



April 5, 2023

Representative Meg Froelich
Transportation, Housing and Local Government Committee Members
Colorado General Assembly
200 E. Colfax
Room 307
Denver, CO 80203

RE: House Bill 23-1255

Dear Representative Froelich and Honorable Members of the Transportation, Housing and Local Government Committee:

The Aspen City Council opposes the passage of House Bill 23-1255. As a community committed to land use planning that responds to the unique social, economic, and environmental conditions in our jurisdiction and planning area, our 45-years of active growth management regulation are an essential land use tool. The legislation would do irreparable damage to Aspen's self-governance and constrain our ability to enact myriad adopted policies in the City's Comprehensive Plan. Further, the legislation would constrain, not enable, our community's ability to develop more affordable housing, which is the stated objective of the bill.

Aspen has more experience with growth management regulations than any other community in the nation. In the face of decades of overwhelming resort-driven development pressure, Aspen has demonstrated that growth management is an essential tool for the development of affordable housing and a lived-in, sustainable community, economy, and environment. Aspen has led the way in developing these policies and regulations. The result is the largest system of affordable housing per capita in the nation (2,303 units), housing a majority of our full-time population, and preserving the vitality of one of the most desirable destination communities in the country. This would not have been possible without growth management.

Aspen is an extremely high-value real estate market. With valuations over \$3,000 per square foot, the economics of housing in Aspen are detached from the household economics of the region. Unmanaged, the free-market construction industry would deliver only luxury housing products to market. Our system of growth management does not constrain the development of affordable housing, it ensures it. The system doesn't constrain the construction industry's ability to deliver housing, it focuses it on sectors of community need.

HB23-1255 Declaration E cites the perceived negative effect of growth management laws on the State's ability to ensure the construction of "the additional housing units Coloradans need". In Aspen, the opposite is true. Our system of growth management ensures that there is alignment between the pace and scale of luxury housing development and affordable housing development. Aspen's growth management laws extract housing from free-market development that would otherwise fail to deliver housing products that any working resident could afford.

The effect of HB23-1255 would be to undermine these systems of market intervention which delivers affordable housing to our community. It would exacerbate the effects of the luxury housing market on our character and community sustainability. It would destroy our ability to deliver on our most essential policy objectives – ensuring a resilient, lived-in community accessible to future generations.

Growth management is not just about housing. It is an essential tool for the preservation of the natural environment in rural areas, the appropriate scaling and improvement of infrastructure, and ensuring the smart growth of our community. Without our decades-old system of growth management, the State's permissive subdivision laws would have permitted Aspen's pristine, wildland backyard to be subdivided and despoiled at the expense of our tourist economy, ecological health, community character, and sustainability. Without our community-supported growth management regulations, the thoughtful growth of our community would have been prevented. For decades Aspen has grown at a pace commensurate with community need, annexing lands to permit the construction of schools, a hospital, open space preservation, and free market and affordable housing. The proposed legislation would eliminate the self-governance that Aspen has used to ensure Aspen remains the highly desirable community and economic engine that it's become.

The proposed legislation states that “uniformity in land use laws” is necessary to deliver on state-wide housing objectives. This oversimplification ignores the uniqueness of rural municipalities – uniqueness that requires land use policies and laws tailored to the social, economic, and environmental needs of each community. The proposed legislation would irreparably harm Aspen's ability to serve our community through thoughtful, proactive self-governance.

The statewide goal of 162,000 units by 2027 is laudable. Aspen has delivered more units of affordable housing per capita than any other community in the state – 0.3 affordable housing units per resident – 100 times less than Boulder, with 0.03 units per capita. We have accomplished this because of, not despite, our growth management regulations. Passing HB 23-1255 would destroy Aspen's ability to house our future population and our ability to supply the workforce our community needs. Passage would not deliver any housing units to help solve the statewide problem of housing availability, only luxury housing in an over-saturated market.

The Aspen City Council urges the state to find another means to ensure that additional housing units are developed where they are needed and at density which scales with the surrounding communities.

The City of Aspen is committed to helping the state meaningfully increase affordable housing and also protect existing affordable housing programs for our mountain communities.

Sincerely,

DocuSigned by:

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Aspen Mayor Torre

C: Transportation, Housing and Local Government Committee

Representative William Lindstedt

Representative Andrew Boesenecker

Representative Marc Catlin

Representative Ruby Dickson

Representative Mandy Lindsay

Representative Javier Mabrey

Representative Tisha Mauro

Representative Jennifer Lea Parenti

Representative Rick Taggart

Representative Stephanie Vigil

Representative Don Wilson

Representative Ty Winter