* § 4(4).

²⁸ Zachary Dussault, *What did this Year’s State Legislative Session Mean for Housing and Transportation?*, BUILDING SALT LAKE (Mar. 12, 2021), <https://www.buildingsaltlake.com/what-did-this-years-state-legislative-session-mean-for-housing-and-transportation/>.

²⁹ H.B. 82 § 1(3) (amending Utah Code § 10-8-85.4) (protections against punishment for short-term rentals do not apply to those who list or offer an ADU as a short-term rental).

³⁰ See Sean Higgins, *Billed as an Affordable Housing Fix, How Does HB 82 Affect Park City?*, KPCW (Mar. 27, 2021), <https://www.kpcw.org/post/billed-affordable-housing-fix-how-does-hb-82-affect-park-city#stream/0>.

³¹ H.B. 82 § 4(2)(b) (enacting Utah Code 10-9a-530).

³² *Id.* § 4(4)(b).

³³ *Id.* § 4(4)(c)(i).

³⁴ *Id.* § 4(4)(e).

³⁵ *Id.* § 4(4)(d).

³⁶ *Id.* § 4(4)(f).

³⁷ *Id.* § 4(6)(a); Cassie Goff, *How Decisions from the 2021 Legislative Session could Impact Cottonwood Heights*, CITY J. (Apr. 26, 2021, 11:26 AM), <https://www.cottonwoodheightsjournal.com/2021/04/26/354208/how-decisions-from-the-2021-legislative-session-could-impact-cottonwood-heights>.



B. SB 164

Senate Bill 164 “Utah Housing Affordability Amendments” (“**SB 164**”) was signed on March 17, 2021.

- Provides grant money for preliminary costs in building low-income housing.³⁸
- Funds a tenant-landlord mediation program to slow evictions.³⁹
- Allows local governments to contribute public land to affordable housing.⁴⁰
- Requires cities to develop plans to address affordable housing concerns.⁴¹
 - Each municipality must prepare and adopt a comprehensive and long range plan that may provide for the protection of urban development,⁴² and towns, or a municipality with a population of less than 1,000 people,⁴³ must consider the protection or promotion of moderate-income housing.⁴⁴
 - Municipalities with more than 1,000 people⁴⁵ must plan for moderate-income housing growth.⁴⁶
 - The legislative body of a municipality must review the moderate-income housing portion of the plan annually and prepare a report on its findings to publish on the municipality’s website.⁴⁷
 - The report must include a revised estimate of the need for moderate-income housing, describe the progress the municipality has made on providing moderate-income housing, and describe what efforts and action the municipality has taken to implement or use moderate-income housing strategies described in this bill.⁴⁸
 - A plaintiff may seek enforcement or claim a violation of this section in a civil action and may be awarded injunctive or equitable relief.

C. HB 409

Finally, House Bill 409 (“**HB 409**”) modifies the Municipal Land Use, Development and Management Act (“**LUDMA**”)⁴⁹ as follows:

³⁸ S.B. 164 § 6, Gen. Assemb., Reg. Sess. (Utah 2021) (enacting Utah Code § 35A-8-507.5).

³⁹ *Id.* § 5(1)(i) (amending Utah Code § 35A-8-505).

⁴⁰ *Id.* § 1 (enacting Utah Code § 10-8-501).

⁴¹ *Id.* § 2(1) (amending Utah Code § 10-9a-401); Tony Semerad, *Utah Lawmakers Advance Housing Helps, but Will they Run out of Time?*, SALT LAKE TRIBUNE (Mar. 2, 2021, 6:28 PM), <https://www.sltrib.com/news/2021/03/02/utah-lawmakers-push/>.

⁴² S.B. 164 § 2(2)(e).

⁴³ Utah Code § 10-2-301(f).

⁴⁴ S.B. 164 § 2(2)(f).

⁴⁵ § 10-2-301 (“Each municipality shall be classified according to its population, as provided in this section.”) (defining classes of cities).

⁴⁶ S.B. 164 § 2(3)(a) (“The general plan of a municipality, other than a town, shall plan for moderate income housing growth.”).

⁴⁷ *Id.* § 4(1) (amending Utah Code § 10-9a-408).

⁴⁸ *Id.* § 4(2).

⁴⁹ Utah League of Cities and Towns, *2021 Utah Legislative Session: Top 3 Land Use Bills HB82, HB98 & HB409* (Mar. 24, 2021), <https://apautah.org/wp-content/uploads/2021/03/ULCT-Land-Use-Bill-Summary-Part-1-2021-.pdf>.



- Requires members of zoning commissions in larger communities to receive annual land use training.⁵⁰
- Land use training may include training on appeals and variances, conditional permits, vested rights, property rights, zoning, or other land use topics.⁵¹
- Changes the evidence standard for land use decisions and appeals to “substantial,” or beyond a scintilla, and evidence that a reasonable mind would accept as adequate support.⁵²
- Requires municipalities who adopt land use ordinances for the conditional use of land to establish objective standards in the ordinance.⁵³
 - Conditional use means “a land use that, because of the unique characteristics or potential impact of the land use . . . may be compatible only if certain conditions are met.”⁵⁴

Impact of Legislation. Collectively, these bills provide small changes to combat Utah’s housing affordability crisis. First, HB 82 eases restrictions on IADU development within single-family housing, which will provide more options for individuals looking for places to live. From basement apartments to “mother-in-law suites,” IADUS offer a potential increase in available housing in space that has already been developed. Next, SB 164 aids those seeking to build affordable housing to overcome some of the preliminary hurdles in development. With grants provided for preliminary development permits and programs to prevent eviction, this funding could aid individuals in the process of acquiring affordable housing.⁵⁵ Finally, HB 409 ensures that zoning officials will continually be educated on land use issues and provides further clarity on land use standards in the state.

Massachusetts

In 2021, Massachusetts passed House Bill 5250, (“**HB 5250**”) which modifies the state’s Zoning Act to address housing affordability and development concerns⁵⁶ in the following ways:

- Alters the voting standard from a supermajority to a simple majority for municipalities to implement some zoning changes and grant development permits to build more affordable housing.⁵⁷
 - Municipalities can now pass the following zoning regulations with a simple majority:

⁵⁰ H.B. 409 § 2(6)(b)(ii), Gen. Assemb., Reg. Sess. (Utah 2021) (amending Utah Code § 10-9a-302).

⁵¹ *Id.*

⁵² *Id.* § 14 (amending Utah Code § 10-9a-801).

⁵³ *Id.* § 3 (amending Utah Code § 10-9a-507).

⁵⁴ *Id.* § 1(8) (amending Utah Code § 10-9a-103).

⁵⁵ Sonja Hutson & Emily Means, *Utah Legislature Advances Two Bills to Encourage New Affordable Housing Construction*, KUER 90.1 (Mar. 3, 2021, 5:00 AM), <https://www.kuer.org/politics-government/2021-03-03/utah-legislature-advances-two-bills-to-encourage-new-affordable-housing-construction>.

⁵⁶ H.B. 5250 §§ 16-14, Gen. Assemb., Reg. Sess. (Mass. 2021); *see also* Andrew E. Bensson, *Massachusetts House Bill No. 5250: Revisions to Massachusetts Zoning*, 11 NAT’L L. REV. 48 (Feb. 17, 2021), <https://www.natlawreview.com/article/massachusetts-house-bill-no-5250-revisions-to-massachusetts-zoning>.

⁵⁷ H.B. 5250 §§ 19, 24, & 27; Eric Weld, *New Housing Choice Law Could have Large Impact on Affordable Housing in Massachusetts*, MASSLANDLORDS.NET, <https://masslandlords.net/new-housing-choice-law-could-have-large-impact-on-affordable-housing-in-massachusetts/> (last visited July 30, 2021).



- ◆ Permitting “as of right”⁵⁸ multi-family housing.
- ◆ Allowing as of right ADUs either within a principal dwelling or as a detached structure on the same lot as a principal dwelling.⁵⁹
- ◆ Lowering restrictions regarding the general appearance of structures such as bulk, height, yard size, open space, or lot area.⁶⁰
- ◆ Increasing permissible density on land.⁶¹
- ◆ Adopting “smart growth zoning districts.”⁶²
- ◆ Other measures that aim to bolster affordable housing.⁶³
- Municipalities can now grant the following permits for some housing-related development projects with a simple majority vote:
 - ◆ Multi-family housing near transportation.
 - ◆ Mixed use development in commercial areas of municipalities.
 - ◆ Reduced parking requirements for development.⁶⁴
- Requires that municipalities in the Massachusetts Bay Transportation Authority adopt a zoning ordinance or bylaw to allow at least one multifamily district as of right.⁶⁵
- Permits contiguous communities to enter into agreements to “allocate public infrastructure costs, municipal service costs and local tax revenue associated with the development of an identified parcel or parcels or development within the contiguous communities”⁶⁶

Impact of Legislation. By lowering the voting threshold needed to pass affordable housing measures at the local level, this bill encourages local municipalities to implement critical zoning changes to address affordability concerns in Massachusetts.⁶⁷ The success of this bill in addressing affordable housing issues will be dependent on municipalities advancing zoning changes.⁶⁸ Those that do adopt reforms will likely see an ease in building and density restrictions and the growth of ADUs and middle housing. Because these provisions explicitly work to address affordability, adopting these zoning changes will likely aid municipalities in combatting the affordable housing crisis. Some municipalities in Massachusetts have attempted to institute these zoning changes before, but they failed under a supermajority vote.⁶⁹ With a simple majority, it is more likely that municipalities will be able to pass these reforms and positively impact their residents.

⁵⁸ H.B. 5250 § 16 (defining “as of right”).

⁵⁹ *Id.* § 19(1). “As of right” applies to both multi-family housing and ADUs. *Id.*

⁶⁰ *Id.* § 19(3)(b).

⁶¹ *Id.* § 19(2)(b).

⁶² *Id.* § 19(4).

⁶³ *Id.* § 19 (“[T]he following shall be adopted by a vote of a simple majority.”) (listing the zoning ordinance measures that can be adopted or changed with simple majority instead of two-thirds vote); *see also* Besson, *supra* note 56.

⁶⁴ H.B. 5250 § 24.

⁶⁵ *Id.* § 18.

⁶⁶ *Id.* § 15.

⁶⁷ Besson, *supra* note 56.

⁶⁸ Weld, *supra* note 57 (“But due to the construction of the bill, its impact will be largely decided by municipalities across the state.”). For example, Boston had several development projects fail under the 2/3 majority that may be reintroduced under the simple majority. *Id.*

⁶⁹ *Id.*

Oregon

Oregon passed House Bill 2003 (“**HB 2003**”) and House Bill 2001 (“**HB 2001**”) in 2019. The former requires medium and large cities to study the current and future housing needs of residents, in addition to requiring cities to develop strategies to ensure needed housing is actually available.⁷⁰ The strategies a municipality adopts must “include a list of specific actions, including the adoption of measures and policies, that the city shall undertake”⁷¹ In contrast, HB 2001 had a more direct effect, dramatically expanding the zones where middle housing may be located and prohibiting enforcement of private restrictions that disallow middle housing, among other provisions. Taken together, HB 2003 and HB 2001 have cleared a path for greatly expanded affordable housing in Oregon.

A. *HB 2001*

- Mandates that large and medium cities must allow for the development of a “duplex”⁷² (meaning “two dwelling units on a lot or parcel in any configuration”⁷³) on each lot zoned for detached, single-family residential dwellings.⁷⁴
 - In effect, this provision allows for duplexes on all single-family lots in cities of 10,000 people or more.
- Provides that large cities—and cities and counties within a metropolitan service district—must permit the development of “[a]ll middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings.”⁷⁵
 - The law defines “middle housing” as duplexes, triplexes, quadplexes, cottage clusters, and townhomes.⁷⁶
- Makes clear that cities subject to these new rules must amend their comprehensive plans or adopt new land use regulations no later than June 30, 2021 for medium cities and no later than June 30, 2022 for large cities.⁷⁷

⁷⁰ *House Bill 2003: Requiring Cities to Update Housing Needs Studies and Create Housing Production Strategies, Overview*, OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (last updated Nov. 13, 2019), <https://www.oregon.gov/lcd/UP/Documents/HB2003OverviewPublic.pdf>.

⁷¹ HB 2003, 2019 Reg. Sess. § 4(2) (Or. 2019).

⁷² HB 2001, 2019 Reg. Sess. § 2(2)(b) (Or. 2019).

⁷³ *Large Cities Middle Housing Model Code, December 9, 2020 Special Meeting, Agenda Item 2, Attachment B*, OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (Dec. 9, 2020), Oregon Administrative Rule 660-046 Exhibit B, Chapter 1, § B(10) (Dec. 9, 2020), https://www.oregon.gov/lcd/Commission/Documents/2020_12_Item-2-Attachment%20LMCMC_Commission%20Draft_final_120220.pdf.

⁷⁴ HB 2001 § 2(2)(b); *id.* § 2(3). For the purposes of the section of this memorandum on Oregon, “large city” means a city with a population of 25,000 or more, and “medium city” means a city with a population of more than 10,000 and less than 25,000. *Id.* § 2(2)-(3).

⁷⁵ *Id.* § 2(2)(a).

⁷⁶ *Id.* § 2(1)(b). Less familiar than the other terms, a “cottage cluster” is “groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.” *Id.* § 2(1)(a).

⁷⁷ *Id.* § 3(1); The Oregon Department of Land Conservation and Development has published, and continues to update, information about the status of the law’s implementation in different municipalities. *See, e.g., Housing Choices (HB 2001)*, Oregon Department of Land Conservation and Development, <https://www.oregon.gov/lcd/UP/Pages/Housing-Choices.aspx> (last visited July 9, 2021).



- In adopting regulations and amending plans, cities must consider “ways to increase the affordability of middle housing” by considering policies including, but not limited to, “[w]aiving or deferring system development charges . . . [a]dopting or amending criteria for property tax exemptions . . . [and] [a]ssessing a construction tax”⁷⁸
- There are no reporting requirements prescribed for what a city actually takes into consideration.⁷⁹
- Cities may seek an extension to implement the changes where the local government “has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023”⁸⁰ However, the extension may not be indefinite; it may not extend “beyond the date that the local government intends to correct the deficiency”⁸¹
- Requires that the State establish standards for municipalities to “allow alternate approval of construction related to the conversions of single-family dwellings” into smaller units.⁸²
- Charges the State with developing a “model middle housing ordinance” by December 31, 2020,⁸³ which it made public on December 9, 2020.⁸⁴
 - If municipalities do not adopt language of their own in new or updated laws, they must apply the model ordinance.⁸⁵
- Appropriates \$3,500,000 to assist local governments in amending or adopting regulations to come into compliance.⁸⁶
- Limits what private parties may do to restrict the use of their land. The law states that “[a] provision in a recorded instrument affecting real property [such as a deed] is not enforceable if . . . [t]he provision would allow the development of a single-family dwelling on the real property but would prohibit the development of” middle housing or an accessory dwelling unit.⁸⁷
 - This new rule only applies to instruments executed on or after HB 2001 went into effect on August 8, 2019.⁸⁸
 - Previously recorded instruments affecting housing development remain presumptively enforceable.⁸⁹

⁷⁸ HB 2001 § 3(4).

⁷⁹ See HB 2001.

⁸⁰ *Id.* § 4(2).

⁸¹ *Id.*

⁸² *Id.* § 9(8).

⁸³ *Id.* § 3(2).

⁸⁴ *Large Cities Middle Housing Model Code, supra* note 73.

⁸⁵ HB 2001, § 3(3).

⁸⁶ *Id.* § 15.

⁸⁷ *Id.* § 13(1).

⁸⁸ *Id.* § 13(2); 2019 Regular Session: HB 2001 Enrolled, Oregon State Legislature, <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2001> (last visited July 13, 2021).

⁸⁹ See HB 2001 § 13.



Finally, to guide the implementation of HB 2001’s requirements, the Oregon Secretary of State promulgated an administrative rule essentially stating that a municipality cannot impose stricter housing standards on middle housing than those that already exist for single-family dwellings.⁹⁰

Impact of Legislation. The significance of HB 2003’s requirement that cities study residents’ housing needs cannot be overstated. With hard data in hand, cities will be able to tailor their affordable housing strategies to residents’ needs moving forward, rather than relying on spotty numbers and guesswork. In addition, HB 2001 expands the areas where middle housing is permitted. As middle housing is generally more affordable to rent than a single-family home, more middle housing means more affordable housing.

California

Although California has long ranked poorly on measures of housing affordability, it has more recently moved to address its affordability crisis. Most dramatically, Senate Bills 9⁹¹ and 10,⁹² enacted in the fall of 2021, eliminate single family zoning by allowing duplexes on almost any lot and will eventually require localities to permit certain levels of housing density in transit-rich areas.

The state has also attempted to expand construction of ADUs. California defines an ADU as “an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence . . . [it] include[s] permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.”⁹³ The State enacted two nearly identical provisions relating to ADUs in October 2019: Assembly Bill 881 (“**AB 881**”) and Assembly Bill 68 (“**AB 68**”).⁹⁴ These two laws are comprehensive ADU reforms. In addition, Assembly Bill 670 (“**AB 670**”) and Senate Bill 13 (“**SB 13**”), also passed in the fall of 2019, limit the scope of prohibitions on ADUs and impact fees associated with ADUs, respectively.

A. *Restrictions on Municipalities’ Ability to Limit ADUs*

- ADUs are permitted even where there is no municipal ordinance expressly providing for them.

⁹⁰ Karon Johnson, *Guest Column: Bend is Moving too Fast on Code Changes*, THE BULLETIN (July 7, 2021), https://www.bendbulletin.com/opinion/guest-column-bend-is-moving-too-fast-on-code-changes/article_5ed7cb24-df44-11eb-8518-8f8c9e9638b7.html; e.g., OR. ADMIN. R. § 660-046-0120(1)-(6); OR. ADMIN. R. § 660-046-0220(4)(B)(b)-(e).

⁹¹ California Legislative Information, *Bill Text: Senate Bill 9*, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9 (last accessed November 13, 2021).

⁹² California Legislative Information, *Bill Text: Senate Bill 10*, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB10 (last accessed November 13, 2021).

⁹³ CAL.GOV’T CODE § 65852.22(h)(1).

⁹⁴ This section primarily analyzes the text of AB 881; however, many of the provisions of AB 68 are the same. See AB 881, 2019-20 Reg. Sess. (Cal. 2019); AB 68, 2019-20 Reg. Sess. (Cal. 2019).



- When a local agency receives an ADU permit application, but there is no ordinance governing ADUs, the local agency must “approve or disapprove the application ministerially, without discretionary review” just like a municipality that *does* have an ordinance in place.⁹⁵
- Municipal ordinances that do provide for the creation of ADUs in areas zoned to permit single-family or multifamily use cannot require a minimum lot size.⁹⁶
- Municipalities may no longer establish minimum square footage requirements for an ADU that “prohibits an efficiency unit” or maximum square footage requirements for an ADU that is less than either 800 square feet (or less than 1,000 square feet if the ADU has more than one bedroom).⁹⁷
- Setback requirements are outlawed altogether in some circumstances and severely restricted in others.⁹⁸
- Local governments cannot impose owner-occupancy requirements on detached ADUs permitted between January 1, 2020 and January 1, 2025.⁹⁹
 - However, a municipality may require a detached ADU permit applicant be an owner-occupant on or after January 1, 2025.¹⁰⁰
 - Of note, California distinguishes between regular, detached ADUs and junior accessory dwelling units (“JADUs”).¹⁰¹
- Municipalities cannot require that off-street parking spaces be replaced when a structure that formerly housed a car is converted or demolished in connection with building an ADU.¹⁰²
 - However, reducing or eliminating parking requirements associated with ADUs is expressly permitted.¹⁰³
- Local governments “may require the [ADU] property to be used for rentals of terms longer than 30 days,”¹⁰⁴ thus limiting the ability of an ADU owner to use the property for short-term rentals.

B. ADU Approval Process

The new legislation, AB 881, speeds up the ADU approval process. A local agency must ministerially, “without discretionary review or a hearing,” approve or deny a permit to construct an ADU or JADU within 60 days if there is an existing single-or-multi-family dwelling on the

⁹⁵ AB 881 § 1.5(b).

⁹⁶ *Id.* § 1(a)(1).

⁹⁷ *Id.* § 1(c)(2)(A)-(B).

⁹⁸ *Id.* § 1(a)(1)(D)(vii).

⁹⁹ *Id.* § 2(a)(6)(B).

¹⁰⁰ *Id.* § 2(a)(6)(A).

¹⁰¹ A JADU is a type of ADU with “a unit that is no more than 500 square feet in size and contained entirely within a single-family residence . . . [that] may include separate sanitation facilities, or may share sanitation facilities with the existing structure.” CAL.GOV’T CODE § 65852.2(j)(1). For JADUs, the municipal ordinance permitting them must “[r]equire owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.” AB 68 § 2(a)(2).

¹⁰² AB 881 § 2(a)(1)(D)(xi).

¹⁰³ *Id.* § 1(a)(1)(B)(ii).

¹⁰⁴ *Id.* § 2(a)(6)(A).



lot.¹⁰⁵ “[AB 881] establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit . . . No additional standards, other than those provided in . . . [AB 881], shall be used or imposed”¹⁰⁶ In effect, this means that a local agency must approve permits for ADUs and JADUs when certain conditions are satisfied.¹⁰⁷

Of particular importance, “[i]f the local agency has not acted upon the completed application within 60 days, the application shall be *deemed approved*.”¹⁰⁸ In this instance, agency inaction can amount to agency approval. Also related to the approval of new ADUs, municipalities cannot impose impact fees on ADUs of less than 750 square feet, and fees associated with larger ADUs must be charged “proportionately in relation to the square footage of the primary dwelling unit.”¹⁰⁹

C. *Recorded Restrictions Effect on ADUs*

AB 670 makes “void and unenforceable” conditions and restrictions “affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of” ADUs or JADUs on land zoned as single-family residential.¹¹⁰ However, the conditions and restrictions on ADUs or JADUs may be enforceable if they are *reasonable*, meaning that they “do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct” an ADU or JADU.¹¹¹ Ultimately, these new rules enable owners of properties zoned for single-family residential use to build ADUs, even if ADUs are restricted by a Homeowners Association, in some situations.¹¹²

Impact of Legislation. All the ADU legislation discussed above became law in the fall of 2019. Since that time, California has issued many more permits for ADUs. Specifically, the number of ADU permits increased from approximately 9,000 in 2018 to 12,392 in 2020.¹¹³ The significant increase (38%) in permits issued suggests that the legislation has been successful in making ADU construction more feasible. Additionally, a California study taking into account “findings from ADU owner and city planner surveys, as well as the analysis of the California Department of Housing and Community Development’s Annual Progress Report (APR) data” found that ADU legislation enjoys widespread support among the public and elected officials alike.¹¹⁴ A 2020 study from the University of California Berkeley’s Turner Center for Housing Affordability further

¹⁰⁵ *Id.* § 1(a)(3); AB 68 § 1(a)(3).

¹⁰⁶ AB 881 § 1(a)(6)(A).

¹⁰⁷ *Id.* § 1(e)(1).

¹⁰⁸ *Id.* § 1.5(b).

¹⁰⁹ SB 13, 2019-20 Reg. Sess. §1(f)(3)(A) (Cal. 2019).

¹¹⁰ AB 670, 2019-20 Reg. Sess. § 2(a) (Cal. 2019).

¹¹¹ *Id.* § 2(b).

¹¹² *New California ADU Laws Explained*, VILLA, <https://villahomes.com/blog/california-adu-law-2021/> (last visited July 12, 2021).

¹¹³ *About Accessory Dwelling Units*, CALIFORNIAADU (last updated June 30, 2021), <https://www.aducalifornia.org/>.

¹¹⁴ *Id.*

found that ADU completions—that is, the ADUs actually built—more than tripled, from 2,000 in 2018 to 7,000 in 2019.¹¹⁵

Vermont

Senate Bill 237 (“**S. 237**”) became law in Vermont on October 12, 2020. This piece of legislation aims to expand the accessibility of affordable housing for the “missing middle.” In brief, this new law:

- Permits one ADU for each owner-occupied single-family dwelling by right.¹¹⁶
- Clarifies the maximum size for ADUs: the ADU may not be greater than 30% of the total habitable floor area of the primary, single-family dwelling or 900 square feet, whichever is greater.¹¹⁷
- Provides that “[d]eed restrictions, covenants, or similar binding agreements added after January 1, 2021 that prohibit or have the effect of prohibiting land development allowed under a municipality’s bylaws shall not be valid,” meaning that if ADU-related restrictions prohibit development that is otherwise permitted by the municipality, the restrictions will not be valid.¹¹⁸
- Clarifies that short-term rentals may be regulated separately from other residential units¹¹⁹ and expressly grants to municipalities the power to regulate short-term rentals, so long as the regulation “does not adversely impact the availability of long-term rental housing.”¹²⁰
- Prioritizes housing affordability and availability over the character of a neighborhood, stating that “[a] multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.”¹²¹
- Addresses mobile home park infrastructure needs, giving the Vermont State Treasurer the authority “to establish a credit facility of up to 10 percent of the State’s average cash balance on terms” that the Treasurer can use to fund mobile home park infrastructure and “to promote the availability of mobile home park housing”¹²²

Impact of Legislation. S. 237 aims to address a shortage of affordable housing. The state’s largest county, Chittenden County, has the state’s highest rents.¹²³ While the statewide median income in 2019 was \$60,076, a household needed a minimum income of \$61,760 to afford a two-bedroom apartment in Chittenden County that same year.¹²⁴ By expanding the areas where ADUs are

¹¹⁵ Karen Chapple et al. *Reaching California’s ADU Potential: Progress to Date and Need for ADU Finance*, Turner Center for Housing Innovation, (August 28, 2020) available at <https://turnercenter.berkeley.edu/research-and-policy/reaching-californias-adu-potential-progress-to-date-and-the-need-for-adu-finance/>.

¹¹⁶ S.237, 2019-20 Reg. Sess. § 1 (Vt. 2020).

¹¹⁷ *Id.*

¹¹⁸ *Id.* § 4.

¹¹⁹ *Id.* § 1.

¹²⁰ *Id.* § 3.

¹²¹ *Id.* § 2.

¹²² *Id.* § 5-6.

¹²³ Bruce Edwards, *Chittenden County Economic Report: Economic focus now turns to the long recovery*, VERMONTBIZ (July 12, 2020), <https://vermontbiz.com/news/2020/july/12/chittenden-county-economic-report-economic-focus-now-turns-long-recovery>.

¹²⁴ *Id.*



permitted and bolstering mobile home park infrastructure, S. 237 makes non-traditional home types more accessible and appealing. S. 237 also makes it easier to build multiunit projects by removing a somewhat subjective barrier to development: adverse effect on the character of the neighborhood. At present, S. 237 has been in force for less than one year, but it will likely generate increased housing stock across the state.

Conclusion

Several states have successfully passed state-wide zoning reforms to address housing affordability concerns. Connecticut's measure permits ADUs as of right, clarifies portions of the Zoning Enabling Act, promotes the aims of the federal Fair Housing Act, creates an administrative mechanism to promote compliance with housing plans, and requires the state to study housing affordability. Utah's legislation allows ADUs to be developed in single-family residential zones, removes some barriers associated with creating new affordable housing, and modifies the existing decision-making processes for land use decisions. Massachusetts' bill lowers the voting majority needed for a municipality to change local zoning laws that specifically address affordable housing needs. Oregon dramatically increased the zones that must permit middle housing and limited the effect of land use restrictions set forth in recorded instruments. California's suite of legislation overhauls existing ADU-related measures. Vermont's bill expands where ADUs are permitted by right, limits the validity of new land use restrictions, and addresses mobile home park infrastructure, among other things. These state-wide measures exemplify the types of changes a state may enact to promote housing affordability.

Table of Reforms

State	ADUs	Single-Family Zoning Reform	Parking Requirements	STRs	Planning Requirements	Recorded Restrictions	Other
Connecticut	ADUs permitted “as of right” in all single family dwelling districts. ¹²⁵	All zoning regulations must allow at least one ADU on a lot with a single-family dwelling. ¹²⁶	Zoning codes may not require more than one parking space for a studio or one bedroom dwelling, or more than two parking spaces for a dwelling with two or more bedrooms. ¹²⁷	Not applicable.	Municipalities must adopt an affordable housing plan by June 1, 2022. ¹²⁸ Local officials who participate in planning and zoning must complete a minimum of four hours of training. ¹²⁹ Establishes a commission that will evaluate policies that impact land use, housing affordability,	Not applicable.	A municipality may not deny a permit based on a “character” standard unless the character is specifically described and discussed in the municipality governing regulations. ¹³¹ Municipalities may opt out of the ADU and parking provisions under a specific procedure and timeframe. ¹³²

¹²⁵ H.B. 6107 § 6, Gen. Assemb., Reg. Sess. (Conn. 2021).

¹²⁶ *Id.* § 6.

¹²⁷ *Id.* § 4(d)(9); *2021 Legislative Reforms, supra* note 4 (“Zoning codes may not require a minimum number of parking spaces for new housing units in excess of one space for studio and one-bedroom homes or two spaces for two-plus-bedroom homes.”).

¹²⁸ H.B. 6107 § 12(a)(1) (“Not later than June 1, 2022 . . . each municipality shall prepare or amend and adopt an affordable housing plan for the municipality . . .”).

¹²⁹ *Id.* § 9.

¹³¹ *Id.* § 4(d)(10) (establishing that zoning regulations cannot be applied to deny an application based on “character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures[.]”).

¹³² Andersen, *supra* note 7.



Colorado Housing Affordability Project Issue Brief No. XX
Land Use Restrictions' Impacts on Environmental Sustainability

					infrastructure, and conservation. ¹³⁰		
Utah	IADUs are permitted in all single-family residential land use zones. ¹³³ Municipalities cannot restrict the size of the IADU in relation to the primary dwelling, or restrict the total lot size or the street frontage. ¹³⁴ Municipalities may require IADUs to be designed in ways that do not change the appearance of the primary dwelling. ¹³⁵	IADUs are permitted in all single-family residential land use zones. ¹³⁸	Municipalities cannot require the primary dwelling to include an additional parking space for an IADU. ¹³⁹	Allows municipalities to adopt ordinances that punish those who attempt to use an ADU as a STR through fines, charges, potential prosecution, and other measures. ¹⁴⁰ Municipalities can require the owner of a primary dwelling to obtain a permit for renting the IADU. ¹⁴¹	Cities must plan to build more moderately priced homes in highly populated areas. ¹⁴² Each municipality must prepare and adopt a comprehensive and long range plan that may provide for the protection of urban development ¹⁴³ and protection or promotion of moderate-income housing for towns. ¹⁴⁴ Large cities must plan	Not applicable.	Grants are available for preliminary costs in building low-income housing. ¹⁴⁷ A new tenant-landlord mediation program to slow evictions has been funded. ¹⁴⁸ Local governments may contribute public land to affordable housing. ¹⁴⁹ Zoning board members in larger communities must receive annual land use

¹³⁰ *Id.* § 13(a) (“There is established a Commission on Connecticut’s Development and Future with the Legislative Department, which shall evaluate policies related to land use, conservation, housing affordability and infrastructure.”).

¹³³ H.B. 6107 § 4(4).

¹³⁴ *Id.* § 4(2)(b) (enacting Utah Code 10-9a-530).

¹³⁵ *Id.* § 4(4)(b).

¹³⁸ *Id.* § 4(4).

¹³⁹ *Id.* § 4(4)(c)(i).

¹⁴⁰ *Id.* § 1(3) (amending Utah Code § 10-8-85.4) (protections against punishment for short-term rentals do not apply to those who list or offer an ADU as a short-term rental).

¹⁴¹ *Id.* § 4(4)(e).

¹⁴² Semerad, *supra* note 41.

¹⁴³ S.B. 164 § 2(2)(e) Gen. Assemb., Reg. Sess. (Utah 2021) (amending Utah Code § 10-9a-401).

¹⁴⁴ *Id.* § 2(2)(f).

¹⁴⁷ *Id.* § 6 (enacting Utah Code § 35A-8-507.5).

¹⁴⁸ *Id.* § 5(1)(i) (amending Utah Code § 35A-8-505).

¹⁴⁹ *Id.* § 1 (enacting Utah Code § 10-8-501).



Colorado Housing Affordability Project Issue Brief No. XX
Land Use Restrictions' Impacts on Environmental Sustainability

	Municipalities may restrict IADU development by prohibiting an IADU from being created in a mobile home ¹³⁶ and prohibiting IADUs in specific types of zoning districts such as university housing areas. ¹³⁷				for moderate-income housing growth. ¹⁴⁵ The legislative body of a municipality must review the moderate-income housing portion of the plan annually and prepare a report on the findings on the municipality's website. ¹⁴⁶		training. ¹⁵⁰ Changed the evidence standard for land use decisions and appeals to "substantial." ¹⁵¹
Massachusetts	Municipalities may now pass zoning ordinances with a simple majority that permit as-of-right ADUs either within a principal dwelling or as a detached structure on the same lot as a principal dwelling. ¹⁵²	Municipalities in the Massachusetts Bay Transportation Authority must adopt a zoning ordinance or bylaw to allow at least one multifamily district as of right. ¹⁵³	Voting standard lowered to simple majority for municipalities to pass zoning changes that reduce parking requirements for development. ¹⁵⁴	Not applicable.	Not applicable.	Not applicable	Municipalities may grant permits for some projects and housing requirements by simple majority.
Oregon	Not applicable.	Duplexes allowed on all single-family lots	Not applicable.	Not applicable.	Medium and large cities must study the current and	What private parties may do to restrict the use of their land is	The state must establish standards for municipalities

¹³⁶ *Id.* § 4(4)(d).

¹³⁷ *Id.* § 4(4)(f).

¹⁴⁵ *Id.* § 2(3)(a).

¹⁴⁶ *Id.* § 4(1) (amending Utah Code § 10-9a-408).

¹⁵⁰ H.B. 409 § 2(6)(b)(ii), Gen. Assemb., Reg. Sess. (Utah 2021) (amending Utah Code § 10-9a-302).

¹⁵¹ *Id.* § 14 (amending Utah Code § 10-9a-801).

¹⁵² *Id.* § 19(1) (as of right applies to both multi-family housing and ADUs).

¹⁵³ H.B. 5250 § 18.

¹⁵⁴ *Id.* § 24.



Colorado Housing Affordability Project Issue Brief No. XX
 Land Use Restrictions' Impacts on Environmental Sustainability

		<p>in cities of 10,000 or more.¹⁵⁵</p> <p>Middle housing is allowed in all areas that permit single-family homes.¹⁵⁶</p>			<p>future housing needs of residents, in addition to developing strategies to ensure needed housing is available.¹⁵⁷</p>	<p>limited: “[a] provision in a recorded instrument . . . is not enforceable if . . . [t]he provision would allow the development of a single-family dwelling . . . but would prohibit the development of” middle housing or an accessory dwelling unit.¹⁵⁸</p>	<p>to “allow alternate approval of construction related to the conversions of single-family dwellings” into smaller units.¹⁵⁹</p> <p>The state developed a “model middle housing ordinance.”¹⁶⁰ If municipalities do not adopt language of their own, they must apply the model ordinance.¹⁶¹</p>
California	<p>ADUs are permitted even where no municipal ordinance expressly provides for them.</p>	<p>Municipal ordinances that do provide for the creation of ADUs in areas zoned to permit single-family or multifamily use cannot require a minimum lot size.¹⁶⁴</p>	<p>Municipalities cannot require that off-street parking spaces be replaced when a structure that formerly housed a car (such as a garage) is</p>	<p>Local governments “may require the [ADU] property to be used for rentals of terms longer than 30 days.”¹⁶⁷</p>	<p>Not applicable.</p>	<p>Owners of properties zoned for single-family residential use may build ADUs, even if ADUs are restricted by a Homeowners</p>	

¹⁵⁵ HB 2001, 2019 Reg. Sess. § 2(2)(b), § 2(3) (Or. 2019).

¹⁵⁶ These provisions do not apply to “[c]ities with populations of 1,000 or fewer”; “[l]ands not within an urban growth boundary;” lands that are not incorporated and also lack sufficient urban services . . .;” “lands that are not zoned for residential use . . .;” and “lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.” *Id.* at § 2(4).

¹⁵⁷ *House Bill 2003: Requiring Cities to Update Housing Needs Studies and Create Housing Production Strategies, Overview, supra* note 70.

¹⁵⁸ *Id.*; HB 2001 § 13(1).

¹⁵⁹ *Id.* § 9(8).

¹⁶⁰ *Id.* at § 3(2); *Large Cities Middle Housing Model Code, supra* note 73.

¹⁶¹ HB 2001 § 3(3).

¹⁶⁴ *Id.* § 1(a)(1).

¹⁶⁷ *Id.* at § 2(a)(6)(A).



Colorado Housing Affordability Project Issue Brief No. XX
 Land Use Restrictions' Impacts on Environmental Sustainability

	<p>When a local agency receives an ADU permit application, but there is no ordinance governing ADUs, the local agency must “approve or disapprove the application ministerially without discretionary review” just like a municipality that does have an ordinance in place.¹⁶²</p> <p>Local governments cannot impose owner-occupancy requirements on detached ADUs permitted between January 1, 2020 and January 1, 2025.¹⁶³</p>		<p>converted or demolished in connection with building an ADU.¹⁶⁵</p> <p>Reducing or eliminating parking requirements associated with ADUs is expressly permitted.¹⁶⁶</p>			Association, in some situations. ¹⁶⁸	
Vermont	One ADU for each owner-occupied single-family dwelling is	Not applicable.	Not applicable.	Municipalities may regulate STRs separately from	Not applicable.	“[B]inding agreements added after January 1, 2021 that prohibit or have	Housing affordability and availability are prioritized over

¹⁶² AB 881, 2019-20 Reg. Sess. § 1.5(b) (Cal. 2019).

¹⁶³ AB 881 § 2(a)(6)(B).

¹⁶⁵ *Id.* at § 1(a)(1)(D)(xi).

¹⁶⁶ *Id.* at § 1(a)(1)(B)(ii).

¹⁶⁸ *See* AB 670, 2019-20 Reg. Sess. § 2(a)-(b) (Cal. 2019); *New California ADU Laws Explained*, *supra* note 113.



Colorado Housing Affordability Project Issue Brief No. XX
 Land Use Restrictions' Impacts on Environmental Sustainability

	permitted by right. ¹⁶⁹			other residential units. ¹⁷⁰ Municipalities have the power to regulate STRs, so long as the regulation “does not adversely impact the availability of long-term rental housing.” ¹⁷¹		the effect of prohibiting land development allowed under a municipality’s bylaws shall not be valid,” meaning that if ADU-related restrictions prohibit development that is otherwise permitted by the municipality, the restrictions will not be valid. ¹⁷²	the character of a neighborhood: “[a] multiunit dwelling project consisting of four or fewer units located in a district allowing multiunit dwellings may not be denied solely due to an undue adverse effect on the character of the area affected.” ¹⁷³ State Treasurer has the authority to establish a credit facility, which the Treasurer may use to fund mobile home park infrastructure and promote the availability of mobile home park housing. ¹⁷⁴
Colorado	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	HB 21-1117, signed into law in May 2021, enables

¹⁶⁹ S.237, 2019-20 Reg. Sess. § 1 (Vt. 2020).

¹⁷⁰ *Id.*

¹⁷¹ *Id.* at § 3.

¹⁷² *Id.* at § 4.

¹⁷³ *Id.* at § 2.

¹⁷⁴ *Id.* at § 6.



Colorado Housing Affordability Project Issue Brief No. XX
Land Use Restrictions' Impacts on Environmental Sustainability

							<p>municipalities to enact rent control ordinances, overriding a 2000 Colorado Supreme Court ruling.¹⁷⁵ However, municipalities may only impose housing affordability requirements on new developments and redevelopments, and a municipality must offer a developer at least one alternative to building affordable housing units.¹⁷⁶</p> <p>Also of note, a 2019 bill added monies to the housing development grant fund.¹⁷⁷</p>
--	--	--	--	--	--	--	---

¹⁷⁵ HB 21-1117, 2021 Reg. Sess. §1(a) (Colo. 2021).

¹⁷⁶ *Id.* at §2.

¹⁷⁷ HB 19-1322, 2019 Reg. Sess. (Colo. 2019).