

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

ARTICLE XVIII OF THE COLORADO CONSTITUTION IS AMENDED BY THE ADDITION OF A NEW SECTION 15, TO READ:

COUNTY-WIDE LIMITATION

1. LIMITATION. THE PEOPLE OF COLORADO DO HEREBY RESERVE THE RIGHT TO ENACT A LIMITATION OF PRIVATELY OWNED HOUSING UNITS IN EACH LOCAL GOVERNMENT WITHOUT LEGISLATIVE INHIBITION OR PENALTY. THIS RIGHT IS FURTHER RESERVED FOR A COUNTY-WIDE LIMITATION WHICH SHALL INCLUDE EACH LOCAL GOVERNMENT AND ANY PART OF SUCH WITHIN A COLORADO COUNTY. NO PERMANENT LIMITATION SHALL RESTRICT HOUSING GROWTH TO LESS THAN ONE PERCENT ANNUALLY.

2. LIMITATION FOR SPECIFIED COUNTIES. A LIMIT OF ONE-PERCENT ANNUAL GROWTH IN PRIVATELY OWNED HOUSING UNITS SHALL BE ADOPTED BY EACH LOCAL GOVERNMENT AND ANY PART OF SUCH IN THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, EL PASO, JEFFERSON AND LARIMER FOR 2007 AND SUBSEQUENT YEARS INCLUDING 2010. AT LEAST THIRTY PERCENT OF THE REGULATED HOUSING GROWTH SHALL BE AFFORDABLE AND AFFORDABLE SENIOR HOUSING. AT A TIME WHEN THIS AMENDMENT IS INITIALLY DECLARED APPROVED BY VOTERS NO FURTHER PERMITS FOR SUCH REGULATED GROWTH SHALL BE ISSUED UNTIL 2007 IN SAID COUNTIES. THIS ISSUE SHALL BE CALLED FOR THE 2010 NOVEMBER GENERAL ELECTION TO ENACT OR REPEAL IN SAID COUNTIES.

3. CRIMINAL CONDUCT. A VIOLATION BY PUBLIC OFFICIALS OF THE FOLLOWING REGULATIONS WITH REGARDS TO ALL HOUSING AS WELL AS PLANNING AND ZONNING MATTERS SHALL CONSTITUTE A MISDOMMEANOR CRIME: 1.) THE OPEN MEETINGS ACT 24-6-401,402, C.R.S. 2.) THE OPEN RECORDS ACT 24-72-201 TO 24-72-402, C.R.S. 3.) FAILURE TO POST PUBLIC RECORDS INCLUDING FINANCIAL ON THE INTERNET WITHIN THIRTY DAYS OF TRANSACTION 4.) ENGAGING IN MISLEADING OR DECEPTIVE PUBLICITY 5) VIOLATING THE PROVISIONS OF A LIMITATION. A SECOND CONVICTION OF AN AFORESAID CRIME SHALL REQUIRE A MANDATORY SENTENCE OF AT LEAST THIRTY DAYS IN JAIL AND A TEN-THOUSAND DOLLAR FINE. A CONVICTION OF AN ELECTION VIOLATION: 1-13-204, 205, 301, 703, 704, 708, 708.5, 710, 716, C.R.S. AS IT MAY PERTAIN TO A LIMITATION RELATED ELECTION SHALL BE A FELONY OFFENSE WITH A MANDATORY SENTENCE OF AT LEAST SIX MONTHS IN JAIL AND A FIFTY-THOUSAND DOLLAR FINE. COMPLAINTS REGARDING ALL AFORESAID CRIMES SHALL BE VIGOROUSLY INVESTIGATED AND PROSECUTED. PRIVATE PARTIES MAY FILE SUCH COMPLAINTS IN DISTRICT COURT FOR JUDICIAL REVIEW AND SHALL RECOVER REASONABLE LEGAL FEES FROM SUCH DEFENDANT UPON CONVICTION. NO PUBLIC FUNDS SHALL BE USED TO DEFEND PUBLIC OFFICIALS FROM THESE CRIMES.

DEFINITIONS:

(I) HOUSING UNIT. A HOUSE, AN APPARTMENT, A GROUP OF ROOMS OR A SINGLE ROOM OCCUPIED OR INTENDED FOR OCCUPANCY AS SEPARATE LIVING QUARTERS; THAT IS, THE OCCUPANTS LIVE SEPARATELY FROM ANY OTHER INDIVIDUAL IN THE BUILDING AND THERE IS DIRECT ACCESS FROM THE OUTSIDE OR THROUGH A COMMON HALL. EDUCATIONAL DORMATORIES, NURSING HOMES, HOTELS AND MOTELS, TRANSIENT ACCOMODATIONS, BARRACKS FOR WORKERS, AND INSTITUTIONAL-TYPE QUARTERS ARE NOT COUNTED AS HOUSING UNITS.

(II) AFFORDABLE AND AFFORDABLE SENIOR HOUSING. HOUSING IN TYPE AND STYLE AND NUMBER OF BEDROOMS PRICED AT LEAST THIRTY PERCENT BELOW THE AVERAGE MEAN PRICE FOR SUCH HOUSING IN A PARTICULAR LOCAL GOVERNMENT.

(III) PUBLIC OFFICIAL. A STATE OR LOCAL GOVERNMENT EMPLOYEE WITH LEGISLATIVE OR ADMINISTRATIVE CAPACITY.

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