

Action Items

Elections: Local Taxpayer Bill of Rights Prior Voter Approval Requirement

House Bill 24-1026 would require all local governments who successfully obtained voter approval to permanently retain revenue in excess of their TABOR fiscal year spending and property tax revenue limits prior to November 9, 2020, to again ask for voter approval for those same revenue changes no later than November 2029 or forgo the previously approved revenue change beginning in 2030. Requiring voter approval for policies that have already received voter approval is a significant change from current TABOR requirements and has the potential to significantly reduce municipal revenue with large impacts to budgeting. **Staff recommendation: Oppose.** *Lobbyist: Heather Stauffer*

Policy Statement: CML supports retention of authority for all municipalities to set local tax rates and for home rule municipalities to collect their own taxes and determine their own tax bases.

Housing: Local Government Rights Regarding Multifamily Rental Properties

Representative Boesenecker is carrying a bill creating two property rights for local governments in certain types of multifamily rental properties: a right of first refusal and a right of first offer. The bill requires the seller of a multifamily rental property with an existing affordability deed restriction to give notice to the local government at least two years before the expiration of an existing affordability restriction on the property and again when the seller takes certain actions to sell the property. The local government would then have 14 days to preserve its right of first refusal and an additional 60 days to make an offer and must agree to close on the property within 120 days of acceptance of the local government's offer. The bill establishes that local governments also have a right of first offer for multifamily rental properties that have five or more units in urban counties and three or more units in rural and rural resort counties. A seller of such property must provide notice of intent to sell the property to the local government before the seller lists or markets the property for sale and must allow 14 days from the date of such notice before listing or marketing the property for sale. Local governments may partner with certain other entities for financing the transaction. The Attorney General's office is required to enforce the provisions of the bill. If a court finds that a seller or third-party buyer has materially violated the law with respect to the right of first refusal or first offer, the court must award a statutory penalty of at least \$50,000 or an amount equal to 30% of the purchase or listing price of the property, whichever is greater. **Staff recommendation: Support.** *Lobbyist: Bev Stables*

Policy Statement: *The League supports an adequate supply of diverse housing options, regardless of income level, and continued public-and private- sector support for such an effort.*

Municipal Finance: Real Estate Transfer Fee

A bill providing authority for municipalities and counties to implement and collect a Real Estate Transfer Fee when a real estate transfer takes place is expected to be introduced in the coming weeks. Fee revenue would be directed to local affordable housing projects. A preliminary draft provides local governments with the authority to impose the fee in any amount they determine up to 4% of the value of the property transferred, with the ability to waive the fee or set exemptions from the fee. The draft also provides that counties may impose a fee up until a municipality imposes a fee, at which point the county's fee goes away or can remain pursuant to an intergovernmental agreement with the municipality. Under the bill, communities with an existing Real Estate Transfer Tax can also impose an additional Real Estate Transfer Fee provided the tax and the fee do not cumulatively exceed the 4% limit. **Staff Recommendation: Support.** *Lobbyist: Elizabeth Haskell*

Policy Statement: The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs and enhancement of municipalities' flexibility to finance public projects economically and efficiently.

Opioids: Overdose Prevention Centers

House Bill 24-1028 authorizes local governments to allow the operation of an overdose prevention center within its boundaries. Unlike the harm reduction centers bill that was heard before the Opioid and Other Substance Use Disorders Study Committee, this bill does not include language establishing a pilot program, advisory committee, or adoption of any minimum standards from the Colorado Department of Public Health and Environment (CDPHE). While the bill grants additional authority for local governments to address substance use disorder, CML feels that additional safeguards should be put in place to increase public safety. **Staff recommendation: Support if amended.** *Lobbyist: Bev Stables*

Policy Statement: *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs.*

Environment/ Natural Resources: Local Government Authority to Regulate Pesticides

Current law prohibits a local government from creating laws that regulate the use of pesticides by pesticide applicators regulated by state or federal law. The bill allows local governments to create and enforce laws regulating the sale or use of pesticides to protect the health and safety of the community. There are specific conditions placed on this authority to regulate including that ordinances must be supported by peer-reviewed science. The bill also lists exceptions to this authority which include pesticides used for: the production of agricultural products, growing feed for livestock and management of livestock, maintenance of agricultural water supply facilities including irrigation ditches and other water infrastructure, for a public utility on property owned or controlled by them to protect infrastructure or operation of infrastructure, for

operation and maintenance of a water supply collection or distribution facility, or for the cultivation of marijuana. This bill would allow municipalities who choose to, to create ordinances above and beyond what the state requires such as requiring additional signage and enforce buffer zones, among other things, around certain properties and environments. **Staff recommendation: Support.** *Lobbyist: Heather Stauffer*

Policy Statement: *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs.*

Housing: Residential Occupancy Limits

House Bill 24-1007 would prohibit local governments from enacting or enforcing limits on the number of people who can live in a dwelling unless the limits are tied to a minimum square footage per person requirement that is necessary to regulate safety, health, and welfare. Senate Bill 23-213 included a similar provision prohibiting local governments from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling. That provision also included a carve-out for regulating short-term rentals and for local governments with institutions of higher education within its boundaries that allowed those local governments to enforce residential occupancy limits on more than five unrelated people living in one dwelling. CML would seek to include similar language in this bill and to address other aspects of building codes and life safety matters. **Staff recommendation: Oppose unless amended.** *Lobbyist: Bev Stables*

Policy Statement: *The League opposes delegation of municipal land use authority to state agencies or preemption of municipal land use controls.*

Land Use: Attorney's Fees for Rule 106 Appeals

Representative Lindstedt is carrying a bill requiring a court to award attorney fees to the prevailing defendant only in an action for judicial review of a local land use decision. The bill clarifies that filing such an action does not affect the validity of the local land use decision. The bill also authorizes a governmental entity and the public to rely on the local land use decision in good faith for all purposes until the action for judicial review is resolved. This change will help insulate municipalities from superfluous suits designed to delay land use decisions and would help to insulate municipalities from the costs of defending its decisions. **Staff recommendation: Support.** *Lobbyist: Bev Stables*

Policy Statement: *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs.*

Meetings/ Records: Public Meeting Accessibility Requirements for Public Bodies

The bill requires state and local public bodies to ensure that the following accessibility requirements are implemented within six months of the effective date of the bill (late winter 2025). First, all public meetings of public bodies at which public business is discussed must be accessible in real time by live streaming video (or audio in limited cases) that is recorded and accessible to individuals with disabilities. For any meeting in which public testimony is offered, the public body is required to allow any individual to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks internet service. Second, a public body is required to post on its website, at least a week before the meeting, any documents that will be “distributed or discussed” during a meeting and must be uploaded to the entity’s website in an accessible format; documents that cannot be uploaded before the meeting must be uploaded in real time during the meeting. Documents must remain uploaded in perpetuity (or for as long as the meeting minutes are made available). Finally, a public body is required to provide any auxiliary aids or services requested in time for the meeting; a requestor does not need to provide an explanation for the need for auxiliary aids and services. While the bill allows a public body to require that a request for auxiliary aids or services with the use of the video conferencing platform be made up to seven days before the date of the meeting, its unclear if there are similar requirements for in-person attendance. If the public body cannot obtain the auxiliary aids or services required in time for the meeting, they are required to postpone their meeting and are required to document the reason for the additional time required. Any violation of these provisions constitutes discrimination on the basis of disability. This bill is far too broad to be effectively implemented within six months and imposes significant unfunded mandates exceeding the requirements of federal law relating to accommodating disabilities. There is currently no reasonable accommodation or undue burden language included in the bill, as is common in federal law, and the bill has serious implications to the efficiency of public meetings and the timely conduct of public business. No state funding is provided for municipal costs. **Staff recommendation: Oppose.** *Lobbyist: Heather Stauffer*

Policy Statement: *Opposes efforts to expand the liability of public entities and public employees; opposes unfunded state and federal mandates that impose financial burdens on municipalities and their citizens.*

Public Safety: No-kill animal shelters

Representatives Lindsay and Armagost have bi-partisan legislation that will require an animal shelter to notify each animal or other pet shelter in the state before euthanizing a pet animal. This may interfere with existing municipal ordinances and conflict with some aspects of municipal dangerous animal ordinances. Staff recommends amendments to the bill to ensure carve-outs for municipal ordinances that address shelter capacity and dangerous pet concerns. **Staff Recommendation: Oppose unless amended.** *Lobbyist: Jeremy Schupbach*

Policy Statement: *The League supports state enabling legislation that provides municipalities with authority and flexibility to address local needs*

Public Safety: Defined Personnel for Emergency Telephone Services

House Bill 24-1016 defines “emergency communications specialist” as a first responder whose duties involve emergency and nonemergency dispatch services. The bill clarifies that the currently authorized use of the current phone charges and surcharges for training for public safety answering point (PSAP) personnel also includes training for emergency communications specialists, technical support PSAP personnel, and other personnel essential for the provision of emergency telephone services, emergency notification services, and emergency medical dispatch. **Staff Recommendation: Support.** *Lobbyist: Jeremy Schupbach*

Policy Statement: *The League supports increased funding for emergency communications, accounting for the loss of landlines and the increased use of mobile devices, as well as legislation allowing local governments to increase fees for support of emergency communication.*

Taxation: Property Tax Rebates and Incentives

Senate Bill 24-002 provides local governments with the authority to establish a property tax incentive program that directly incentivizes improvements in an “area of specific local concern.” The bill defines “area of specific local concern” to mean a use of real property in a county or municipality that is determined by the local government’s governing board to be diminishing or unavailable based on verifiable data and which use the governing body finds and declares necessary for the preservation of health, safety, or welfare of the residents.

The local government must hold a public meeting that includes public testimony before adopting a resolution or ordinance creating a program. In the case of a county program, the board of county commissioners must allow a municipality located in the county that may be impacted by the program to receive public notice and have an opportunity to testify; municipalities must do the same for the county if implementing a municipal program. Incentive programs must be evaluated on an annual basis and may be renewed for not more than one year.

CML would like the bill amended to include language requiring a process for formal approval by municipalities located within a county’s boundaries prior to the adoption of a county incentive program. **Staff Recommendation: Support if amended.** *Lobbyist: Elizabeth Haskell*

Policy Statement: *The League supports the following: state enabling legislation that provides municipalities with authority and flexibility to address local needs; preservation, revitalization, and redevelopment of existing neighborhoods; and enhancement of municipalities’ flexibility to finance public projects economically and efficiently.*

Taxation: Sales and Use Tax Exemption for College Textbooks

House Bill 24-1018 creates a state sale and use tax exemption effective July 1, 2024, for all sales, storage, use, and consumption of college textbooks. The bill allows a statutory municipality to choose to adopt the exemption by express inclusion in its sales and use tax ordinance or resolution. **Staff Recommendation: Support.** *Lobbyist: Elizabeth Haskell*

Policy Statement: *The League supports retention of authority for all municipalities to set local tax rates and for home rule municipalities to determine their own tax bases.*

Utilities: Utility Relocation in Local Government Right of Way

Colorado Counties Inc. is proposing legislation that codifies current practices in which local governments provide notices regarding road improvement projects that will require the relocation of utilities of investor-owned utility companies. The bill also codifies current practices requiring local governments and utilities to enter agreements to address the relocation, including provisions for the scope of the relocation, a schedule, prompt performance of relocation work performed by the utility. The bill further adds a requirement that utilities pay damages incurred by local governments caused by the delays in the relocation work not resulting from “force majeure.” The most recent draft of the bill clarifies that the provisions of the bill do not apply if a local government and a utility have signed a clearance letter. **Staff Recommendation: Support.** *Lobbyist: Jeremy Schupbach*

Policy Statement: *The League supports increased dialogue and cooperation among federal, state and local officials and the development of cooperative intergovernmental solutions to common problems. The League opposes federal or state restrictions on local control of municipal rights-of-way.*

Water: Warrants for Metro Sewage Disposal Districts

Currently, a metropolitan sewage disposal district (Metro Water Recovery) is required to ensure that wastewater generated by local businesses is properly treated and meets EPA pretreatment standards before it’s discharged. Under current law, the boundaries of a district may exist within multiple municipal and county lines, which makes it challenging for the district to obtain administrative inspection warrants when property owners deny district inspectors entry to a property. HB24-1062 would allow Metropolitan Sewage Disposal Districts to enter and inspect, in a reasonable time and manner, a property for the purpose of investigating program violations. The bill also allows them to seek administrative inspection warrants from the district court or county court if and when businesses discharging to the system prohibit entry for inspection. **Staff Recommendation: Support.** *Lobbyist: Heather Stauffer*

Policy Statement: *CML supports water policies that protect Colorado water resources.*

Information items

Housing: Ban on Parking Minimums

Representative Vigil plans to carry a bill banning parking minimums for jurisdictions within Metropolitan Planning Organizations, potentially based off the “urban center” jurisdictions established in the Transportation Oriented Communities bill. The bill presumes that housing developers are better equipped than local governments to determine how many parking spaces a development needs. CML is concerned with the many potential side effects of this preemption of local control.