

Some cities play nice; others resist or sue

Contentious state laws taking effect; 'This approach is insane,' Lafayette mayor says, but nearby Longmont implementing them



A construction site at the Looking Glass development in Parker on Wednesday. HYOUNG CHANG — THE DENVER POST

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THE DENVER POST

Lafayette's mayor, JD Mangat, can't afford a house in the city he leads.

On a salary as a middle school social studies teacher, home prices in the Boulder County city of 30,000 are out of reach for the 29-year-old Lafayette native.

"I live at home with my parents," he said. "None of my friends growing up still live in Lafayette."

Yet when it comes to a cluster of housing bills lawmakers passed last year — all designed to abate the astronomical price of housing in Colorado — Mangat is firmly opposed.

"It would eliminate city standards and put in place state standards," the mayor said. "This is going to have really detrimental impacts on Lafayette. This approach is insane."

The laws, two of which go into effect on Monday, reached into matters that previously were local decisions. They removed home occupancy limits, will allow for accessory dwelling units on single-family lots, will limit parking requirements in transit corridors and prodded cities to increase housing density in those transit-rich areas. The laws largely apply only to Front Range cities.

Last month, Lafayette joined five other Denver-area cities in suing Gov. Jared Polis, who signed the measures into law a year ago. Two of the laws, the plaintiffs claim, unconstitutionally impinge on the authority of local governments to set their own land-use rules.

Just 13 miles up U.S. 287 from Old Town Lafayette, Longmont is taking a different approach. Although the city opposed the transit-oriented density bill as state government overreach, Longmont is fulfilling what the law requires without resistance. Just last week, the city submitted a preliminary report to the state on how it will comply with the law. It also outlined for state officials the rollout of its accessory-dwelling-unit policy, covering ADUs such as backyard cottages and garage apartments.

And just weeks after Polis signed the parking bill last year, Longmont became the first Colorado city to eliminate minimum parking requirements for all future developments. A similar proposal is pending in the Denver City Council. A parking minimum standard — designed to ensure there's enough spaces to accommodate a new building's users — often adds to a developer's costs or limits smaller sites' development potential.

"Longmont was and is already moving in the direction of paving the way for additional transit and affordable housing opportunities, which is what the law was aimed at," Assistant City Manager Sandi Seader said.

The contrasting strategies embraced by the two Boulder County cities illustrate the increasingly scrambled patchwork of approaches Colorado communities are taking to tackle the state's affordable housing crisis, which has put home ownership out of reach for many young families. A recent study found that from 2011 to 2021, the median price of a metro-area home jumped more than 162%.

Although prices have come off their 2022 peak, the median home in metro Denver in May cost \$600,000, according to the Denver Metro Association of Realtors. That's about twice what a household making nearly \$100,000 a year can afford.

State lawmakers, municipal officials and advocacy groups across Colorado agree that something must be done to tame prices and increase the availability of housing units in the state. But how to achieve that goal — and more importantly, who gets to call the shots — is where deep disagreement lies.

"It's less about the two specific bills — it's more about the principle of home rule and about what the community's vision is," said Kevin Bommer, the executive director of the Colorado Municipal League. "This comes down to who is in the best position to determine what works best for their communities."

State Rep. Steven Woodrow, who took a leading role in crafting the 2024 bills, said he understands the passion of city and town leaders who don't want to cede their land-use authority to the state.

But not enough has been done locally to alleviate a situation that seems only to worsen, he said.

"We really don't have the time to take years and years in the courts while people can't afford to live here," the Denver Democrat said. "If these local governments were truly doing such a good job, we wouldn't have this affordability crisis."

Resistance grows to state laws

Aside from the half-dozen cities that filed suit against the governor last month — Aurora, Greenwood Village, Glendale, Arvada, Westminster and Lafayette — several others have made it clear they support the legal challenge.

Centennial's City Council passed a resolution to that effect this month, and Thornton City Council members expressed support for the lawsuit at a recent meeting. In Parker, the Town Council passed two ordinances in early May "zealously asserting the town of Parker's home-rule authority" to chart its own course on residential occupancy limits and ADUs.

The Douglas County suburb minced no words with its ordinances, declaring that each "supercedes and preempts" state law.

Parker, which has mushroomed from a population of fewer than 300 in 1981 to 68,000 residents last year, continues to put up new housing. It issued 622 building permits for single-family homes in 2023 and an additional 317 last year. On the multifamily development side, Parker issued 582 permits in 2023 and 102 permits for the first half of 2024.

State laws that foist more housing on Parker, while jacking up the potential for more residents living in a house, threaten to upset the town's painstaking long-term planning process, Mayor Joshua Rivero said.

Parker, he said, "provides for adequate housing based on the available resources, including water, and increases in density can have a detrimental impact on those resources and the town's residents."

Its May ordinance on the accessory dwelling unit law bluntly states that town leaders have determined that Parker "will not be able to provide the essential public services necessary to serve one ADU for every single-family home in the town." Not that there's any likelihood ADUs would ever be so widespread in Parker — for example, Denver issued just 548 permits for ADUs over the past eight years, according to an October story by Denverite.

In Lakewood, Colorado's fifth-largest city, the sentiment is less adversarial. Roger Low, a city councilman, said he was glad his city didn't join the lawsuit against the governor.

"Instead I am proud our City Council is in problem-solving mode, working hard with our constituents to draft a zoning update that will comply with these new state laws in order to make progress on our affordable and attainable housing goals," he said.

Lakewood plans to retool its zoning code this summer. Low said the laws passed by the legislature in 2024 will serve as important guideposts in addressing the metro area's housing shortage, which Zillow last year pegged at 70,000 houses, apartments and condos.

"That shortage is driving rents up, cost-burdening and displacing too many Lakewood families, and directly fueling our homelessness crisis," Low said. "I have little patience with the argument that this is purely a 'local concern,' when it is clearly also an issue of significant regional and statewide concern."

But Lakewood's efforts to comply with state law won't move forward unimpeded.

Karen Gordey, a 14-year resident and a business owner in Lakewood, organized a community potluck last week to let people know about the upcoming land-use updates. She sees many of the proposed changes to Lakewood's zoning code as damaging to the character of the city's neighborhoods.

"I'm hoping we get enough of a turnout that they change their mind," Gordey said of the council.

That's what happened in Littleton in January, when residents came out in force to push back on an effort by city leaders to boost density in the southern suburb. They proposed allowing the construction of duplexes, triplexes and attached townhomes in single-family neighborhoods, but the City Council ultimately tabled the idea.

Rewind two years, and the same thing happened in Englewood. There, an attempt by city leaders to coax the building of denser developments in the city, which abuts Denver, prompted recall elections.

'Give people more options'

Woodrow, the state lawmaker, said local resistance to proposed housing solutions has had wider negative impacts — ones that only state legislation can address. Restrictive municipal zoning and land-use rules, he said, have the effect of "artificially suppressing supply and driving up prices, fueling our affordability crisis."

"While certain local governments have done great work and gone above and beyond, other local governments have shrugged their shoulders and said, 'Not in my backyard — you can build elsewhere,'" he said. "So what we have are some local jurisdictions shouldering an outsized share of the burden while others are saying, 'It's not our problem.'"

State law, Woodrow said, can act to "take the pressure off of local governments and get the housing built."

Matt Frommer, the transportation and land-use policy manager at the Southwest Energy Efficiency Project, said cities are going to have to do something to correct a problem that isn't going to just disappear on its own.

SWEET, a group that favors climate-friendly approaches, monitors what Colorado cities are doing with their housing policies.

"The housing crisis is not new," he said. "Cities are feeling it — were feeling it like six or seven years ago. That's when we started to see all these housing needs assessments. What did they learn through those? They don't have housing diversity in their community, and they need to allow more housing choices to lower costs and give people more options."

Frommer's organization points to a Keating Research survey conducted last year for Centennial State Prosperity, a nonprofit organization that pushes for more housing in Colorado. It found 68% of respondents support the new state law requiring cities and counties to allow more housing near transit stops and shopping districts.

That same poll also showed 78% of respondents backing Colorado's ADU law that goes into effect Monday.

The push for more housing options in metro Denver, Frommer said, is starting to proliferate in the form of pro-housing groups, which typically operate under the "YIMBY" moniker — for Yes in My Backyard. There are YIMBY chapters in Denver, Fort Collins and Denver's northern suburbs.

One recently sprouted in Arvada — one of the cities that sued Polis last month over the state's housing laws.

"All these groups are popping up saying, 'Hey, housing's too expensive — I want to be involved in this,'" Frommer said. "That's going to put more pressure on elected officials to respond."

'We know our communities best'

Bommer, with the Colorado Municipal League, has no problem with pressure being applied at the local level. Housing and zoning policy, he said, should be decided in city and town halls across the state — not under the Gold Dome in Denver.

"We spend all this time figuring out who gets to tell who what to do, instead of spending time to solve the problem," he said. "We have one more year with this (Polis) administration, and I'd like to see partnership rather than preemption."

Mangat, Lafayette's mayor, said state legislative action on housing policy feels like an out-of-touch attack on communities that are working hard to address the affordable housing crunch.

"We don't want people who don't come to Lafayette often telling us how much parking we should have," the mayor said. "We don't disagree with the mission and goal — we disagree with the process and implementation of it. We know our communities best."