



**COLORADO**

**Department of Local Affairs**

# HB24-1152

## Accessory Dwelling Units

# Who is DOLA?

The Department of Local Affairs (DOLA) serves as the primary interface between the State and local communities. DOLA provides technical assistance and financial support to local communities and community leaders in the areas of governance, housing, and property tax administration.



# 2024 Legislative Session

In 2024, four primary land use and housing bills were passed:

- HB24-1304 - Minimum Parking
- HB24-1313 - Transit Oriented Communities
- SB24-174 - Housing Planning
- HB24-1152 - Accessory Dwelling Units (ADUs)



# HB24-1152 Defines...

“Accessory Dwelling Unit” as an internal, attached, or detached dwelling unit that:

- Provides complete independent living facilities for one or more individuals;
- Is located on the same lot as a proposed or existing primary residence; and
- Includes facilities for living, sleeping, eating, cooking, and sanitation.



# What Does an ADU Look Like?

## Secondary housing unit

- Granny-flats, in-law suites, carriage houses, casitas

Increases housing supply  
without dramatically changing  
neighborhood character



# Benefits

## For homeowners:

- House a family member
- Age in place
- House a caregiver
- Flexibility to downsize
- Wealth building

## For the community:

- Smaller scale matches changing demographics
- Water and energy efficient
- More housing without additional infrastructure
- More neighbors to support local schools and businesses





# Who's Subject to 1152?

Subject Jurisdictions may  
be found at:

[dlg.colorado.gov/accessory-dwelling-units](https://dlg.colorado.gov/accessory-dwelling-units)

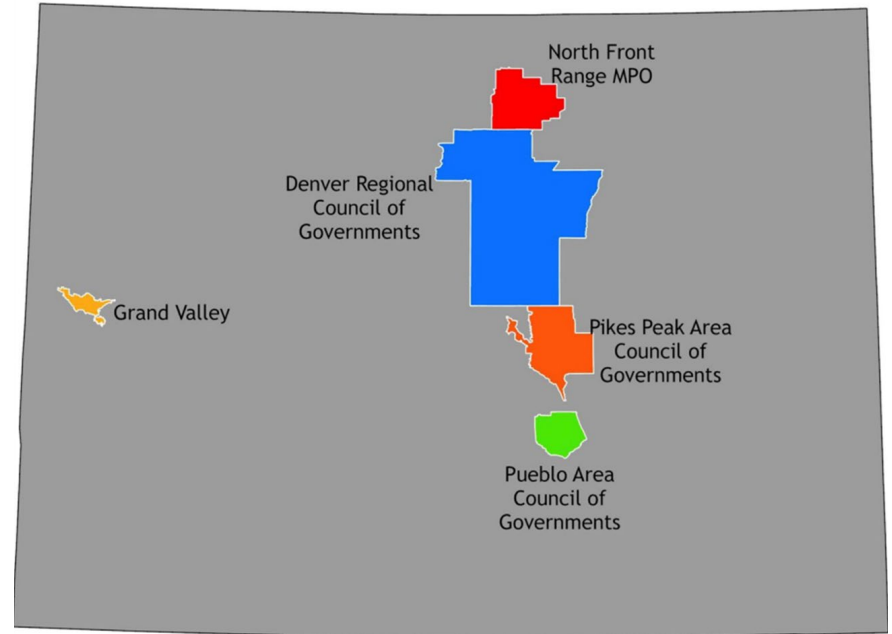


# Who's Subject?

Within one of the five MPOs:

- North Front Range (NFRMPO)
- Denver Regional Council of Governments (DRCOG)
- Grand Valley (GVMPO)
- Pikes Peak Area Council of Governments (PPACG)
- Pueblo Area Council of Governments (PACOG)

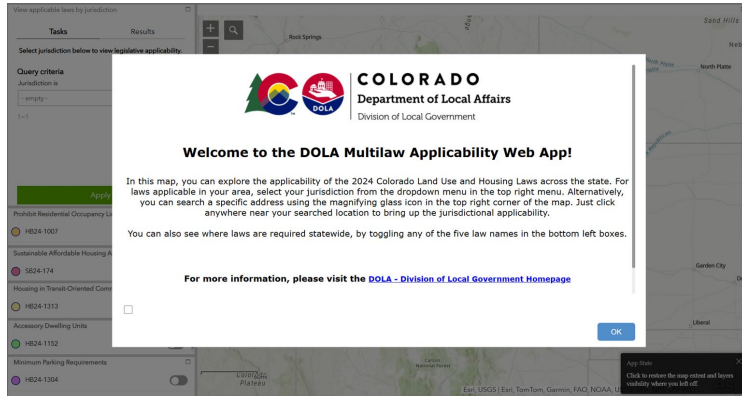
Have a population of 1,000+





# Who's Subject?

Type your address into the [interactive map](#) to see if you fall within a Subject Jurisdiction



***Any jurisdiction may volunteer to become an “ADU supportive jurisdiction” and be eligible for the ADU Fee Reduction and Encouragement grant program***



# ADU Supportive Jurisdictions

“Subject jurisdictions” are those that are required to comply with the standards in HB24-1152

“ADU Supportive Jurisdictions” may be any jurisdiction (whether they are subject to the law or volunteer) who are also eligible for funding options created by HB24-1152



# ADU Supportive Jurisdictions

A jurisdiction must implement one or more to become an “ADU supportive jurisdiction”:

- Waiving, reducing, or providing financial assistance for related fees
- Enacting local laws or programs that incentivize affordability
- Providing pre-approved plans for the construction
- Offer education and technical assistance to homeowners
- Regulate ADUs used as short-term rentals
- Enacting local laws that incentivize the accessible and visitable units
- Allowing the separate sale of an ADU
- Support the usage of factory-built residential structures
- Any other strategy that is approved by the Department of Local Affairs



# ADU Grant Program and Other Funding

*If within an ADU Supportive Jurisdiction...*

## ADU Fee Reduction & Encouragement Grant Program

*Funding for local jurisdiction programs*

## Colorado Housing & Finance Authority

*Programs direct to the property owner*

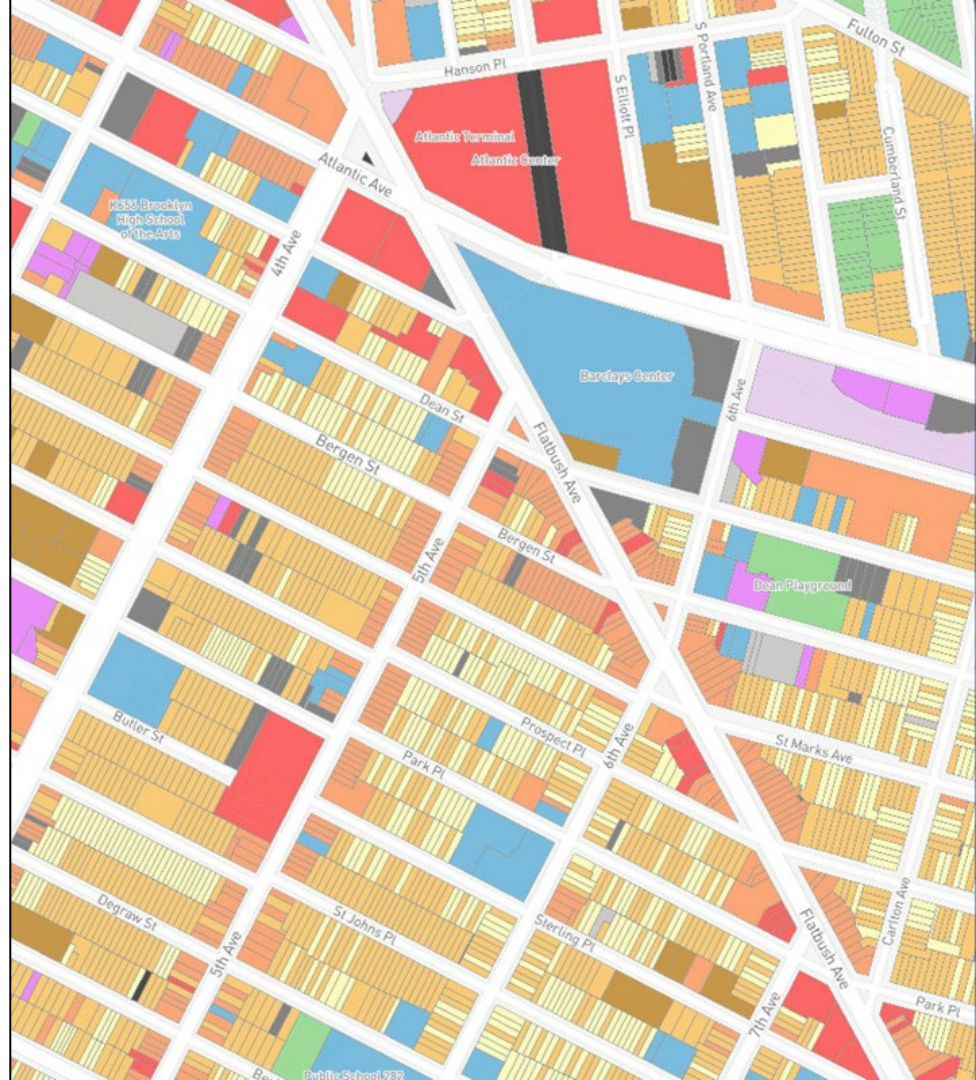


# HB24-1152

# Overview

Zone Districts

Application Review Process



# Permitted Zone Districts



HB24-1152 requires local governments to:

- Allow one ADU in all zone districts where single-unit detached dwellings are also permitted
  - Including Planned Unit Development (PUD) zone districts





# Review Process

HB24-1152 requires local governments to:

- Review an ADU application “administratively.”
  - Meaning, must be decided upon by local government staff—not a board or commission (unless within a Historic District!)
- Jurisdictions may require site plan review before permitting, or allow property owners to apply directly for building permits
- HB24-1152 does not prevent an appeal of an administrative decision



# Objective Standards

HB24-1152 requires local governments to review ADU applications against “objective standards”

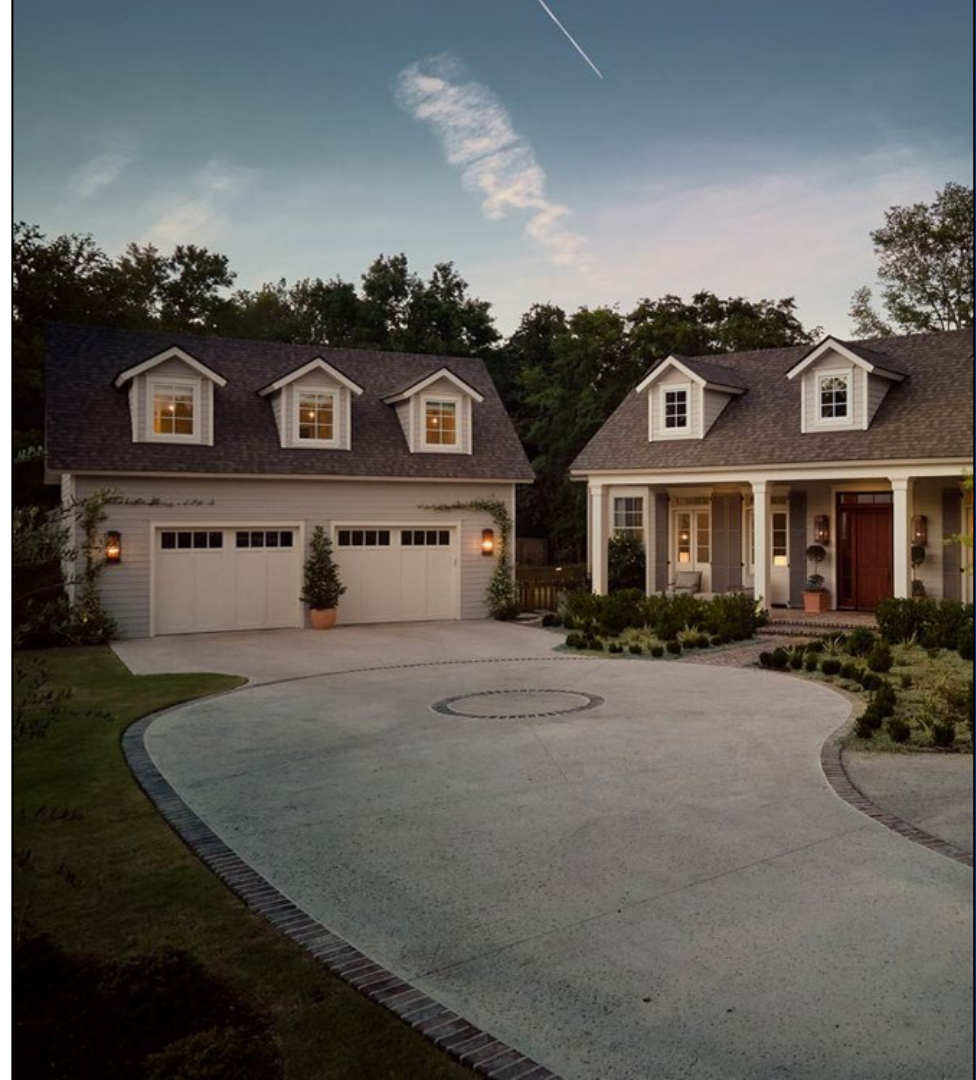
- Meaning, the criteria for making a decision creates consistency regardless of the decision maker and does not require a subjective analysis or determination; subjective analysis includes considering:
  - Compatibility with the land use or development of the vicinity
  - Consistency with community character, or neighborhood character



# HB24-1152

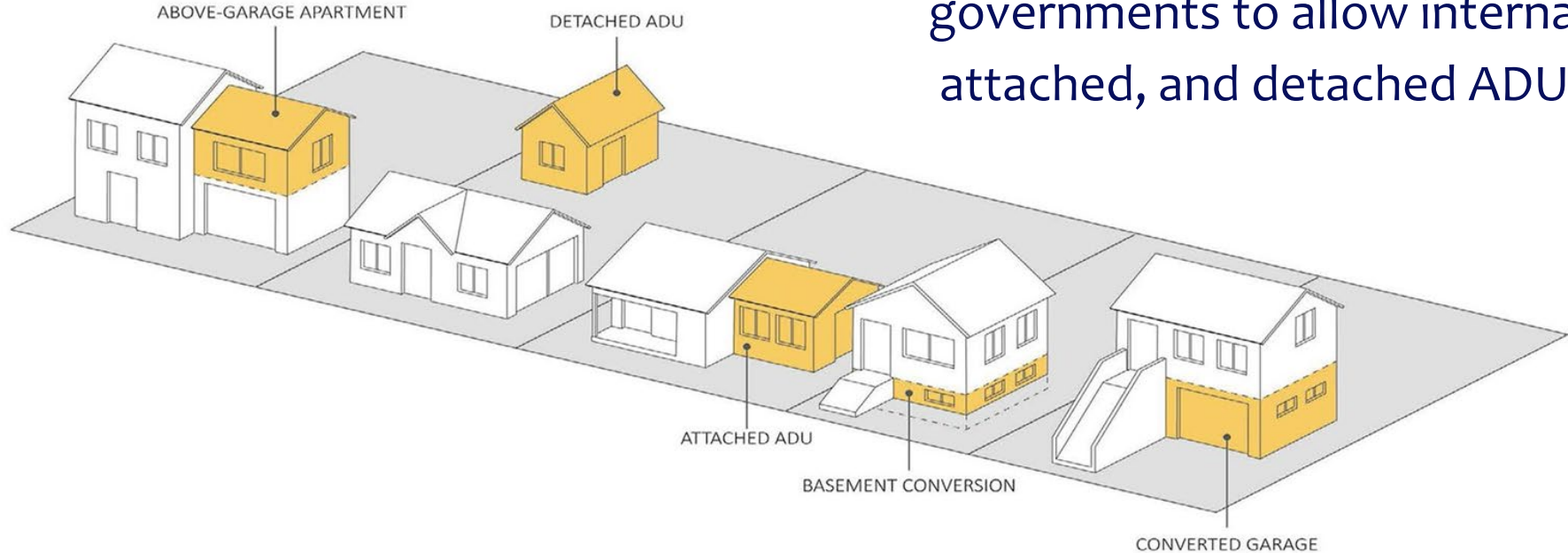
## Overview

Development Standards



# ADU Type

HB24-1152 requires local governments to allow internal, attached, and detached ADUs



# ADU Size, Setbacks

HB24-1152 requires local governments to:

- Allow ADUs that are between 500 and 750 square feet in size (unless this is larger than the primary structure)
  - May allow smaller and larger
- Allow a side setback that is the same as the primary structure in the zone district (or less)
- Allow a rear setback of 5', or the same as other accessory structures in the same zone district, whichever is greater



# ADU Architecture and Design

HB24-1152 prohibits local governments from:

- Requiring an architectural style, building material, or landscaping that is more restrictive than what's required for a single-unit detached dwelling in the same zone district
- Requiring more restrictive design or dimensional standards for factory-built ADUs than site-built





# ADU Parking & Owner Occupancy

HB24-1152 prohibits local governments from:

- Requiring a new off-street parking space be constructed in conjunction with the construction or conversion of an ADU
- Except!
  - When there is an existing driveway, garage, tandem parking space, or other off-street parking space available for such a designation
  - Or when the lot does not have an existing off-street parking space, the code requires a space for the primary unit, and is located on a block where on-street parking is prohibited
- Requiring the property owner to reside on the property



“Nothing  
Prevents...”



# Nothing Prevents...

**Regulating building height, lot coverage, or another design or dimensional standard to an ADU that is not a restrictive design or dimension standards**



# “Restrictive Design or Dimension Standard”

- Requires an architectural style, building material, or landscaping that is more restrictive than for a single-unit detached dwelling in the same zone district
- Does not allow for ADU sizes between 500-750 sqft
- Applies more restrictive design or dimensional standards to factory-built ADUs
- Requires side setbacks that are larger than what is required for a primary dwelling unit in the same zone district
- Requires a rear setback that is larger than the rear setback required for other accessory building types in the same zone district or five feet (whichever is greater)
- Is a more restrictive minimum lot size standard for an ADU than for a single-unit detached dwelling in the same zoning district



# “Restrictive Design or Dimension Standard”

- An appeal process of an administrative decision regarding an ADU application
- Requiring owner occupancy at time of application for an ADU
- Creating or imposing impact fees for the creation of new dwelling units
- Creating or enforcing Short-Term Rental regulations
- Continuing to apply historic district standards and procedures
- Enforcing and applying various life safety codes
- Defining ADUs to include/exclude motorhomes or other recreational vehicles
- Requiring water/wastewater capacity letter or other proof of serviceability





# Where does this leave HOAs?





# Colorado Common Interest Ownership Act

Regulates the creation, management, and operation of common interest communities (condos, HOAs, and co-ops) in Colorado

- Outlines duties and powers of common interest communities
- Requires open meetings, access to records, and financial disclosures

General Provisions within CCIOA contain prohibitions to items that are contrary to public policy (CRS 38-33.3-106.5)



# HB24-1152 & CCOIA

HB24-1152 added to these prohibitions (CRS 38-33.3-106.5(4)(a) - (d))

- In a subject or supportive jurisdiction, no provision of a declaration, bylaw, or rule of an association that is adopted on, after, or before May 13, 2024, may restrict the creation of an ADU as an accessory use to any single-unit detached dwelling
- Any provision that includes such a restriction is void as a matter of public policy



# Reasonable Restrictions

CRS 38-33.3-106.5(4)(c) allows common interest communities to enact “reasonable restrictions” on ADUs

- Reasonable restriction means a condition or requirement that does not “unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an ADU consistent with CRS 29-35-401 through 405”



# FAQs



# FAQs

## Question:

Is there a deadline to reach compliance?

## Response:

Subject jurisdictions are required to reach compliance by June 30, 2025, but may request an extension. There is no deadline for jurisdictions to volunteer and become a Supportive Jurisdiction. Common interest communities cannot restrict the creation of ADU as of the law's effective date.



# FAQs

Question:

How do I know if a regulation fits within the definition of a “reasonable restriction?”

Response:

Ask a legal representative





# FAQs

## Question:

How do I know if I'm located in a subject jurisdiction?

## Response:

Please visit:

[dlg.colorado.gov/2024-land-use-and-housing-legislation](https://dlg.colorado.gov/2024-land-use-and-housing-legislation)

Where you'll find the Multilaw Applicability Web App. Type in your address!



# FAQs

## Question:

Our HOA in the mountains are wondering if our homeowners are also allowed to construct ADUs as mountain communities experience as much, if not more, housing shortage as the Front Range area.

## Response:

HOAs within Subject Jurisdictions are required to allow ADUS. However, many mountain communities are not located within a MPO and therefore not located within a Subject Jurisdiction. Please contact your local Planning Department and offer support for becoming an ADU Supportive Jurisdiction.



# FAQs

## Question:

How do I find out if my local government is planning to apply to become an ADU supportive jurisdiction?

## Response:

Call your local jurisdiction's City Planning Department



# FAQs

## Question:

Does an ADU get its own address?

## Response:

It depends on your local jurisdiction's enumeration policy. It's possible an ADU will be assigned its own enumeration or a subordinate to the primary structure address.



# FAQs

## Question:

Does an ADU get its own water tap and electric meter from the utility provider?

## Response:

It depends on your local jurisdiction and/or utility provider's policy. Often, a jurisdiction will require an ADU to connect to the primary structure's tap or meter in order to keep the ADU subordinate.



# Questions?



**COLORADO**

**Department of Local Affairs**