

Legislative Alignment – DSR Text Amendments

Community & Economic Development Department
April 10, 2025



ADAMS COUNTY
COLORADO

ADAMS COUNTY
GOVERNMENT CENTER

OVERVIEW – Part I: Legal Compliance

Previously introduced during DSO Module 1 Overview (02.25.25)

Part 1 - Text amendments to align the County's current DSR to state law:

- *SB24-048 - Substance Use Disorders Recovery* (effective August 7, 2024)
- *HB24-1007 - Concerning Residential Occupancy Limits* (effective July 1, 2024)
- *HB24-1304 - Eliminating Minimum Parking Requirements* (deadline is June 30, 2025)
- *HB24-1152 - Accessory Dwelling Units* (optional, deadline is June 30, 2025)

Background - Fair Housing Act

The Fair Housing Act prohibits discrimination by direct providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

- Race*
- Color*
- Religion*
- Sex (including based on sexual orientation/gender identity)*
- National Origin*
- Familial Status*
- Handicap (Disability)*

→ Impetus for SB24-048 and HB24-1007 and proposed DSR text amendments

SB24-048 - Substance Use Disorders Recovery

Legislative Summary:

To encourage, promote, and assist persons who are in recovery from substance abuse disorders to live in residential neighborhoods and that recovery residences are a residential use of property for zoning purposes.

Current DSR Text: Defines “Group Living Facility”

Proposed Text Amendments:

- Strike definition for “Group Living Facility” and create definitions for:
 - “Group Home, FHAA Large” (9+ residents) and “Group Home, FHAA Small” (≤ 8 residents) must be regulated consistent with the Federal Fair Housing Act Amendments (FHAA) of 1988
 - “Group Residential Facility, Large” (9+ residents) and “Group Residential Facility, Small” (≤ 8 residents) -not covered by FHAA (e.g. transitional housing developments and domestic violence shelters)
 - “Recovery Residences” per C.R.S. § 27-80-129(1)(b)(I).
- Add these definitions as residential uses to the use chart, including the TOD zone district, and includes respective parking requirements (0.5 per bed)

HB24-1007 - Concerning Residential Occupancy Limits

Legislative Summary:

Recognizes diversity in composition of households and affordability considerations in current housing climate.

Prohibits residential occupancy restrictions on number of unrelated people who can live together unless restrictions are demonstrated health or safety standards (e.g., building and life safety codes still apply) or affordable housing guidelines.

Current Text: Definition for “Family” includes persons related by blood, marriage, or legal adoption only

Proposed Text Amendments:

- Amends definition of “Family” and expands relationships to those living together under other legal relationships, regardless of receipt of services for mental, emotional, or physical disability. The number of persons are not permitted to exceed those numbers established by applicable building code, safety code, or any applicable state or federal law or regulation, or affordable housing guidelines that apply to the dwelling unit.

HB24-1304 - Eliminating Minimum Parking Requirements

Legislative Summary:

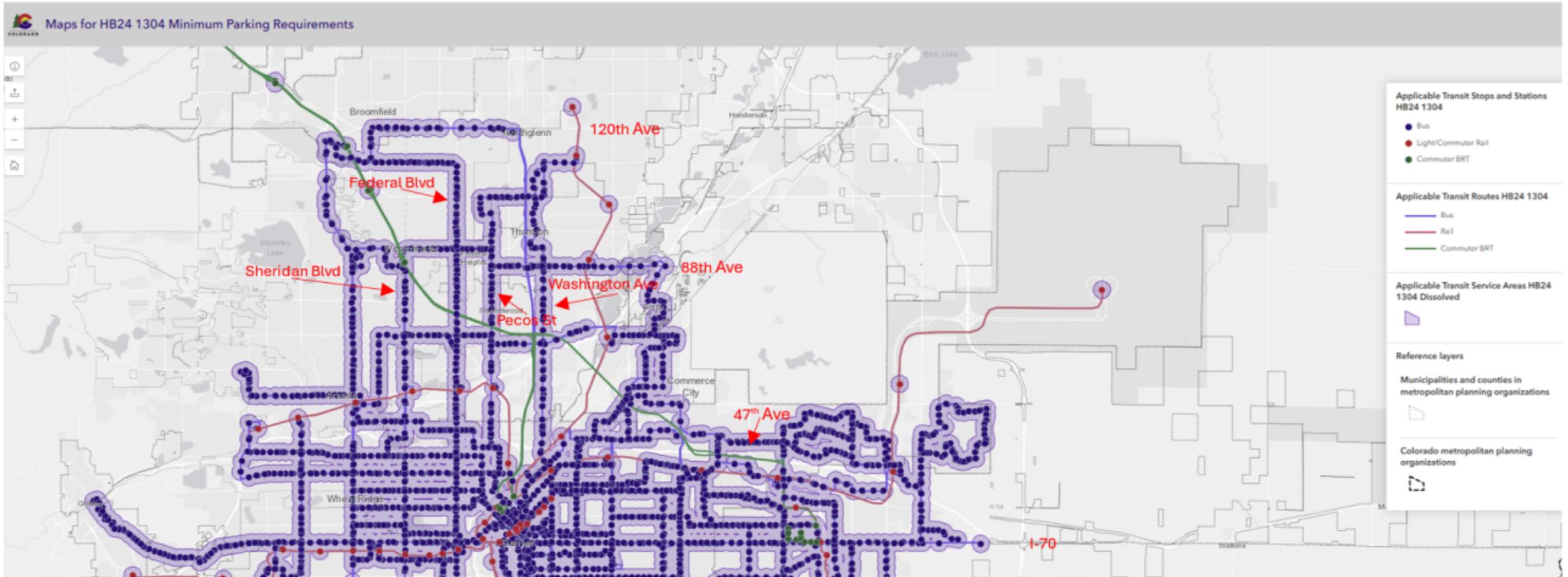
County cannot require minimum parking spaces for most new multi-family projects near “applicable transit service areas.” The stated intent is to lower the cost of housing construction, promote livability and mobility, reduce emissions, and free up site space to encourage more housing/amenities.

Current Text: The minimum parking spaces for multi-family development units are as follows: 0.75 per studio, 1.0 per 1 bedroom, 1.5 per 2 bedroom, 2.0 per for 3+ bedroom.

Proposed Text Amendments:

- No minimum parking requirement applies to applicable transit service areas in multi-family residential development, adaptive re-use for residential purposes, or adaptive re-use mixed use that includes at least 50% of use for residential purposes as per C.R.S. § 29-36-103.
- County must follow statutory process in C.R.S. § 29-36-104(1) if requiring 1 space per unit for affordable housing projects (over 20 units) if certain conditions are met. Existing minimum parking requirements apply for projects outside these criteria.

HB24-1304 - Eliminating Minimum Parking Requirements



HB24-1304 - Eliminating Minimum Parking Requirements – Policy Options

Policy Option 1: Adopt text amendments limited to meeting minimum standards set by HB24-1304 (recommended)

Policy Option 2: More broadly eliminate multifamily parking requirements outside of “applicable transit service areas”

HB24-1152 - Accessory Dwelling Units (ADUs)

Legislative Summary:

Adams County is not a subject jurisdiction, so compliance is optional to be considered an “Accessory Dwelling Unit Supportive Jurisdiction,” which opens access to state grant opportunities. To be compliant, the following are required:

- Must permit one Accessory Dwelling Unit (ADU) where single family detached units are allowed;*
- Must use an administrative approval process for ADUs;*
- Cannot require parking or owner occupancy (with limited exceptions);*
- Must allow certain ADU sizes and setbacks, and;*
- Must not restrict ADUs through design and dimensional standards.*

Current Text: County is already generally compliant; ADUs are currently allowed in all residential districts that permit single family dwelling units.

Proposed Text Amendments:

- Align with state language for parking requirements, size requirements, definition of ADU (include/exclude RVs), and HOA restrictions

HB24-1152 - Accessory Dwelling Units (ADUs) – Policy Considerations

Policy Question 1: Does the Board desire for Adams County to become an “Accessory Dwelling Unit Supportive Jurisdiction” to allow for the eligibility of certain grant opportunities?

Pro: If compliant by June 30, 2025, low- and moderate-income residents qualify for affordable financing programs to support conversion/construction of ADUs and/or downpayment assistance (administered by the State).

Con: As an “ADU Supportive Jurisdiction,” HOA declarations would **not** be allowed to restrict the creation of one ADU to any single-unit detached dwelling (includes both past and future declarations).

Policy Question 2: Should RVs be allowed to be considered as an ADU (current DSR does not allow RVs to be an ADU)? (not recommended)

SUMMARY – Part I: Legal Compliance

State Statutes already in effect and mandatory (*compliance non-negotiable*):

- SB24-48 (Substance Use Disorders Recovery)
- HB24-1007 (Concerning Residential Occupancy Limits) – minor modifications needed to align definitions with state legislation and Fair Housing Act

State Statute upcoming and mandatory (*compliance non-negotiable*):

- HB24-1007 (Parking Minimums) by June 30, 2025
 - Option 1 - Adopt text amendments to meet minimum standards
 - Option 2 - Eliminate multifamily parking requirements outside of “applicable transit service areas”

State Statute upcoming and optional:

- HB24-1152 (ADUs) by June 30, 2025
 - Does BoCC want Adams County to be an Accessory Dwelling Unit Supportive Jurisdiction?

NEXT STEPS – Part I: Legislative Text Amendments for Legal Compliance

April 10, 2025

Planning Commission Study Session

May 8, 2025

Planning Commission Public Hearing - recommendation

June 10, 2025

Board of County Commissioners Public Hearing - adoption

June 30, 2025

Compliance report due to DOLA for HB24-1152 (ADUs) and HB24-1304 (Eliminating Parking Minimums)