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# Let locals decide whether to split their lots

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It's what Thomas Jefferson was talking about when he said the government closest to the people governs best.

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It's a safe bet "lot splitting" — letting homeowners subdivide to build an additional dwelling with its own address and utilities — wouldn't be acceptable to most neighbors in most neighborhoods in our state.

It also would flout long-standing local zoning rules in most of the state's residential areas.

And its purported premise — making homeownership more affordable amid Colorado's high housing costs — is dubious given lot splitting's small scale as well as the complex array of variables that really drive market values in any community.

But even if, despite those drawbacks, the concept might warrant consideration — what should be clear is the 100 lawmakers ensconced at the State Capitol have no business considering it.

And yet, that's exactly what they're doing. Once again. Following similar measures passed in recent years to trample local control over various aspects of land use, House Bill 26-1308 is making its way through the legislature. It already has passed the House and is now under consideration in the state Senate.

Note

Sponsored by Democratic state Reps. Andrew Boesenecker, of Fort Collins, and Steven Woodrow, of Denver, and Democratic Sens. Judy Amabile, of Boulder, and Matt Ball, of Denver, the bill would override local laws to pave the way for split lots. It would permit postage stamp-sized parcels as little as 1,200 square feet.

As our news affiliate Colorado Politics reported last week, the proposal has drawn sharp opposition from Aurora, Colorado Springs, Denver and other Front Range cities that argue it undermines local control over land use. The municipalities' determined push-back even won over four "no" votes from the Democratic majority, along with 22 House Republicans, before making it out of the House.

Navigating and planning a community's competing land-use needs has historically, and constitutionally, been a strictly local matter in Colorado. With good reason. Planning commissions, city councils, county commissions, homeowners' associations and other local governing bodies have far deeper knowledge of the lay of the land in their communities — and a far better read on how their residents want to live.

Note

It's what Thomas Jefferson was talking about when he said the government closest to the people governs best. Well over two centuries later, it still makes perfect sense.

In pleading with lawmakers to back off, a representative of the Colorado Municipal League and its 271 local city-members told the House Transportation, Housing and Local Government Committee the other day that lot-splitting "undermines a fundamental principle that has long guided land use," where

decisions about local land use are made locally. An official of the City of Lone Tree testified the bill violates the home rule authority of many local governments — a right enshrined in the state constitution and upheld by the state Supreme Court. *Note*

The misbegotten measure is yet another plank in the “affordable housing” platform of ruling legislative Democrats and Gov. Jared Polis. Over the past few years, they have enacted several other encroachments on land-use powers, all aimed at the densification of our state.

The assumption is that getting more people packed into smaller spaces somehow will lower the cost of housing. In some theoretical sense, it might. In reality, it’s unlikely.

Far more likely is that land will be subdivided simply to create dense, higher-end housing. That’s where the money is, after all.

But if there is some merit to the idea, far be it from our legislature to know best.

Such decisions always have belonged to local government. Let’s leave it that way.

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