

# WORK SESSION AGENDA ITEM SUMMARY

City Council



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## STAFF

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## SUBJECT FOR DISCUSSION

**2024 Legislative Wrap-Up.**

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## EXECUTIVE SUMMARY

The purpose of this item is to provide a high-level review of bills that passed during the 2024 legislative session with particular focus on impacts to the City. The PowerPoint and agenda item summary highlight bills that will require staff and/or Council action. The attachment provides these and other bills and their descriptions.

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## GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What questions and feedback do Councilmembers have regarding the 2024 legislative session?

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## BACKGROUND / DISCUSSION

### LAND USE BILLS

#### **HB-1313 - Housing in Transit-Oriented Communities:**

This bill will require the establishment of a Housing Opportunity Goal, potential rezonings, establishment of anti-displacement strategies, and reporting on an on-going basis in a transit-oriented community. This will have a significant impact on staff resources in Planning, Geographic Information System (GIS), and Transport.

#### **HB-1152 – Accessory Dwelling Units:**

This bill creates a series of requirements related to accessory dwelling units (ADUs). It requires a qualifying jurisdiction (such as the City) to allow an ADU to be constructed as an accessory use to a single-unit detached dwelling anywhere single-unit detached dwellings are allowed. The jurisdiction may not require construction of new off-street parking or require an ADU to be owner-occupied. The jurisdiction may impose an administrative approval process that may not be appealable to an elected or appointed body or hearing officer. It allows application of local short-term rental laws. The bill creates a grant program for offsetting costs incurred in connection with meeting the requirements. The requirements in this bill apply on or after

June 30, 2025. The City will need to update the Land Use Code and work will require staff resources in Planning and City Attorney's Office (CAO).

#### **HB-1304 – Minimum Parking Requirements:**

This bill will require the City to update its Land Use Code to remove minimum parking requirements for multi-family and certain mixed-use projects close to transit. Similarly to HB-1152, minimum parking requirements were eliminated in the past for development close to MAX and then were re-introduced due to community feedback. This will require significant resources from Planning, Communications and Public Involvement, and the City Attorney's Office.

#### **SB-005 – Prohibit Landscaping Practices for Water Conservation:**

This bill prohibits the installation of nonfunctional turf, artificial turf, or invasive plant species on commercial or industrial property or in transportation corridors starting January 1, 2025. The City's Water Efficiency Plan work can address this and an update to the Larimer County Urban Street Standards may be needed.

### **ENVIRONMENTAL/TRANSPORTATION BILLS**

#### **HB-1173 – Electric Vehicle Charging System Permits**

This bill establishes an expedited permitting process for the approval of electric motor vehicle (EV) charging systems for counties and municipalities. The bill allows municipalities to either follow the State's model EV charger permitting process (developed by March 2025) or adopt an ordinance or resolution stating it will not follow the State's model code and will process permit applications using its existing permit review procedures. The City has an existing code and permitting process and may want to relying on its existing code and process.

#### **HB-1341 - State Vehicle Idling Standard:**

Current law imposes a uniform State idling standard on an owner or operator of a covered vehicle that prohibits the vehicle from idling for more than 5 minutes within any 60-minute period, except in certain situations. This applies to commercial diesel vehicles with a gross weight greater than 14,000. The bill authorizes a local government to enact a resolution or ordinance concerning the idling of a covered vehicle that is at least as stringent as, but not less stringent than, the State idling standard and requires any local government with an idling standard to include certain exemptions.

### **HOUSING BILLS**

#### **HB-1007 – Prohibit Residential Occupancy Limits:**

Starting July 1, local governments will be prohibited from limiting how many people are allowed to live together in the same dwelling, regardless of their familial relationship. Local governments may implement residential occupancy limits based on demonstrated health and safety standards such as International Building Code standards or Colorado Department of Public Health and Environment (CDPHE) wastewater and water quality standards. Staff are currently working with Council to update codes and shift education and awareness.

#### **SB-174 – Sustainable Affordable Housing Assistance:**

Under this measure, local governments are required to conduct housing needs assessments every six years and create action plans to meet those needs. Local governments that make progress on their housing plans would have an advantage in winning grant dollars from a number of state agencies. The Bill requires a housing needs assessment (by 2026) and a housing action plan (by 2028). The City has work streams planned to comply with the bill.

## **JUDICIAL/LAW ENFORCEMENT BILLS**

### **HB-1371 – More Uniform Local Massage Facilities Regulation:**

The bill requires every local government that has a massage facility within its jurisdictional boundaries to adopt a resolution or ordinance that designates a local licensing authority to receive, review and approve or deny an application for a license to operate a massage facility and investigate and determine the eligibility of a person to be an owner or employee of a massage facility based on information received from a local law enforcement agency that has coordinated with the Colorado Bureau of Investigation to process state and federal fingerprint criminal history record checks.

- The bill requires a county and municipality within a county to consult with each other when developing such a resolution or ordinance and grants a municipality the option to elect to have a county's resolution or ordinance to apply to massage facilities operating within the jurisdictional background of the municipality in lieu of adopting its own.
- The City regulated massage parlors from 1981 to 2008, when a state law preempting local regulation was enacted.

### **HB-1372 – Regulating Law Enforcement Use of Prone Restraint:**

The bill requires law enforcement agencies on or before July 1, 2025, to adopt written policies and procedures concerning use of the prone position and prone restraint by officers certified by the Peace Officer Standards and Training board, including Fort Collins Police Services.

### **HB-1079 - Persons Detained in Jail on Emergency Commitment:**

Beginning July 1, 2025, the bill prohibits a law enforcement officer or emergency service patrol officer who takes a juvenile into protective custody from detaining the person in jail. Fort Collins Police Services will update policy and provide training.

### **HB-1090 - Privacy Protections Criminal Justice Records:**

This bill impacts police records policy regarding the release of unredacted records containing victim's name and identifying information to victims in certain sexual offense cases. The bill permits the release of unredacted records to the named or victim's designee. The bill permits the release of unredacted records to certain specific offices and persons typically involved in related legal processes. The bill clarifies that changes in 2023 to the law related to records of child victims and child witnesses apply to records pertaining to offenses committed on or after January 1, 2024. This is a clean-up bill from last year that accidentally struck the ability of those involved in criminal justice cases to have access to records.

### **HB-1103 - Prohibiting Excited Delirium:**

Effective August 6, 2024, the bill prohibits training for law enforcement personnel and other first responders from including the term "excited delirium" and prohibits a peace officer from using that term to describe a person in an incident report. Fort Collins Police Services will review training to ensure compliance.

### **SB-065 - Mobile Electronic Devices and Motor Vehicle Driving:**

Current law prohibits an individual who is under 18 years of age from using a mobile electronic device when driving. Effective January 1, 2025, the bill applies the prohibition to an individual who is 18 years of age or older unless the individual is using a hands-free accessory.

### **SB-079 - Motorcycle Lane Filtering and Passing:**

The City must consider amendments to section 1503 of the Fort Collins Traffic Code to make it consistent with this law. Effective August 7, 2024, the bill authorizes a 2-wheeled motorcycle to overtake or pass another motor vehicle in the same lane under certain conditions.

### **SB-131 – Prohibiting Carrying Firearms in Sensitive Spaces:**

Effective July 1, 2024, this bill prohibits carrying a firearm, openly and concealed, in certain government buildings, including the building of their governing body and adjacent parking areas. The bill also allows a local government to allow persons to carry a firearm in its governing body building. The City may want to consider whether to allow persons to carry a firearm in City Hall.

## **GOVERNMENT BILLS**

### **HB-1050 - Simplify Processes Regarding Certain Local Government Taxes:**

The bill requires the City to report to the Colorado Department of Revenue a copy of their ordinances imposing lodging tax and building permit-related sales and use tax, along with any amendments, by June 15, 2025.

- The bill requires local governments to file any future ordinances or amendments with the Department of Revenue no later than 45 days before they become effective.
- The bill grants authority to a state task force to inspect home rule municipalities' imposition of lodging tax, with the intent of pursuing a state-created method of collecting local lodging sales tax.

### **HB-1235 - Reduce Aviation Impacts on Communities:**

The bill creates new requirements addressing adverse airport impacts for airports that receive certain grants. The City and City of Loveland jointly own the Northern Colorado Regional Airport (Airport), which is a recipient of such grants.

- The bill promotes the phasing-out of leaded aviation gas.
- The bill instructs the Division of Aeronautics to designate roughly \$1.5 million a year to aid in the transition from leaded to unleaded aviation gasoline. Airports receiving this grant have to adopt a plan to phase out leaded gasoline by 2030 and establish a voluntary noise mitigation plan consistent with state requirements, including limitations on when flights may depart and the frequency of touch-and-go flights.
- The bill would also require the Division of Aeronautics and Colorado Department of Public Health and Environment (CDPHE) to provide technical assistance to airports on the adverse impacts of aircraft noise and leaded aviation gasoline.
- While the Airport is co-owned by the City and City of Loveland, it is managed and operated by Loveland employees.

### **HB-1454 – Grace Period Noncompliance Digital Accessibility:**

The bill allows a one-year grace period to comply with digital accessibility standards. The City is continuing efforts to achieve compliance.

### **SB-194 - Special District Emergency Services Funding:**

The bill repeals the statutory authorization for local governments to impose and collect impact fees for the purpose of funding fire and emergency services. This would require legal review of the City's fire protection

impact fee. In turn, the bill would allow fire districts and ambulance districts to collect their own impact fees on the construction of new buildings, structures, facilities, or improvements. Prior to doing so, the districts must provide municipalities and counties within the impacted area 60 days advance notice to allow them to provide written comment.

- The bill would also allow fire districts and ambulance districts to impose a sales tax at a rate determined by the district's board, subject to voter approval. Any such sales tax must be collected, administered, and enforced by the state Department of Revenue.
- The City will likely want to confer with Poudre Valley Fire Protection District regarding the issues raised by this bill.

## **NEXT STEPS**

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Staff will continue to track bills through signage or enactment and bring forward any required changes.

## **ATTACHMENTS**

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1. Bill Spreadsheet
2. Presentation