Planning Commission Agenda

Regular Meeting

Tuesday May 28, 2024 at 1:15 p.m.

City Council Chambers-City Center South
1001 11th Ave, Greeley, CO 80631 Zoom
Webinar Link:
https://greeleygov.zoom.us/j/88930608192

NOTICE:

Planning Commission meetings are held on the 2nd and 4th Tuesdays of each month. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in Council Chambers. Members of the public may participate in Planning Commission meetings in the manner that works best for them.

Watch Meetings:

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All meeting recordings will be available on Greeley's City Meeting Portal, where closed captioning options are available. To view recordings, agendas, and minutes, go to https://greeleyco.portal.civicclerk.com/.

Comment in Real Time:

Join the Zoom webinar (link above). During the public hearing, members of the public may address the Commission.

Submit Written Comments:

Email comments about any item on the agenda to cd_admin_team@greeleygov.com

Written comments can be mailed or dropped off at the Planning office at 1100 10th Street, Greeley, CO 80631. Written comments received prior to the meeting will be read into the record in real time.

Meeting agendas and minutes are available on the City's meeting portal at Greeleyco.municodemeetings.com/ For more information about this meeting or to request reasonable accommodations, contact the administrative team at 970-350-9780 or by email at cd_admin_team@greeleygov.com.

May 28, 2024 at 1:15 PM
1001 11th Avenue, City Center South, Greeley, CO 80631

Agenda

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the April 23, 2024 Planning Commission Meeting Minutes
5. Staff Report
6. Adjournment
7. Workshop: Sign Code Revisions Update
8. Legislative Updates (Informational)

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
April 23, 2024
Greeley Planning Commission- April 23, 2024- YouTube

1. Call to Order

Chair Yeater called the meeting to order at 1:15 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT
Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Jeff Carlson
Commissioner Larry Modlin
Commissioner Brian Franzen
Commissioner Erik Briscoe
Commissioner Christian Schulte

ABSENT

None

3. Approval of Agenda

There were no changes to the agenda.

4. Approval of April 9, 2024, Planning Commission Meeting Minutes

Commissioner Modlin moved to approve the minutes dated April 9, 2024. Commissioner Briscoe seconded the motion.

Motion carried 7-0 (Commissioner Franzen, Commissioner Briscoe and Commissioner Schulte Absent).

5. Annual Election of Chair and Vice Chair

Chair Yeater started by sharing he would be happy to serve as Chair for the year if the Commission approved. Commissioner Franzen moved to nominate Justin Yeater as Chair of the Planning Commission. Commissioner Schulte seconded the motion.

Motion Carried 7-0

Chair Yeater continued by asking for nominations for Vice Chair. Commissioner Franzen nominated Erik Briscoe as Planning Commission Vice Chair. Commissioner Carlson seconded the motion.

Motion Carried 7-0

6. Staff Report

Brian McBroom, Director of Community Development, began by sharing a summary of recent State Legislative bills that are being or expected to be passed. Including one on occupancy limits, accessory dwelling unit legislation and one on land use review times related to affordable housing applications. Staff need some to review the bills and will report back to the commission with more information.

Don Threewitt shared that the American Planning Association Colorado State Chapter conference will be in Loveland this year and that they have reached out to Greeley and other surrounding cities to make it a collaborative conference. If the Commission would like to attend it is for 3 days in October and RSVPs are due on July 15th, 2024.

Continuing, Mr. Threewitt shared that staff has been working on Sign Code updates and it is now in the final draft stage. He also plans to send out a Planning Department update to keep the Commission in the loop on some of the project's staff have been working on.

7. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:23 PM.

_____

Justin Yeater, Chair

_____

Don Threewitt, Deputy Director of Community Development

Planning Commission Agenda Summary

May 28, 2024
Key Staff Contact: Donald Threewitt, Chief Planner

Title:

Workshop: Sign Code Revisions Update

Summary:

Workshop: Sign Code Revisions Update

Recommended Action:

Based on City Council direction, staff began a review of the Chapter 8 Sign Code in August 2023. The original work plan intended to provide rapid updates in Q2 2024 followed by a comprehensive audit and code update in Q3-4 2024. Once started, staff realized that a quick-fix approach may leave contradictory and incomplete provisions, and elected to complete the full audit at the oustet. Today's workshop intends to provide Planning Commission with a progress update and next steps. To date, two revision drafts have been evaluated by staff, and a public draft is in development. Staff intends to release the public draft for review and feedback in June, followed by a final round of revisions based on that feedback, and ultimately pursue adoption in or before September 2024.

Attachments:

1. Sign Code May Update presentation

Sign Code Revisions Update

Don Threewitt, Deputy Director of Community Development
Don.Threewitt@Greeleygov.com | 970-350-9802
City Council/Planning Commission Work Session – May 28, 2024

Community Vitality

High-Performance Government

Agenda

- **Informational Only, no decision requested**
- Progress Update
- Key Provisions
- Next Steps
- Questions and Considerations

Sign Regulation Goals

Clarify. Streamline. Calibrate.

- Clear, simple language and graphics.
- Concise regulations & sign types.
- Updated size requirements, distances, and quantities.

Progress to Date

August 2023 Work Session-

- Phase 1: Audit and Quick fixes, Q2 2024
- Phase 2: Comprehensive Overhaul, Q4 2024

Current Schedule –

- Comprehensive Overhaul adoption anticipated Q3 2024
- Internal draft nearing completion
- **Next step: Public Outreach and feedback**

Example Changes - Clarify

Existing

- Unclear whether a wind-driven device is a sign or not.

Draft Update

- Regulates Signs (permanent and temporary) and Attention-Getting Devices (AGDs).
- An AGD is exempt from the sign definition and distinguished from traditional signs by movement; **AGDs can either have sign copy or not**, they are still regulated as AGDs.

Example Changes - Streamline

Existing

”Vehicle Signs. It shall not be a violation of this chapter if the vehicle to which a sign is mounted, painted, or otherwise affixed is used for travel between home and work or is temporarily parked away from the business premises while being used to provide the business' services or products, or as personal transportation for the vehicle operator. A parked vehicle that contains or displays signs is allowed when:”

Draft Update

“Vehicle Signs. Allowed when…”

Example Changes – Calibrate

Existing

- *Signs are regulated based on Content*: Political signs, real estate signs, and other content-based regulations are embedded within the code.
- All flags regulated identically.

Draft Update

- Temporary Signs are regulated by Activity Type (real estate, construction, election).
- Real Estate Activity: 1/street frontage
- Sidewalk Sign: 1/business
- Temporary Event: Any number
- Election Event: Any number
- Garage Sale: 1/street frontage
- American flags are exempt

Other Changes

- Multiple street frontages may be combined to increase sign size on primary street
- Multi-tenant signs –When max. size is reached, tenants are still allowed 1 sign.
- New sign types are incorporated, and vague types are clarified.
- Overall Sign Plan (campus, institution, commercial) added.
- Measurements, maintenance, and abandonment updated.

Next Steps

- Public draft to be posted on **Speak Up Greeley** when received.
- Brief update at the **June 13, 2024** HOA Workshop
- Virtual Open House: **2 PM June 17, 2024**
  - MS Teams: Meeting ID: 261 673 625 669 Passcode: fXvuzw
- In-person Open House: **6-7:30 PM June 17, 2024**
  - Council Chambers Overflow room

Questions/Input/Direction

- Elaboration on key provisions?
- Anything we should focus more on?
- Other Next steps?

- Don Threewitt, AICP
- Deputy Director of Community Development
- Don.Threewitt@Greeleygov.com

City of Greeley Colorado

Thank you

Planning Commission Agenda Summary

May 28, 2024
Key Staff Contact: Brian McBroom, Community Development Director

Title:
Legislative Updates (Informational)

Summary:
Legislative Updates (Informational)

Recommended Action:
None

Attachments:
1. Denver Post Article- "Colorado's work on zoning reform is far from done, housing experts say."
2. Denver Post Article- "Gov. Polis signed 3 more housing reform bills. Here's what they do"
3. CML Publication- January 2024
4. CML Newsletter May 17, 2024

POLITICS • News

Will Colorado's new land-use laws kickstart housing? Experts laud changes, but now the real work begins.

Success of zoning reforms, other changes will depend on oversight and implementation

Construction continues on a new residential building at West 38th Avenue and Tennyson Street in Denver on Friday, May 17, 2024. The area is a bus transit corridor. (Rebecca Slezak/Special to The Denver Post)

By **SETH KLAMANN** | sklamann@denverpost.com | The Denver Post

PUBLISHED: May 20, 2024 at 6:00 a.m. | UPDATED: May 20, 2024 at 6:52 a.m.

The suite of landmark zoning and land-use reform laws passed by Colorado lawmakers this year should help alleviate the housing crisis, national experts say, while catapulting the Centennial State into the ranks of other housing pioneers.

But those experts cautioned that the reforms seeded this winter and spring will take years to bear fruit. New laws signed in recent weeks likely will need frequent tending to ensure that they spur the building of new apartments and other residential development in line with the vision of lawmakers and Gov. Jared Polis.

“It’s important to keep reminding people: This is going to roll out over several years,” said Jenny Schuetz, a senior fellow at the Brookings Institution whose research focuses on housing and land use. “Take a deep breath. See how this works.”

She added: “It’s a really significant political accomplishment.”

In the coming years, Colorado will unroll five land-use measures that will allow for more density in areas with frequent transit service; more accessory-dwelling units, such as backyard cottages and garage apartments, in neighborhoods with single-family zoning; more unrelated roommates living together; and fewer parking requirements in some areas. Local governments also will face requirements for more strategic planning and housing studies. By and large, the reforms are targeted at the state’s heavily populated Front Range region.

Four national housing experts who spoke to The Denver Post said the legislation amounted to a comprehensive first package of reforms that parallel what a handful of other states have pursued — some for years, some only recently — in a bid to address their own housing crises.

But Colorado's shiny new laws will need constant monitoring, including of local governments' implementation of them, to ensure they accomplish their broad goal: to develop more housing across the Front Range.

While there's no guarantee they will work, lawmakers' intent is to push down prices and rents (by increasing the housing supply), to improve long-term planning and to bolster public transit use.

Colorado is short tens of thousands of housing units as its population has grown. The state is now among the most expensive places to buy a home or rent an apartment. Evictions hit record highs last year, and in Denver, they're on pace to surpass that grim peak this year.

Faced with the new state intervention, local governments have taken pains to point out that they've pursued various housing projects of their own. They generally have opposed reforms as state overreach.

But local opposition often has frustrated the type of fundamental zoning reforms that experts say is critical to boosting supply and, in turn, lowering prices.

"There's no silver bullet to the housing crisis, unfortunately," said Muhammad Alameldin, a policy associate at the Terner Center for Housing Innovation at the University of California, Berkeley. "This is going to take dedication and years of legislative effort. … The housing crisis can't be solved in a year. But you have to start somewhere, and this is a much better start than California had in 2016."

Colorado Gov. Jared Polis speaks to the media with lawmakers and advocates behind him before signing a priority land-use bill passed this session at the Evans light rail station in Denver on May 13, 2024. (Photo by RJ Sangosti/The Denver Post)

Colorado is far from the first state to force looser zoning rules in an attempt to kickstart housing development.

The growing embrace of land-use reform across the country has spanned from California to Massachusetts and Minneapolis to Tysons, Virginia. It comes as the United States grapples with a housing shortfall of millions of homes and apartments.

That shortage, experts and advocates say, is the result of chronic underbuilding since the Great Recession, coupled with restrictive local land-use regulations that prioritize large and costly single-family homes over apartments, condos, townhomes and duplexes.

Early evidence of those reforms elsewhere — particularly in Minneapolis — point to improved housing stock and lower rents, said Alex Horowitz, the project director at the Pew Charitable Trusts' Housing Policy Initiative.

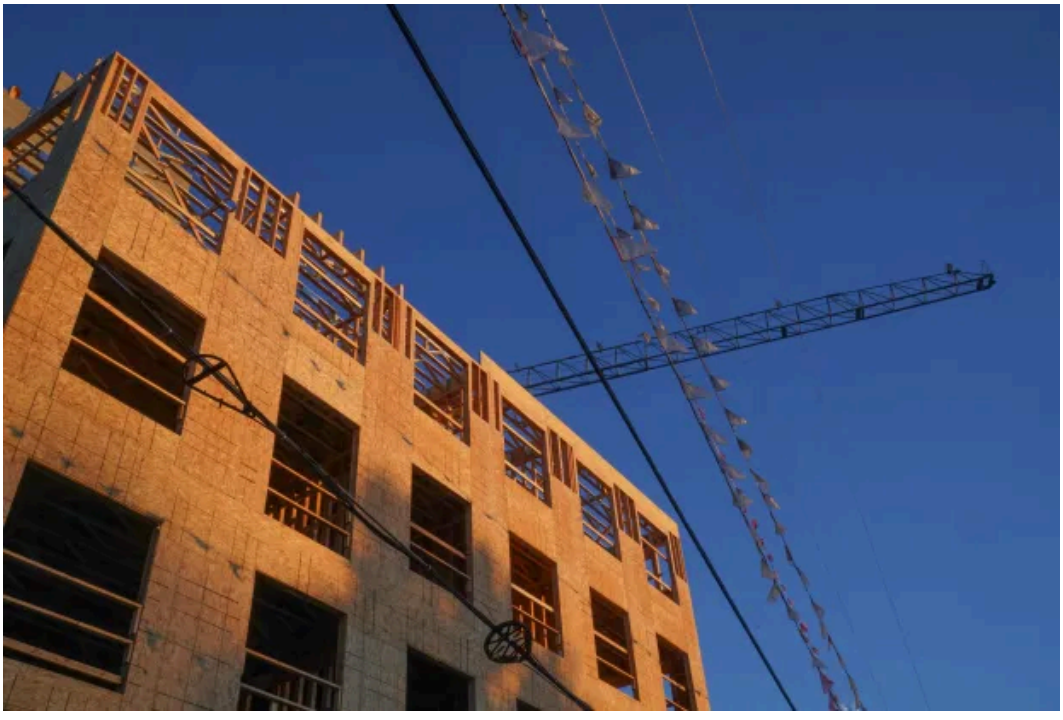
Many of the reforms elsewhere are still new. Massachusetts passed a density-near-transit bill in 2021. Florida allowed for apartments on commercial land last year. Montana passed land-use reforms last year, too, and just last week, Arizona lawmakers approved a bill allowing accessory-dwelling units, also known as ADUs, to be built on single-family plots.

Those other reforms' DNA can be found in Colorado's new laws, experts told The Post. But the striking thing is that the state managed to pass several major changes in one year, especially after a first attempt collapsed last year. That newfound success puts Colorado on the vanguard of land-use reform, the experts said.

Now state officials just need to ensure the policies are successful.

"What's promising about Colorado's response is that it is affecting a lot of different jurisdictions and affecting a lot of different types of development," said Vicki Been, the faculty director of New York University's Furman Center for Real Estate and Urban Policy and a former deputy mayor of New York City.

"Parking minimums affect a whole bunch," she said, while ADUs allow for more development in low-density neighborhoods and the transit-oriented density bill is geared toward more urban neighborhoods. "So you're seeing a more comprehensive approach."



Construction continues on a new residential building at West 38th Avenue and Tennyson Street in Denver on Friday, May 17, 2024. The area is a bus transit corridor. (Rebecca Slezak/Special to The Denver Post)

A need for “strong enforcement”

Colorado can learn lessons from other states, too.

California has worked for years on various reforms similar to those passed here. It has similar targeted density and housing-study laws. It’s also taken several tweaks over a period of years to improve that state’s ADU reforms.

But now California is building 28,000 ADUs per year, Alameldin said.

He and other experts said it takes enforcement, regular reporting and recurring legislative tweaks to ensure the reforms spur more housing. Most local governments in other states have complied with new land use reforms, they said. Some — now better able to sidestep local opposition — have embraced them.

But others, including in California and Massachusetts, have resisted.

That’s one reason why California had to keep updating its ADU laws, Been said: Local authorities kept finding loopholes. The success of Colorado’s laws — particularly the density measure — will come down to implementation and oversight, Horowitz said.

“What we have seen over many decades is that without strong enforcement, local governments will tend to dilly-dally,” Been added. “And they’ll be somewhat reluctant to step up and do what they’re supposed to do. But you have to balance that against the very strong desire for local control and the pushback that not having any local control can generate.”

The transit-density law was the centerpiece of the legislative package. It will require local government officials to set zoning goals allowing more housing density in transit-rich areas, generally within set distances of rail stations and higher-frequency bus routes. They'll then need to demonstrate that they're hitting those targets, while ensuring affordability.

Local governments have broadly opposed that and the other land-use reforms, and some experts cautioned that lawsuits may follow.

Most of the reforms passed this year won't kick in for at least another year, if not several. The transit-density bill was stripped of two explicit enforcement mechanisms, including a provision to withhold tax money from noncompliant jurisdictions, to assuage local governments and moderate Democrats.

The law's sponsors and backers say the state can still file lawsuits and force local governments to comply. Some opponents of the law have suggested the bill no longer has teeth and can't truly be enforced. In a statement, Polis spokeswoman Shelby Wieman said Friday that the law was enforceable and that it was "ridiculous and irresponsible" to suggest otherwise.

"Any localities that refuse to follow the law would put themselves at major legal and financial risk for violating the laws of our state," Wieman wrote.

Medici Consulting Group partner Josh Russell, left center, and Shelley Cook of Veggie Van, right, clip the ribbon during a ceremony opening the Vance Street Flats, a 50-unit affordable housing complex in Arvada on Monday, April 29, 2024. The building is near the Olde Town stop on the G-Line train. (Photo by Eric Lutzens/The Denver Post)

Only the beginning?

Schuetz, from Brookings, predicted it would take at least three years before any new housing opens as a result of these reforms, and that's only after the laws have been fully implemented. Alameldin said the true impact would depend on that implementation.

Been said officials shouldn't panic if nothing's changed in the next five years.

Another refrain is that lawmakers almost certainly are not done. That may mean additional tweaking of existing policies, as has repeatedly happened in California. Or it might mean a need for entirely new laws.

The embrace of land-use reforms is still so recent that, in some ways, it's still experimental, Schuetz said, though she and others stressed that a growing body of research backs zoning changes as a means to increase supply and blunt price increases.

"Now the real work begins," Been said. "But often it's natural for both the legislature and the advocates to be like, 'OK, we're exhausted, we won. Mission accomplished.' … But you can't ever really say, 'OK, we're done.' You've got to keep watching."

POLITICS • News

Gov. Jared Polis has signed three more Colorado housing reform bills into law. Here's what they will do.

The land use changes seek to bolster the state's supply of homes in a bid to lower costs

Colorado Governor Jared Polis signs a priority land-use bill passed this session at the Evans Light Rail Station in Denver on May 13, 2024. (Photo by RJ Sangosti/The Denver Post)

By **SETH KLAMANN** | sklamann@denverpost.com | The Denver Post

PUBLISHED: May 14, 2024 at 6:00 a.m. | UPDATED: May 14, 2024 at 6:58 a.m.

Colorado Gov. Jared Polis signed two marquee land-use reform bills into law Monday, clearing the way for the building of more accessory-dwelling units and denser development in cities and suburbs across the Front Range.

“The success of this bill will be measured in years,” Rep. Steven Woodrow, a Denver Democrat who sponsored the density measure, said at the signing ceremony outside a light rail station in Denver. “1.7 million more people are projected to move to Colorado by 2050.

“And this bill says: ‘Yes, we will have a space for you. Yes, you coming here will not make it less affordable for everyone else. Yes, Colorado is open.’ ”

In all, six land-use reform bills passed the legislature before it adjourned last week. Polis in recent days signed three of them into law — measures dealing with minimum parking requirements, density goals near transit and accessory-dwelling units. (A fourth, a ban on local occupancy limits that aren’t safety related, was signed earlier this spring.)

The bills underwent various changes on their (at times fraught) paths through the legislature, and the most sweeping provisions apply only to certain parts of Colorado — largely cities along the Front Range.

Here’s a look at what each will do, where they apply and how they’re expected to affect the state.

The point of these reforms is to loosen local land-use and zoning rules and allow for more development, ultimately increasing the state's supply of housing and, hopefully, making it more affordable.

That may mean allowing homeowners to build carriage houses by-right (for rental purposes or so that a relative can move in). Or it might mean developers of affordable projects can build more units because they don't need to factor in parking requirements. It also will mean denser development near transit-rich areas because, supporters argue, that maximizes space, increases supply, bolsters use of public transit and reduces resource-sucking sprawl.

Think of it this way: Land-use reformers long have groused that local resistance makes it harder to bolster density or allow for different types of housing, particularly in neighborhoods where residents are accustomed to single-family homes. (Fort Collins is a prime example.) But these new reforms generally should leapfrog the ability of local residents (or city officials themselves) to block development at the municipal level, and they will clear the way for more types of housing.

Parking minimums

Municipalities across Colorado have varying sets of requirements around how many parking spots are required for various types of developments — apartment buildings, bars, restaurants, movie theaters. House Bill 1304, sponsored by Democratic Reps. Stephanie Vigil and Woodrow and Sens. Nick Hinrichsen and Kevin Priola, generally eliminates those requirements for residential developments near transit stops in Front Range cities.

Initially, the bill was more sweeping and would've entirely nixed the requirements in those cities. But it was amended in the Senate, paring it back to just areas within certain distances of stations and stops along major transit routes.

The new law also gives local governments the ability to require one spot per housing unit if they determine certain new developments would have a "substantial negative impact" on the surrounding area without parking.

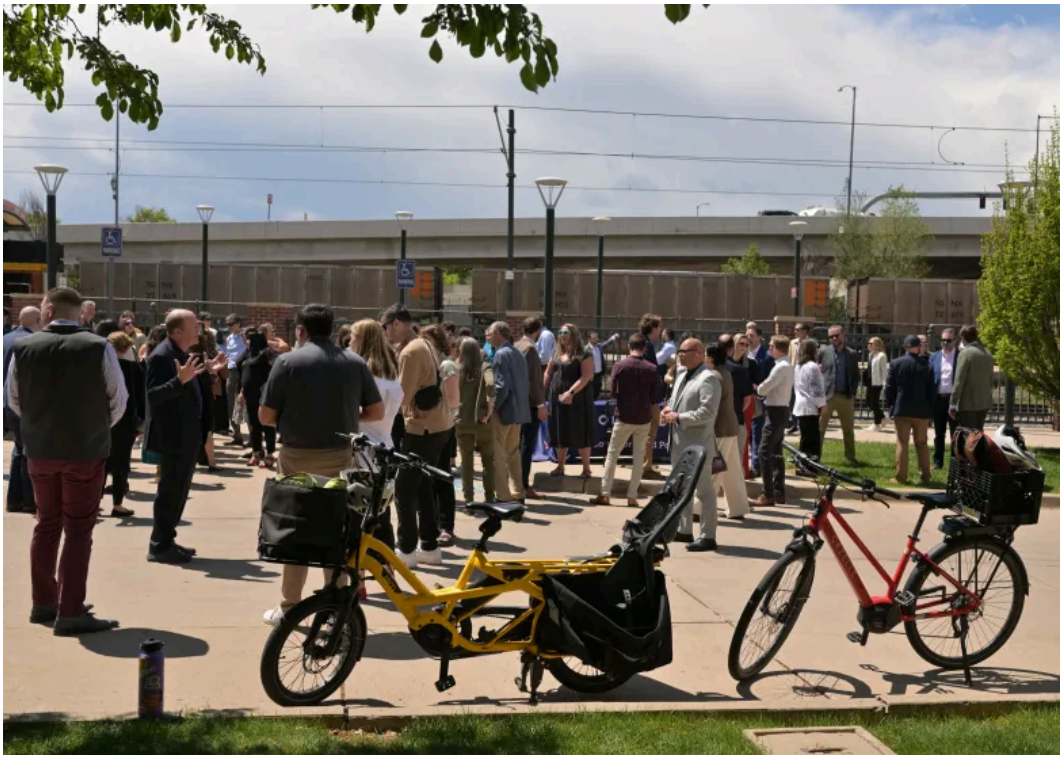
The requirements go into full effect June 30, 2025.

Accessory dwelling units

Accessory-dwelling units — otherwise known as ADUs, garage apartments, carriage houses or casitas — are allowed to varying degrees in cities across Colorado. House Bill 1152 generally requires local governments along the Front Range to allow for homeowners to build an ADU on their property, with local approval only to ensure they meet certain administrative and size requirements.

Basically, affected cities can no longer say no to ADU construction or institute requirements that effectively ban them. The law also includes $5 million in grant funding to help middle and lower-income households build ADUs or to help subsidize ADUs that will be rented to tenants at lower

Affected local governments are required to comply by June 30, 2025.



Colorado Gov. Jared Polis speaks with lawmakers and advocates after signing a priority land-use bill at the Evans Light Rail Station in Denver on May 13, 2024. (Photo by RJ Sangosti/The Denver Post)

Density near transit

House Bill 1313 was appropriately the densest housing policy passed this session. It, too, applies only in certain areas — roughly 30 cities and suburbs along the Front Range.

Under the law, affected local governments will have to come up with a density goal for areas near stops on major transit lines, including zoning for an average 40 housing units per acre. Cities will then have to come up with plans to hit that goal and then provide updates to the state on their progress.

The state has put forward $65 million in grants and tax credits to help bolster subsidized housing and infrastructure near those transit spots.

Effectively, the law seeks to incentivize — then require — denser building in certain areas. Here's an example from the state: If a city has 100 acres of land within the required proximity of transit, then that city must allow a zoning capacity of 4,000 housing units in those areas. That doesn't mean that the city must have 4,000 new housing units; in fact, the law won't penalize local governments if they've fully complied with plans but development hasn't followed.

In addition to Woodrow, the law was sponsored by Democrats Rep. Iman Jodeh and Sens. Winter and Chris Hansen.

Yes, plenty.

Housing advocates and progressive lawmakers expressed concern that current residents would be forced out of areas that would suddenly become more valuable for development. To blunt that concern, the density law requires local governments to include several strategies in their plans to avert displacement and ensure affordability. Those strategies can include regulating short-term rentals, supporting and incentivizing subsidized housing, or requiring inclusionary zoning ordinances, like Denver's.

Implementing those strategies is now required under state law and must be part of the density plans.

How much housing will be built? How soon?

That's slightly tricky. The parking and ADU laws will theoretically spur more development by lifting requirements that have limited building (and, in the ADU bill's case, by offering some money to help homeowners).

Now, the density bill does require local governments to zone certain areas for denser development. That doesn't mean that Denver will have an average of 40 units per acre near transit stops. It just means that the city (and other affected Front Range municipalities) must allow, via zoning rules, for that level of development to take place.

But the law doesn't require Denver or Boulder or Thornton to stand up a couple of apartment high-rises on their own. That's up to developers. The cities just have to clear a path.

As for the timeline: As Woodrow said, the impacts — success or failure — of these reforms will take years to bear fruit. Development doesn't begin overnight. The density measure will take the longest to implement, since local governments won't have to submit reports with their density goals until New Year's Eve 2027.

• LEGISLATIVE EDITION •

Colorado Municipalities

Vol. 100, No. 1, January 2024

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Colorado Municipal League legislative priorities for 2024

RESEARCH

Municipal survey identifies frustration with unfunded state mandates

HOUSING

A strategic approach to deploying accessory dwelling units

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About CML

The Colorado Municipal League is a nonprofit association organized and operated by Colorado municipalities to provide support services to member cities and towns. The League has two main objectives: 1) to represent cities and towns collectively in matters before the state and federal government; and 2) to provide a wide range of information services to help municipal officials manage their governments.

MISSION

Colorado Municipalities is published to inform, educate, and advise appointed and elected municipal officials about new programs, services, trends, and information to help them perform their jobs and better serve their citizens and communities.

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CML welcomes thought-provoking letters to the editor! Send comments to CML Engagement & Communications Manager Denise White at *dwhite@cml.org.*

Advertise

Each issue of *Colorado Municipalities* reaches 5,000 municipal officials and decision makers. To reach those who lead Colorado cities and towns, contact CML Engagement & Communications Manager Denise White, *dwhite@cml.org.*

ABOUT SOME OF OUR CONTRIBUTORS

KEVIN BOMMER IS CML'S EXECUTIVE DIRECTOR. HE IS RESPONSIBLE TO CML'S 21-MEMBER EXECUTIVE BOARD FOR EXECUTING THE POLICIES AND PROGRAMS OF THE LEAGUE. HE IS RESPONSIBLE FOR PROFESSIONAL, EXECUTIVE, AND MANAGERIAL OVERSIGHT OF CML'S STAFF, ACTIVITY MANAGEMENT AND COORDINATION, MEMBER SERVICE OPERATIONS, ORGANIZATIONAL POLICY DEVELOPMENT AND RECOMMENDATIONS, LEAGUE POLICY AND LEGAL PROGRAMS, AND FISCAL CONTROL. PRIOR TO BEING APPOINTED EXECUTIVE DIRECTOR IN APRIL 2019, KEVIN SERVED AS THE LEAGUE'S DEPUTY DIRECTOR FROM 2012 TO MAY 2019 AND WAS A FULL-TIME LOBBYIST FROM 2001 TO MAY 2019. KEVIN JOINED THE LEAGUE IN 1999.

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On the Cover

This month's cover of *Colorado Municipalities* features a photo of a statue of Julian the Jurist, which stands at the Palace of Justice in Rome. Julian was a well known Roman jurist and lawmaker who lived circa 110-170 AD.

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An e-version of *Colorado Municipalities* is available on ***cml.org*** once the issue is published. Between editions, keep up with CML via Facebook, Twitter, or LinkedIn.

Join CML

For associate membership information, contact CML Engagement & Communications Manager Denise White at *dwhite@cml.org*.

INTRODUCTION

Adapting to change

Municipal advocacy in Colorado's evolving legislative landscape

By **Kevin Bommer**, CML executive director

IF we learned one thing from the 2023 legislative session, we learned that hard work and significant grassroots engagement from the League's member municipalities can conquer the seemingly unconquerable. We know that the 2024 legislative session will require an even more focused effort from CML and our 270 member municipalities.

Although I have been at CML since 1999, my first legislative session as a registered lobbyist was in 2001. At the end of the 2019 session, I retired as a full-time lobbyist to my current role as executive director. It is tempting to sound older than I am while reflecting on the "old days." However, there is something different about the statehouse these days, as compared to the past, and what it is like to be an advocate.

Most of the last 22 years saw a split legislature, with one party in control of the House of Representatives and the other party in control of the Senate. Even in prior sessions with single-party control, though, legislation that passed rarely strayed too far to the extremes. Notably, the way legislators and lobbyists engaged themselves and each other was ostensibly more civil and focused on the issues. While there has always been legislation attempting to diminish or change local decision-making, the frequency of broad swipes at areas of authority traditionally held by local governments was small.

Those days have seemingly ended.

To be fair, the bulk of the work done under the gold dome is relatively routine and often uneventful. Many years ago, my daughter asked me, "So your job is basically standing around and talking to people?" I explained there was a bit more to it than that — like occasionally some math — but she was not wrong. However, all that talking is for a reason.

The people who do the work, whether as legislators, the governor and his staff, or lobbyists have policy goals and outcomes in which they believe and are passionate about. Most disagreements are not disagreeable. Compared to the past, though, the state capitol is a different place than it used to be, and municipal leaders advocating for or against legislation alongside CML's advocates must continue to adapt.

For the last few legislative sessions, the number of bills CML followed remained mostly the same. However, the number of "support" and "oppose" bills has increased, especially those CML has opposed that contained significant impacts on municipalities. Given that the League only has a finite amount of political capital that can be reasonably expended each year, there have often been difficult internal conversations about the need to prioritize advocacy efforts on some legislation over others.

In the 2023 legislative session, municipal leaders and CML proved that massive overreach by the state into local decision-making on land use can be defeated, even when the chips seem stacked against us. We have always known that a concerted effort with a coalition of aligned interests and municipal leaders engaged directly with legislators and the governor are invaluable tools for passing good legislation and defeating bad legislation. However, the most significant grassroots effort in my time at CML was to defeat one bill that aimed to remove municipal leaders' and citizens' right to determine what is best for their communities.

Municipal leaders and CML proved that massive overreach by the state into local decision-making on land use can be defeated.

That effort was all for one bill, which is notable considering CML followed 288 bills during the 2023 session. Of those, the League opposed 43 bills and supported 62, but no other bill resonated in importance to all 270 members like the attempted land use preemption did. During the same time, members and League lobbyists worked to successfully advocate for the passage of 80% of the support bills and amending or defeating 67% of the opposed bills.

We can replicate the effort. Whether the outcome can be the same is unclear. Whether the subject matter is housing, land use, taxation, finance, personnel policies, water supply, or preemptions in the name of a greater good, the 2024 legislative session may require an even more substantial effort on multiple fronts. Considering 2024 is an election year, it will likely be even more dynamic. Bills that may cause harm to municipal authority opposed by CML and our members may need to be a higher priority than good bills that the League supports.

What we learned from 2023 is that the old days are over. In other states that do not celebrate traditions of home rule and local decision-making quite as strongly or for as long as Colorado has, many municipalities have faced sweeping preemptions of local authority centralized at the state level, delegation of legislative authority to unelected boards and commissions, and unfunded mandates to implement state directives. In Colorado, we have been trending closer toward that direction than away from it, and it is unlikely to diminish in 2024 and beyond.

An old saying says, "If you are not at the table, then you are on the menu." The realities of today's legislative process require strong participation in the League's advocacy initiatives and a team effort. The League's policy development process allows every municipality to have a voice in making legislative recommendations, and members must take advantage of the opportunity.

Going into the 2024 legislative session, it is imperative that municipal leaders engage in state legislation that will affect their municipalities — either positively or negatively. That engagement can take several forms:

- Invite legislators to a study session or event to discuss legislative issues they are interested in and the outcomes for which the municipality is advocating.
- Connect individual municipal officials with their legislators in person, by phone, or by email.
- Come to the state capitol to engage directly with legislators and testify before a legislative committee if the opportunity exists.

With so many voices in the statehouse during the session, policy goals and objectives must be clear, and municipal leaders must make themselves heard. CML's advocacy team is ready to coordinate with municipal leaders and staff to ensure the most effective use of time.

The League's policy development process allows every municipality to have a voice in making legislative recommendations.

Some keys to success and advice that are as good today as in the "old days" include:

- Ensuring regular communication with CML's advocacy team about conversations with legislators, information that can be important in the advocacy process, and any positions a municipality may have that differ from CML's position.
- Having individual municipal officials reflect their municipality's position when communicating with state leaders, or at least identifying clearly when personal positions are different.
- Refraining from overuse of "local control" as a reason to support or oppose legislation. While preserving local decision-making on local issues is important, the term "local control" is used too often and inconsistently.
- Overestimating state officials' understanding of home rule and underestimating their inability to legislate it away by declaring something a "matter of statewide concern." The best approach is to make them aware when legislation infringes on home rule authority, especially in testimony and official communications, so a record exists in the event of future legal action.
- Managing expectations. "Support" and "oppose" translate to "right" and "wrong," but many factors go into passing good bills and defeating bad bills.

The 2024 session, like every session before it, starts with a clean slate. While past trends have presented increasing challenges and obstacles to municipal interests, working together, coordinating with CML, and keeping the message sharp poses the best chance for good outcomes.

SPOTLIGHT

MEET THE CML

ADVOCACY TEAM

HEATHER STAUFFER legislative advocacy manager

Heather leads the advocacy team and is responsible for advocating municipal interests before the state legislature. Her issues include building codes, natural resources and environment, elections, governmental immunity, oil and gas, open meetings/open records, severance tax/FML/energy impact, water and wastewater/water quality, and wildfire. She also assists in training and answering inquiries for other municipal officials on various topics. Heather joined CML in July 2019.

ELIZABETH HASKELL legislative & policy advocate

Elizabeth Haskell joins CML with decades of experience navigating Colorado's policy landscape. At the Colorado Legislative Council Staff, she managed the Policy Research Section and Constituent Services teams. This comprehensive understanding of the legislative process now fuels her passion for representing Colorado's municipal governments and supporting CML members. As a CML legislative and policy advocate, Elizabeth champions municipal interests on issues that include beer and liquor, employment and labor, retirement/pensions, taxation and fiscal policy, lottery and gaming, historic preservation, municipal debt and finance, and purchasing.

JEREMY SCHUPBACH legislative & policy advocate

Jeremy Schupbach brings 15 years of experience navigating Colorado's legislative landscape to his role as a legislative and policy advocate for CML. He has crafted impactful legislation, forged connections with diverse stakeholders, and shaped policy across a wide range of issues. Since joining CML in October 2023, he has advocated for municipal interests on crucial issues, including regulated substances, hemp, criminal justice, special districts, immigration, public safety, municipal courts, telecommunications/broadband/IT, and utilities. Schupbach is passionate about building relationships and championing the values of those he represents.

BEVERLY STABLES legislative & policy advocate

Among CML's legislative and policy advocates, Beverly Stables focuses on public health, substance abuse, affordable housing, land use and annexation, air quality, transportation and transit, and sustainability. She brings six years of experience from the Massachusetts legislature, where she served as legislative director for the minority leader of the Massachusetts House of Representatives. Joining CML in October 2023, Stables is committed to advocating for these crucial issues that impact Colorado municipalities.

LEGISLATIVE PRIORITIES

BACK TO THE CAPITOL

Colorado Municipal League legislative priorities

2024

By **Heather Stauffer**
CML legislative advocacy manager

AFFORDABLE HOUSING

The availability and affordability of housing is of utmost concern to Colorado's municipalities. CML supports state incentives that support communities' efforts to build affordable housing and appropriate state assistance in strategic planning. CML supports the state addressing construction defects litigation reform as a means to increase the availability of affordable housing. CML opposes state preemption of local authority to adopt and enforce zoning and land use ordinances and any interference with home rule authority granted by art. XX, s. 6 of the Colorado Constitution.

BEER & LIQUOR

CML supports the greatest amount of local control possible for liquor licensing and permitting. The League also supports coordination with the Colorado Liquor Enforcement Division (LED) and working with the LED to modernize, clarify, and harmonize Colorado's Liquor Code and Rules to provide consumers with protection and promote public safety initiatives.

CRIMINAL JUSTICE

CML supports collaborative relationships with the state on criminal justice issues but opposes unduly prescriptive mandates on police and court operations and procedures, as well as expansion of municipal liability and removal of liability caps. CML supports legislation to improve the efficiency of and reduce redundancies in the police body-worn camera statute.

DEVELOPMENT & LAND USE

CML supports measures that promote intergovernmental cooperation on land use issues and supports state laws and policies that encourage new residential, commercial, and industrial development to occur within existing municipalities and that discourage the sprawl of urban, suburban, or exurban development into rural and unincorporated areas of the state. CML opposes unreasonable restrictions on urban renewal authorities and downtown development authorities. CML opposes efforts to restrict municipal annexation authority.

TAXATION

CML and 67 self-collecting home rule municipalities support efforts to simplify collection efforts without impairing local control, including collection of remote sales taxes in a manner that complies with *South Dakota vs. Wayfair*. CML supports the state in their efforts to partner with the business community and supports municipalities that self-collect their sales and use taxes and opposes any effort to undermine constitutional home rule authority to set tax policy and manage tax administration and audits. CML opposes state efforts to mandate the amount of information municipalities can collect from businesses, which can be used for auditing purposes, tourism information, and ensuring compliance with local ordinances. CML opposes the infringement of the state into local lodging tax policy. CML supports property tax policies that do not reduce local government

revenue and allow municipalities the flexibility to retain excess revenue and modify debt service mill levies, among other tools.

TRANSPORTATION

CML supports state funding for transportation system infrastructure improvements that seek to prevent vehicular collisions with vulnerable road users. CML also supports state grants to promote youth utilization of public transit. CML opposes "off-the-top" diversions from the Highway Users Tax Fund (HUTF).

UNFUNDED MANDATES

CML opposes state statutes that violate the state's unfunded mandate statute, as well as the prohibition on unfunded mandates in the Taxpayers Bill of Rights (TABOR), and place additional fiscal burdens on local governments and their taxpayers.

WATER

CML supports additional funding for state programs that contribute to municipal efforts to encourage water conservation through reduction and replacement of turf grass. CML opposes state overreach that mandates local landscaping codes.

WILDFIRE

CML supports legislation that will help municipalities recover from large-scale wildfires and prevent future wildfires through proactive fire mitigation efforts.

SPOTLIGHT

HOW CML DEVELOPS

POLICY POSITIONS

By **Heather Stauffer**
CML legislative advocacy manager

Prior to the start of each legislative session, CML begins its policy development process. This process guides our legislative priorities when the General Assembly meets in January. Below is an overview of CML's policy development process as well as CML's legislative priorities as established at the time of this writing.

CML'S POLICY DEVELOPMENT PROCESS

The largest driver of CML's policy development is the CML Policy Committee, which is informed by CML's member-approved annual policy statement, and all members are encouraged to take advantage of the opportunity to be represented. Each member municipality of CML is entitled to designate one representative and one alternate to the League's Policy Committee. (Cities over 100,000 in population are entitled to designate two representatives and one alternate.) In addition, CML section chairs are automatically appointed as non-voting members of the committee. The chair of the Policy Committee is appointed by CML's board president.

The Policy Committee has significant policy development responsibilities. The committee is responsible for:

- Reviewing requests from member municipalities for CML-initiated legislation and recommending specific positions to the CML Executive Board.
- Reviewing requests for policy positions from member municipalities and recommending specific positions to the CML Executive Board.
- Review of known or potential legislative issues or bills, consideration of staff recommendations, and recommending specific positions to the CML Executive Board.

The largest driver of CML's policy development is the CML Policy Committee.

- Review of the League's annual policy statement that guides League positions on policy issues affecting municipalities and proposing revisions, if necessary. (Any recommended changes are voted on by CML members at the Annual Business Meeting that takes place as part of CML's Annual Conference.)

The CML Policy Committee met in October and December of 2023 and will meet again in January, February, and March of 2024. All recommendations of the Policy Committee are reviewed and approved by the CML Executive Board.

SPOTLIGHT

Making the move from state to local government

We hear a lot about elected officials who make the switch from the local to state level. Yet the reverse is also common — many state elected officials go on to serve localities across Colorado. Here are some reflections from public servants who made the move.

Dale Hall

"I actually moved from county commissioner to state representative and then back to local government as a city councilmember. I believe after all three of these positions, that city council provides the most up-to-date ability to affect individual citizens' lives and to a meaningful degree. It seems to me that I'm able to provide a stronger and better service to citizens directly. I have enjoyed my time on city council tremendously." **— Dale Hall**

Dale Hall *serves as Greeley mayor pro tem, and he is a member of the CML Executive Board. He represented House District 48 in the Colorado General Assembly from 2003 to 2006.*

Serena Gonzales-Gutierrez

"I served five years in the Colorado State Legislature, where I very much enjoyed creating policies with significant impacts on people across our state. While celebrating our diversity, I addressed critical issues, including health care, food access, criminal and juvenile justice, mental health, housing, tenant rights, and environmental justice.

With nearly 20 years of experience working with children and families in the City and County of Denver, I always envisioned my path leading to local government. Now, I continue to pursue similar goals, but from a perspective where direct impact and change are happening right before my eyes. Local government processes are different with a much more focused approach that allows for the recognition of the great progress that can be made. I am grateful for my time in the legislature, where I gained invaluable experience in coalition building and policy making, facilitating my transition to local government. I look forward to working and building relationships with community members, my new colleagues, and city agencies in Denver while collaborating with other local governments in the metro area and across the state to learn from one another to meet the needs of Denver's people effectively." **— Serena Gonzales-Gutierrez**

Serena Gonzales-Gutierrez *serves on Denver City Council. She represented House District 4 in the Colorado General Assembly from 2019 to 2023.*

Kerry Tipper

"Transitioning from the state legislature to city government has been … humbling! In my role as Denver City Attorney, I represent one of the state's largest employers. I view every piece of legislation that touches Denver as a workforce bill. Asking our teams to pull off big changes with limited resources or without an understanding of the pragmatic realities on the ground is frustrating. Our city employees are devoted, hardworking, and talented individuals who are asked to do a lot with very little. They are experts in their fields and work long hours in thankless jobs because they are committed to public service. Dismissing or downplaying the impacts on that workforce runs counter to so many of the values my state legislative counterparts hold dear. My hope for 2024 is that I can help spotlight these impacts by sincerely and professionally advocating for our workforce, identifying middle ground where possible, and always being transparent with my intentions." — **Kerry Tipper**

Kerry Tipper *works as the Denver City Attorney. She represented House District 28 at the Colorado General Assembly from 2019 to 2023.*

Gigi Dennis

"I was elected to the state Senate when I was 32. I'm likely one of very few that can say I've worked in state, federal, county, and municipal governments. Being so young at the time, I didn't understand the impact of 'unfunded mandates.' Being in local government, the city council members really need to get involved and stay engaged with their local elected officials and make sure they understand how a fiscal mandate truly impacts the bottom line of our budgets, especially smaller municipalities. A $50,000 mandate could be the loss of an employee's salary." **— Gigi Dennis**

Gigi Dennis *works as Monte Vista's city manager. She represented Senate District 5 in the Colorado General Assembly from 1995 to 2001.*

Jeni Arndt

"I never understood the perceived hierarchy within public service. At the local level you're one of seven, at the state you're one of 65 and in Congress you're one of 435! You can make such a big impact at the local level.

When you pass a law at the state legislature, your work is largely done, you don't see the implementation of that law. As the mayor of a city, you're a legislator, but you're also involved in the implementation process for anything that passes. As mayor you also have an executive role to fill in which you oversee the direction of the city and the budget, among other responsibilities.

Serving at any level of government, I've learned that it's not about you. You are there to represent the people in your community, and the most important thing you can do is bring what you can to the role and do what you can do while you're there." — **Jeni Arndt**

Jeni Arndt *serves as the mayor of Fort Collins. She represented House District 53 in the Colorado General Assembly from 2015 to 2021.*

SPOTLIGHT

Fresh faces at the capitol

Get to know the new legislators you'll see at the Colorado State Capitol this session.

Chad Clifford

Chad Clifford will represent Colorado's House District 37, succeeding former Representative Ruby Dickson. The district covers Greenwood Village and parts of Centennial. Clifford, a government operations lead at the American Red Cross and registered lobbyist for the Colorado Rangers, lists reforming Colorado's construction defect law to encourage high-density housing construction and prioritizing increasing housing supply over measures like rent control as a key position.

Tim Hernández

Representative Tim Hernández represents House District 4, Northwest and West Denver. Hernández was appointed to the Colorado General Assembly in August 2023 when Representative Serena Gonzales-Gutierrez resigned to serve on the Denver City Council. Hernández grew up in, taught in, and still resides in Denver's Northside. After graduating from the University of Northern Colorado with his teaching degree, he taught high school literature, Chicano studies, and ethnic studies. He continues to teach at Urban Peak Shelter.

Julia Marvin

Representative Julia Marvin represents House District 31, City of Thornton. Marvin was appointed to the Colorado General Assembly, replacing former Representative Said Sharbini, who resigned. Marvin attended the University of Colorado Boulder. She has served on the Thornton City Council and worked as a legislative aide at the state Capitol.

Manny Rutinel

Representative Manny Rutinel represents House District 32, Commerce City. Rutinel was appointed to the Colorado General Assembly, replacing former Representative Dafna Michaelson-Jenet. Rutinel attended the University of Florida and Johns Hopkins University as well as Yale Law School. He runs a business dedicated to addressing environmental injustice in food systems. Rutinel's priorities include environmental protection, affordable housing, education, and access to affordable healthcare.

LEGISLATIVE LANDSCAPE

Navigating the legislative landscape

By **Erin Goff**, principal, Husch Blackwell Strategies

A guide for municipalities in shaping state policies

AS corporate bodies and local governments, municipalities have organizational interests in state policies that will affect their authority, impose mandates, or impact their potential liability. During a typical legislative session in Colorado, between 600 to 700 bills are introduced. A significant number of these bills impact municipal government in some way, whether it be an obvious municipal issue (e.g., law enforcement or open meetings) or something less obvious like an employment or construction issue that folds in municipalities among numerous stakeholders. Some bills may directly impact municipal operations and others may impact the citizens of a municipality in such a way that the municipality wants to be involved in the policy making behind the bill. While many bills impact all municipalities similarly, certain issues are more of a priority to some municipalities than others. Knowing your policy priorities is important and helpful in determining where to focus the most energy during the session. Each municipality should focus on legislation that directly or indirectly impacts the municipality's operations, services, and prioritized interests.

THE LEGISLATIVE PROCESS

It helps, of course, to begin with an understanding of the legislative process. There are several key stages in the legislative process, which officially begin with the introduction, or first reading of a bill. In Colorado, a bill can be introduced in either the House or the Senate, where it is assigned a number (HB24-1XXX for House bills, SB24-XXX for Senate bills).

Upon introduction, the bill is assigned to a committee ostensibly relevant to its subject matter, known as the committee of reference. The committee of reference holds a hearing on the bill, during which individuals and organizations may testify in support or opposition to the bill. Committee members discuss, debate, propose, and vote on amendments to the bill.

If the committee approves the bill, it will either be referred to that chamber's appropriations committee (if it has a fiscal impact) or be moved directly to the full chamber, known as the Committee of the Whole, for second reading. If not approved, the bill will typically be postponed indefinitely, which means the bill is "dead" and will not return for the remainder of that legislative session.

On second reading, members discuss the bill, propose amendments, and vote on the bill. If the bill passes on second reading it is brought up again, typically the following day, for third reading and final passage.

If the bill passes on third reading, it moves to the other chamber where it goes through the same process. If the second chamber makes amendments, the bill returns to the original chamber for approval of the changes. If the two chambers cannot agree on the final version, a conference committee may be appointed to reconcile the differences. In this case, both chambers must ultimately adopt the conference committee report for the bill to be sent to the governor. Other obscure rules and procedures can impact a bill's fate, but most follow this basic process.

After a bill passes both chambers it is sent to the governor who can sign the bill into law, allow it to become law without a signature, or veto the bill. The legislature can override a veto with a supermajority vote.

Fortunately, there are many opportunities to engage in this legislative process, the first of which is before the process even officially begins. One way to increase the likelihood that a municipality will be included in the policy making process from the very beginning is to develop a relationship with your state legislative delegation. A municipal governing body and staff can be valuable resources for legislators and can amplify the desires of a community.

SETTING PRIORITIES

Instead of viewing legislation in isolation or based on individual officials' preferences, municipalities may want to develop a tool to measure whether legislative proposals are in the best interests of the municipality. Because municipal boards are non-partisan, such a tool can help separate policy or ideological interests from the proposal and ground the governing body's view in municipal interests. For example, Colorado Municipal League annually adopts a policy statement against which all bills are evaluated.

For some, a home rule charter, comprehensive plan, and other policies can provide that baseline framework. Some communities have developed general statements of policy preferences on particular subject matters. When evaluating proposals through those lenses, a body can more quickly consider if a proposal is in line with the municipality's interests or whether it offends a municipal goal. Tools like this can help to communicate municipal interests more effectively with legislators and provide pathways to proposal alternatives.

BILL REVIEW & ANALYSIS

While the legislative process officially starts with the first reading, or introduction, of a bill, the best time to engage in the process and help shape the policy starts much earlier. Ideally, a municipality will have an opportunity to review a bill draft before it is officially introduced, but this is not always the case. Regardless of when you first see bill language, the bill should be flagged and reviewed by a subject matter expert at the earliest opportunity.

Be sure to gather input on the legislation's potential effects from appropriate staff with knowledge of the subject area. Bill analysis should include, at a minimum, an evaluation of the potential impact of the legislation on the municipality's authority, budget, services, and community. In the process, be sure to identify any required changes to local laws, policies, or procedures. Many bills will require legal review to determine their implication and how the bill aligns with existing municipal laws and policies. Colorado Municipal League offers many opportunities to learn about proposals.

Once this initial review and analysis is completed, a municipality can determine its official position and begin to advocate for amendments or modifications to the legislation that better align with defined needs. If a municipality does take positions on legislation, it is advisable to have a structure in place to ensure that the governing body's view is represented and not the personal view of a member. Some municipalities use committees that provide recommendations for adoption by the entire governing body, often with a supermajority vote requirement.

Assuming a municipality has already established open lines of communication with its state legislators, keep them informed on bill positions and engage them to assist with amendments if necessary. Communicating those positions to CML can also help CML advocate for its members.

The first opportunity to make your voice heard publicly is to participate in the committee hearing. Regardless of how many conversations you have with your senator and representative, it is important to explain your opposition, support, or amendment ideas to the committee of reference, where it will go into the public record. Assuming the bill passes through the chamber in which it is originally introduced, you will have another chance to provide testimony when the bill is scheduled for committee in the second chamber.

Once you flag a bill as having a potential impact on your municipality, you should continue to track, re-review and analyze the bill throughout every step in the legislative process. Take nothing for granted. A helpful amendment added in the House can be stripped off a bill in the Senate. A bill that sails through one chamber can die in its committee of reference in the other chamber. Bills are easy to track in the beginning of the session when everything moves relatively slowly, but once April rolls around and committees still have hundreds of bills waiting for a hearing with more bills introduced every day, keeping track of bills becomes considerably more challenging.

Colorado's legislative session is limited to 120 days, including weekends, and will end by midnight on May 8. You need not sit idly by and watch. If the state legislature is going to adopt policy that affects municipal interests, the municipality can play a role in the policy-making process, and you can partner directly with CML to make sure your voice is heard.

HOUSING

Municipalities strategically deploy ADUs to diversify housing options

Cities and towns look to increase ADU construction through targeted zoning and incentive programs

By **Rachel Woolworth**, CML municipal research analyst

Long before any suggestion of a state mandate to do so, cities and towns across Colorado have looked to accessory dwelling unit (ADU) construction as a timely and cost-effective strategy to address affordable housing needs.

ADUs are small, independent dwelling units located on the same property as a larger standalone home. Such residential units may be attached or detached from the primary residential structure and are tied to the deed of the main home — they cannot be bought or sold separately.

Dozens of municipalities across the state, from Front Range communities such as Denver, Boulder, Lakewood, and Broomfield to rural communities like Fruita, Buena Vista, Gypsum, and Eagle, permit ADUs in some or all residential zoning districts. Many of these cities and towns maintain reasonable limitations on ADUs to meet local conditions while others offer incentive programs for homeowners looking to build such units with a guarantee of affordability.

REASONABLE ADU LIMITATIONS PROMOTE SMART GROWTH

In a recent Colorado Municipal League (CML) land use survey completed by more than 80 cities and towns, about 80% of municipalities reported permitting ADU construction in some form — whether in all residential districts, certain zone districts, or specific neighborhoods.

Most survey respondents permitting ADUs reported moving to do so in the last decade while a few, such as Arvada (70 years), Boulder (40 years), and Crested Butte (30 years), have permitted ADU construction for much longer.

Most responding municipalities see little interest in ADU construction and permit less than five ADUs for construction annually. But some larger cities such as Thornton (20-40 units) and Boulder (50 units) and mountain towns such as Buena Vista (10-20 units) and Gypsum (15 units) permit larger numbers each year.

Various cities and towns across the state have crafted, or are currently working to amend, ADU policies that balance the need for safe and smart residential infill without placing onerous restrictions on property owners interested in building ADUs. Local standards for ADUs reflect policy decisions made by municipal elected officials after receiving community input and analysis of the municipality's conditions from professional staff.

According to CML's land use survey, the most common limitations placed on ADU construction by municipalities are dimension limits on the unit, parking, setback, and lot size requirements, and long-term rental and owner-occupancy rules.

ADU dimension limits are often tied to the primary home size, the lot size, or an outright minimum and maximum on square footage. Parking, setback, and lot size requirements often differ, but many municipalities require a minimum lot size and one parking space for a new ADU.

Long-term rental restrictions, which are common in tourism-focused mountain communities, restrict short-term renting to preserve housing options. Owner-occupancy rules, such as those seen in the City of Boulder, require the primary structure or the ADU to be inhabited by the property owner.

In 2022, the City of Wheat Ridge amended its municipal code to better enable ADU construction after six years of conversation around the topic. Such discussions included community meetings, neighborhood surveys, and ADU workshops — all of which were facilitated by municipal government.

ADUs are now permitted in residential, agricultural, and mixed-use neighborhood zone districts in Wheat Ridge with minor limitations. Such limitations include size and setback limits and an owner-occupancy requirement.

The Town of Superior similarly passed an ADU ordinance in 2021 permitting ADUs as accessory structures to single-family and two-family dwelling units in certain residential districts. In 2022, in the wake of the Marshall Fire, the town amended the ordinance to allow ADUs to be built and occupied before construction of the principal dwelling unit.

"There was a concern over the high cost of rebuilding from the Marshall Fire," Renae Stavros, a planner for Superior, explained of the change. "There was some worry that it would take longer for insurance to cover the cost of rebuilding a primary residence, or that people may be struggling with underinsurance. Allowing ADU construction first was approved to give folks more time to figure out the insurance impacts and rebuild their home."

To date, Superior has permitted ADUs on 18 of the 76 Original Town residential rebuilds associated with the wildfire. Though only two property owners have requested to build an ADU before the main structure thus far, more could be in the pipeline as the code change has no expiration date.

Stavros noted that the two ADUs constructed in Superior prior to the primary structure were built facing the street with attractive facades, giving off the aesthetic feel of a primary residence — an encouraging sign to the town.

INCENTIVES FOR ADU CONSTRUCTION

Cities and towns across Colorado are offering a unique set of incentives to induce homeowners to build ADUs. Some such incentives are tied to affordability standards while others hope to spark ADU construction regardless of price to increase housing options for senior citizens, young adults, and other community members in need.

The most common ADU incentives offered by the municipalities participating in CML's land use survey include waived or reimbursed fees, direct cash payments, and bonuses for unit size, lot coverage, and parking.

For example, the Town of Crested Butte waives all development permit and building review fees, as well as 100% of water and sewer tap fees. The Town of Dillon, on the other hand, reimburses water and sewer fees for property owners entering a deed restriction requiring ADU renters to work 30+ hours per week in Summit County.

The Town of Winter Park offers a cash payment of $10,000 for the construction of one ADU. And the City of Boulder incentivizes affordable ADU construction by offering larger size limits and reduced parking requirements in exchange for keeping rent below 75% area median income.

The City of Grand Junction offers a mix of these incentives through its tiered ADU Production Program, passed unanimously by the city's council last spring.

While conducting a housing needs assessment in 2019, Grand Junction estimated the city was short 3,300 housing units — a number that was only expected to grow with time. The two demographic groups identified as being most in need of housing were senior citizens and college students.

"It was clear ADUs were an easy win for our community in the way they respond to the missing middle," Ashley Chambers, housing manager for the city, explained. In Grand Junction, ADUs usually take about nine to 12 months and $150,000 to build as opposed to about two years and $350,000 for a single-family home.

The ADU Production Program, Chambers said, is designed to not only create housing but also wealth building opportunities among residents who might not otherwise have access to financial capital.

The city waives all municipal impact fees for Tier 1 participants, amounting to a total value of $6,500 to $8,500 depending on utilities. To participate, property owners must agree to finish ADU construction within one year and rent the unit on a long-term basis for five years.

Tier 2 participants receive a cash payment and the waived impact fees, totaling $15,000. Participating property owners must make less than 140% area median income, agree to finish ADU construction within one year, and rent the unit on a long-term basis for seven years.

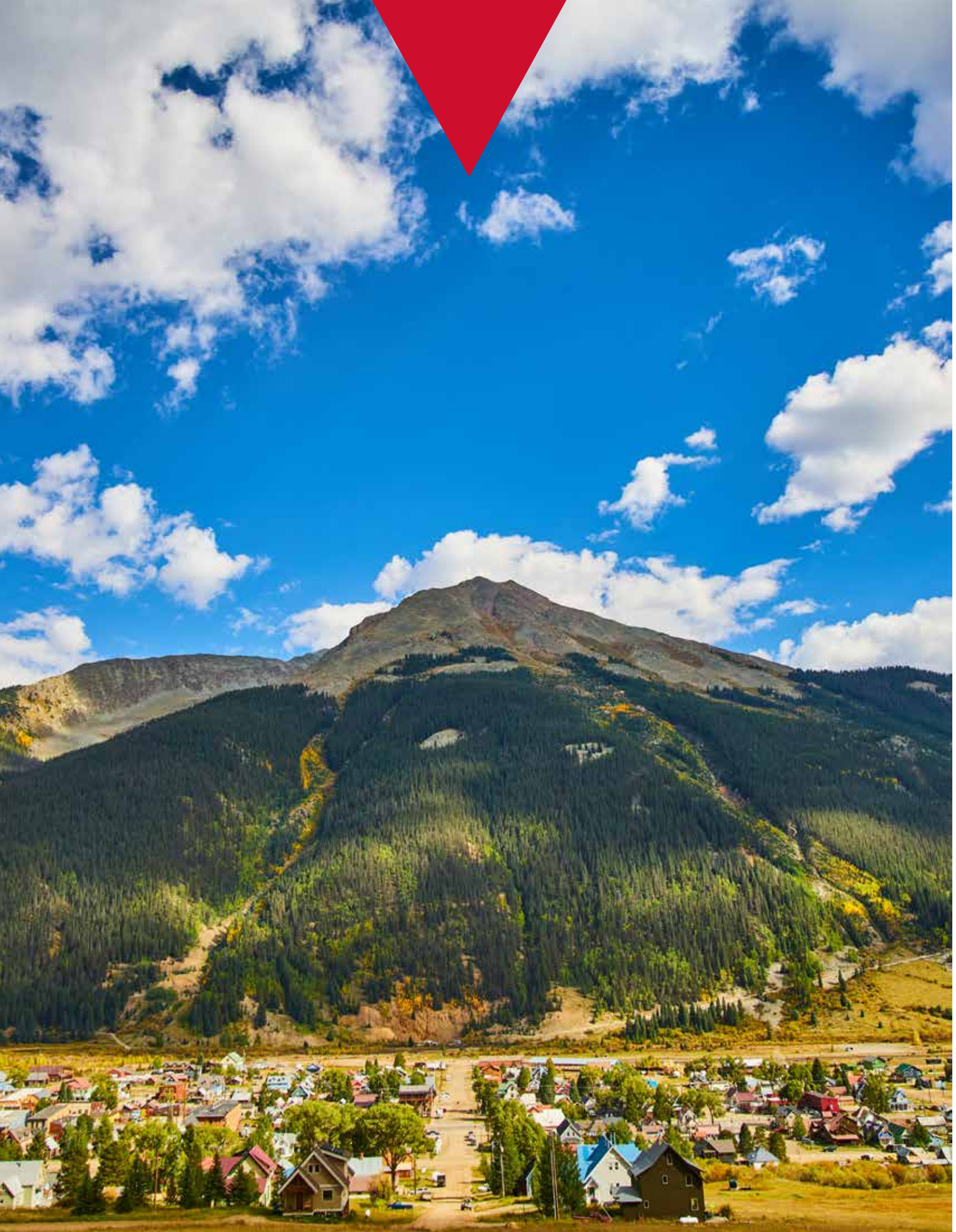
Since kickstarting the program last spring, the city has approved five ADUs. Ten applications are currently being processed and four more are awaiting clearance from the community development department. Most of the applicants, Chambers said, are small-scale landlords hoping to rent an ADU to family or friends.

According to Chambers, the primary challenge thus far is a lack of building process knowledge among applicants. Grand Junction offers an ADU toolkit and financing information on its website, as well as quarterly in-person ADU workshops, to respond to such knowledge gaps.

MUNICIPALITIES KNOW BEST

Utilizing expert knowledge of their community's needs and desires, Colorado's cities and towns are leveraging ADUs as an important tool in widening access to housing. Replacing localized ADU standards with inflexible state standards would reject the careful community-based consideration given to land use planning in municipalities across the state.

The passage of rigid state ADU standards may undermine municipalities' ability to ensure the affordability of such units or prevent the increased corporate ownership of housing. The diverse approaches to increasing ADU construction illustrated in this article show that municipalities are best suited to develop and customize land use policy to their own communities.



STATE OF OUR CITIES & TOWNS

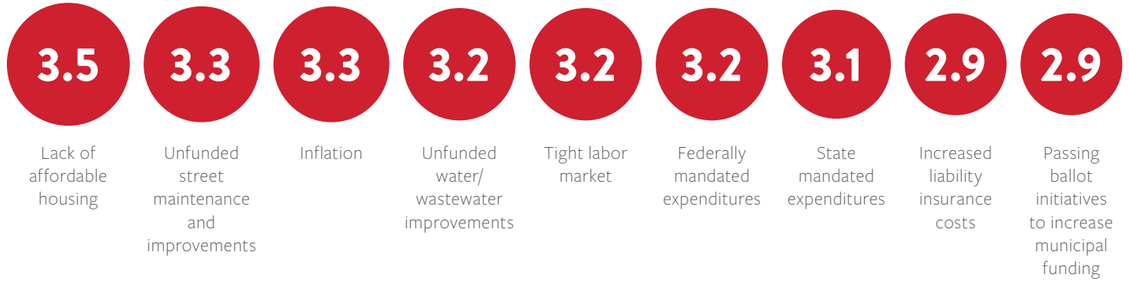
UNFUNDED

Survey reveals impact of state mandates and public liability on Colorado's cities and towns

By **Rachel Woolworth**, CML municipal research analyst

The 2024 State of Our Cities and Towns survey, administered from October to November 2023, inquired about the about the fiscal and operational impacts of public liability from claims, lawsuits, and unfunded state mandates on municipalities across Colorado. The survey also asked cities and towns to identify top challenges heading into 2024 — affordable housing topped the list for the third time in four years. ¶ As another legislative session begins, CML's advocacy team will utilize survey results to better understand the budgetary challenges Colorado's municipalities are facing, as well as the creative solutions cities and towns are utilizing to address them. This year's data reminds us why it is imperative for the state legislature to offer funding assistance and partnership, rather than unfunded preemption, for municipalities to thrive. ¶ A summary of findings follows. The full report is available on CML's website, *https://www.cml.org/*.

Top municipal challenges for 2024



TOP CHALLENGES

Most municipalities, regardless of geographic region or population size, reported their local economy performing similarly in 2023 to the previous fiscal year.

About a third of cities and towns similarly said municipal revenues stayed the same while another third said municipal revenues improved. Municipalities located in the Front Range and those with over 25,000 people were more likely to report revenue improvements than mid-sized and small cities and towns. Despite this, survey data shows that municipal revenue growth has been on a gradual decline across the state since 2021.

A lack of affordable housing emerged as the top challenge for municipalities going into 2024, a concern that also topped the list in 2021 and 2022. Unfunded street maintenance ranked second while inflation, the top challenge for municipalities in 2023, dropped to third on the list.

RISING COSTS OF INSURING MUNICIPAL OPERATIONS

Municipalities identified the rising cost of insurance premiums as a challenge throughout 2023 as new state laws required municipalities to do more, opening new avenues to seek damages against public entities. Specifically, more than 50% of responding municipalities reported price increases of 10% or more for law enforcement liability, property, general liability, and auto liability.

The larger the municipality, the more likely the city or town is to hold more lines of insurance. Specifically, cities with populations over 25,000 were more likely to hold law enforcement liability, cyber, and umbrella insurance when compared with smaller towns.

About 70% of responding municipalities have not taken any action in response to rising insurance costs in recent years due, in part, to not having time to shop around. The 30% of municipalities that have attempted to lower insurance costs reported taking the following actions:

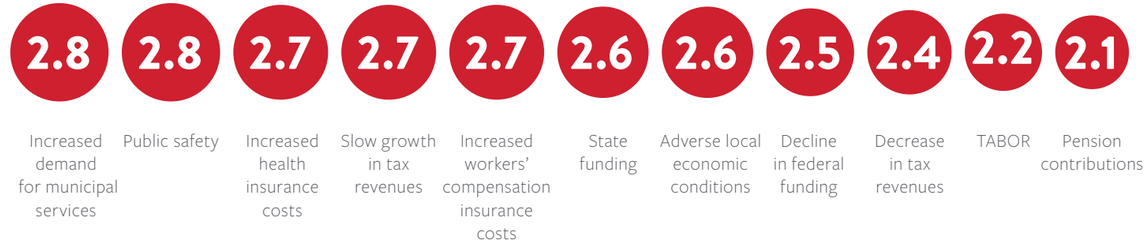
- Changed insurers
- Increased self-insured retention amounts
- Removed lines of coverage
- Reduced coverage limits
- Conducted risk mitigation

PUBLIC ENTITY LIABILITY

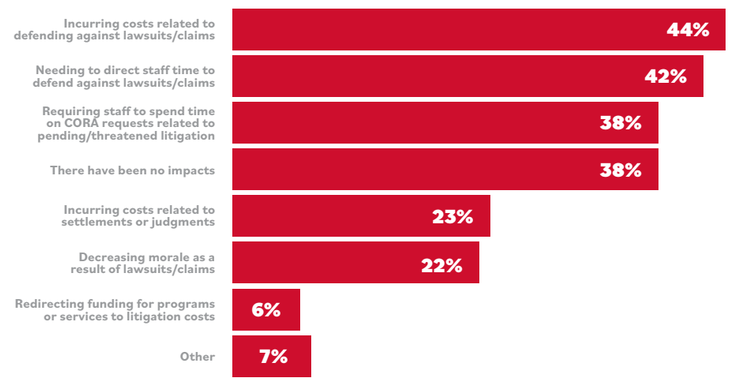
Legal actions were another challenge identified by municipalities throughout 2023, measured by notices of claim that must precede certain types of lawsuits under the Colorado Governmental Immunity Act, as well as lawsuits themselves. According to survey data, municipal services were largely unaffected by claims and lawsuits in recent years. About 85% of cities and towns said legal costs have not affected funding for municipal services.

The majority of responding municipalities received, on average, one to 10 claims annually throughout the last five years. And less than one lawsuit, on average, was brought against responding cities and towns annually throughout the last five years.

As reported in the 2024 State of Our Cities and Towns survey.
Items are ranked on a scale of 1 to 4, with 4 being the highest score.



Impacts of claims and lawsuits on municipalities



Law enforcement related lawsuits emerged as the most common type of litigation encountered by municipalities in recent years. A few large cities on the Front Range reported an average of five or more law enforcement lawsuits annually; small towns with less than 2,000 people were the least likely to encounter such lawsuits.

While most municipalities did not report consequences stemming from claims or lawsuits, some cities and towns identified impacts such as incurring costs related to legal defense, needing to direct staff time to litigation and Colorado Open Records Act requests, and sustaining costs related to settlements. The City of Arvada, for example, reported a spending increase on outside legal counsel hired to defend law enforcement officers in the years since the passage of SB 20-217.

UNFUNDED STATE MANDATES

Responding municipalities identified unfunded state mandates regulating web accessibility, body-worn cameras for law enforcement, and wastewater quality as holding the most significant budgetary consequences.

More than 40% of responding municipalities reported that HB 21-1110, passed by the state legislature in 2021 to strengthen accessibility of government information technology, impacts municipal budgets. Some cities and towns estimated initial compliance will cost between $5,000 and $800,000.

"The total cost of responding to the requirements of HB 21-1110 are still accruing as city staff continue to work toward the state's July 1, 2024, deadline for accessibility," Greg Caton, city manager of Grand Junction, explained. "So far, costs include significant ongoing staff time, in-depth accessibility training across the organization, subscribing

Municipalities reported updating technology, increasing staff training, and relying on outside vendors to perform services to gain compliance with unfunded state mandates.

to and acquiring accessibility software products and licensing, and hiring an outside vendor to analyze the city website and remediate documents."

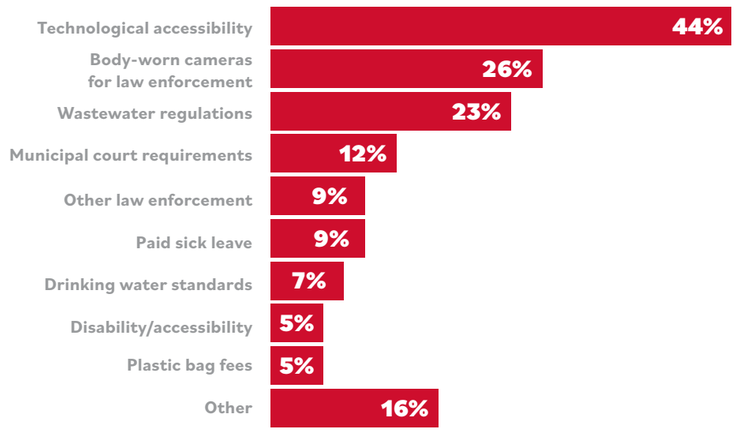
SB 20-217 and HB 21-1250, passed by the state legislature in 2020 and 2021 respectively, mandate a variety of law enforcement accountability measures such as body-worn cameras. Responding municipalities estimated compliance with the laws has cost between $17,000 to $2.3 million annually.

Lastly, responding cities and towns with municipal wastewater systems anticipate that they will spend $80,000 to $50 million on wastewater infrastructure to stay in compliance with Colorado Department of Public Health & Environment regulations.

"In order to meet additional requirements, small communities like ours will undoubtedly need state and federal assistance to upgrade our wastewater facilities," said Stefen Wynn, Paonia's town administrator.

According to survey data, the larger the municipality, the more awareness a city or town holds of such mandates. In fact, 100% of participating large cities (over 25,000 people) reported awareness of unfunded state mandates.

Specific unfunded mandates causing financial impacts



And though cities and towns identified such mandates as a challenge, their budgetary impacts are somewhat limited. More than 50% of municipalities said unfunded state mandates have not impacted budgets to the point of redirecting funding away from municipal projects and services.

Municipalities reported updating technology, increasing staff training, and relying on outside vendors to perform services to gain compliance with unfunded state mandates. The majority of cities and towns relied on existing funds to pay for such actions.

2024 will bring successes and challenges for Colorado's cities and towns. As communities across the state grow and evolve, CML is committed to helping municipalities continue to seek creative solutions to problems discussed in this article such as a lack of affordable housing, rising insurance costs, and compliance with unfunded state mandates.

A local focus on sustainable property tax solutions

By **Robert Sheesley**, CML general counsel,
and **Rachel Bender**, CML senior associate counsel

The debate over property taxes will rise again in 2024 after two legislative sessions and a statewide election in 2023 ended without long-term resolution. The scene in 2024 is much the same as a year ago: the prior year's legislation was inadequate to do more than create a short-term, limited fix; tax opponents are seeking voter approval of drastic changes to the state constitution; and many Colorado property owners will receive property tax bills that reflect a higher percentage increase than in prior years. Another constant factor also remains: any restrictions on revenue will impact local services, but funds to provide a "backfill" appear to be less available every year.

Solutions that retain local flexibility offer the best chance for a long-term and sustainable statewide solution in 2024. Solving one perceived property tax problem at the state level creates innumerable different impacts for each of Colorado's local governments. Mill levies can vary even among adjacent properties depending on what taxing districts cover the property. What looks like a dramatic property tax increase for a property in one part of the state may appear to be normal in another. A loss of revenue could devastate one local government while leaving another relatively unscathed. The best compromise likely lies somewhere in between the detailed Senate Bill 23-303 and its related Proposition HH and the deceptively appealing and potentially disastrous initiated constitutional amendments, like Initiative 50. Any fair solution must account for local circumstances and revenue needs and the potential for economic downturns that could naturally reduce tax growth.

PROPERTY TAXES IN MUNICIPALITIES

Municipalities fund emergency services, parks and recreation, road infrastructure, and other facilities and services through a mix of revenue sources, including sales and use taxes, fees, and

property taxes.[1] Property taxes often make up a smaller portion of a municipality's overall budget than sales and use tax. However, some municipalities and other local governments, like school districts, special districts, and counties, rely heavily on property tax revenue to provide services, fund infrastructure, and fulfill state mandates.

To determine the property tax due on a given property, "mill levy" (a property tax rate) set by a local government where that property is located is multiplied by the property's "assessed value" (the part of a property's value that is subject tax), which is determined by a county assessor. The assessed value is the product of the actual value of the property multiplied by the "assessment rate" for the property type, as set by the General Assembly.

An individual property will be subject to mill levies of multiple local governments (e.g., a municipality, a county, a school district, special districts, improvement districts). The actual calculation, assessment, and collection of property taxes and local government budgeting processes are, of course, far more complicated.

BUILDING ON EXISTING TAX LIMITS

Existing laws currently limit property tax revenue growth for every local government, except where local voters have approved the local government's retention of revenue exceeding those limits. Any effort to reform the property tax system should consider how to use these standards as building blocks for future legislation and respect critical boundaries, such as exempting debt service mill levies.

At the local level, TABOR permits property tax revenue to grow at the rate of inflation adjusted for the increased value of new taxable properties in the jurisdiction.[2] Voters can approve retention of those revenues annually or by a permanent or temporary "de-Brucing" election generally or a particular mill levy stream.[3] This allows local governments to receive additional revenue based on increased property values without changing the property tax rate.

Additionally, a pre-TABOR statute also limits property tax revenue growth in statutory municipalities to the preceding year's revenue plus 5.5 percent, with a few adjustments.[4] Like TABOR, a municipality's voters can approve exceeding that limit. Home rule municipal charters may include similar provisions.

INCREMENTAL FIXES

Last year's legislative solution, SB 23-303, promised a 10-year reduction in both commercial and residential property tax increases through a combination of reductions in assessed value and assessment rates. The senior homestead exemption was increased and made portable. Local government losses would be covered for a time by state tax surplus, with priority for school districts. The backfill was partial and contingent and most local governments would likely be ineligible for any backfill for all 10 years. State surplus was also to be used for rental assistance.

SB 23-303 included a limit on the annual growth of property tax revenue for local governments, excluding school districts and home rule municipalities. The law allowed a local government board to opt out of the cap after a public hearing.

CML opposed Proposition HH because of the restrictions on local government revenue. However, voters rejected Proposition HH for a variety of differing reasons. Some objected on the same grounds as CML; others objected to the use of TABOR surplus, the permanent authorization for the use of a surplus, lack of equity for renters, or the measure's complexity.

A November 2023 special session resulted in a solution for the 2023 property tax year only and built on reductions and backfill previously provided in Senate Bill 22-238. The special session's Senate Bill 23B-001 further reduced the assessed value and the assessment rate for residential property only. The law provided a more limited backfill than set forth in SB 22-238.

The special session also created a commission to consider "options for permanent and sustainable property tax structure in the state." The ideal structure both "protects property owners from rising tax bills and is sustainable for local governments and public schools."

PROPOSED INITIATIVES

Citizen-initiated constitutional amendments will play a role either through this year's November election or by influencing the General Assembly during the 2024 legislative session. These proposals focus on statewide reductions in local government revenue growth without accounting for regional differences and the corresponding impacts on local government services. Perhaps more importantly, the proposals ignore the desires of local voters.

For example, Initiative 50, which is already certified for the ballot, would disregard local impacts and remove local voters' control over the direction of their government.[5] The proposed constitutional amendment would require voter approval for "government" to retain additional revenue if "the total of statewide property tax revenue is projected to go up more than 4% over the preceding year."

Proposed initiatives further complicate the picture. Countering Initiative 50, Initiative 95 would make any statewide limit on growth or increases in property tax revenues effective only with approval of a taxing authority's voters.[6] Initiative 97 would reduce tax revenue by setting constitutional limits on property valuation.[7]

While the ballot has not been set, these initiatives propose to substantially disrupt the property tax system and the revenue expectations of local governments and their constituents. Introducing such uncertainty into the system could have debilitating effects on the regular and efficient provision of municipal services that meet a community's needs.

FOCUSING ON LOCAL SUSTAINABILITY

While the General Assembly controls certain aspects of property tax such as assessment rates, local governments and their voters (and taxpayers) control mill levies, the use of property tax revenue, and choices about revenue growth limits. Those local governments and voters are better suited to define solutions locally that balance the needs of property owners, renters, and the public at large that uses government infrastructure and services.

Many communities have voted to allow the government to retain property tax revenue regardless of growth. For example, the City and County of Denver established a "city property tax revenue limitation" when its voters approved the retention of excess revenue.[8] Described as an "anti-spiking" mechanism, Denver's law restricts the growth of property tax revenue to the amount levied for certain core mill levies in the preceding year plus 6% and a percentage for "local growth" (e.g., value added from new construction) under TABOR.

If sustainable solutions are the goal, local governments must have flexibility and the power to respond to changing needs and circumstances. Senate Bill 23-108, for example, codified the ability of local governments to temporarily reduce mill levies for the purpose of providing property relief, in the local government's discretion. Revenue limits — and the corresponding tax relief they provide — should be approached similarly. Some governing bodies have temporarily lowered mill levies to provide property tax relief or refund excess revenues.

If the state unilaterally changes assessment rates, valuations, or revenue caps, the state creates a revenue loss that it should cure through a backfill. An approach that preserves local governments' flexibility can avoid the need for backfill without depriving local governments of revenue.

LOOKING FORWARD TO 2025

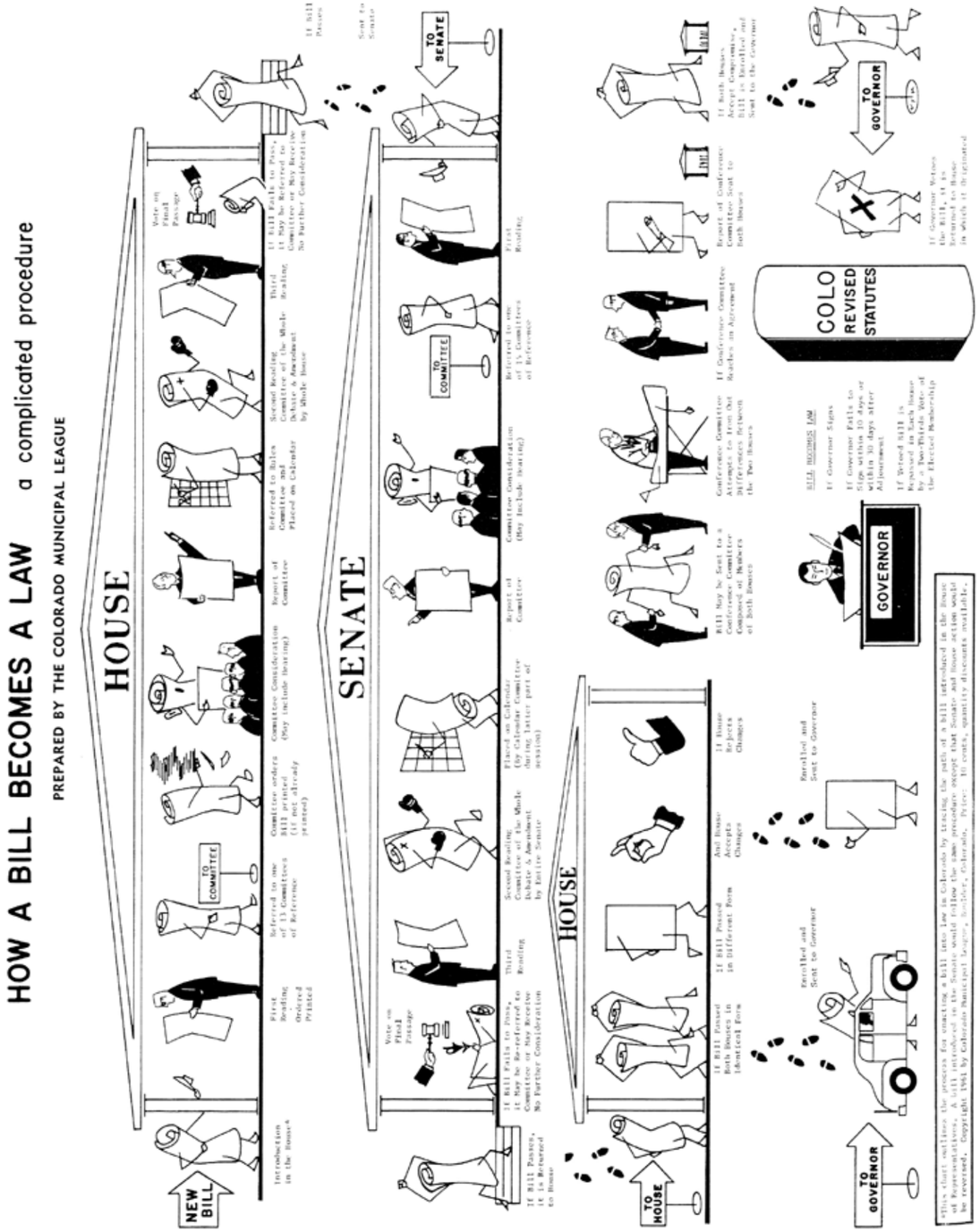
Property taxes are complicated, relying on dozens of laws and a three-volume reference library for their administration. To make the solution sustainable for local governments, changes to the system in 2024 must retain flexibility for local governments to address tax revenues and rates locally in 2025 and beyond. These should include opportunities to retain revenue, to vary debt service mill levies, and to respond to statewide changes in valuation to ensure that local revenues remain constant or grow reasonably.

1 Additional information can be found in CML's publication, Municipal Taxes and Fees: Financing Municipal Government (2018).
2 Colo. Const. art. X, § 20.
3 Colo. Const. art. X, § 20(7)(d).
4 C.R.S. § 29-1-301 et seq. ; Department of Local Affairs, 5.5% Property Tax Revenue Limit, https://tinyurl.com/3jx43fwe.
5 Colorado Secretary of State, 2023-2024 Initiative Filings, Initiative 50 Final Text, https://tinyurl.com/49kuhxaw.
6 Colorado Secretary of State, 2023-2024 Initiative Filings, Initiative 95 Original & Final Text, https://tinyurl.com/bdzjfrf4.
7 Colorado Secretary of State, 2023-2024 Initiative Filings, Initiative 97 Final Text, https://tinyurl.com/2wb43yns.
8 Denver Municipal Code, Sec. 20-26, https://tinyurl.com/448b9a98.

From the CML archives

By **Alex Miller**, CML publication & design specialist

The infographic "How a Bill Becomes a Law: A Complicated Procedure" first ran in Colorado Municipalities magazine in 1961. While the broad strokes of the legislative process are much the same today as they were back then, important aspects have changed. In particular, this graphic predates the so-called Gavel Amendment (article V, section 20 of the Colorado Constitution), approved by voters in 1988. It requires any bill brought before the Colorado House or Senate to receive a full hearing and vote. And the infographic, which exclusively depicts white, male lawmakers, does not represent the racial and gender diversity of the current state legislature, in which nearly half of lawmakers are women. This artifact from the CML archives serves as a welcome reminder that Colorado state government is always evolving.



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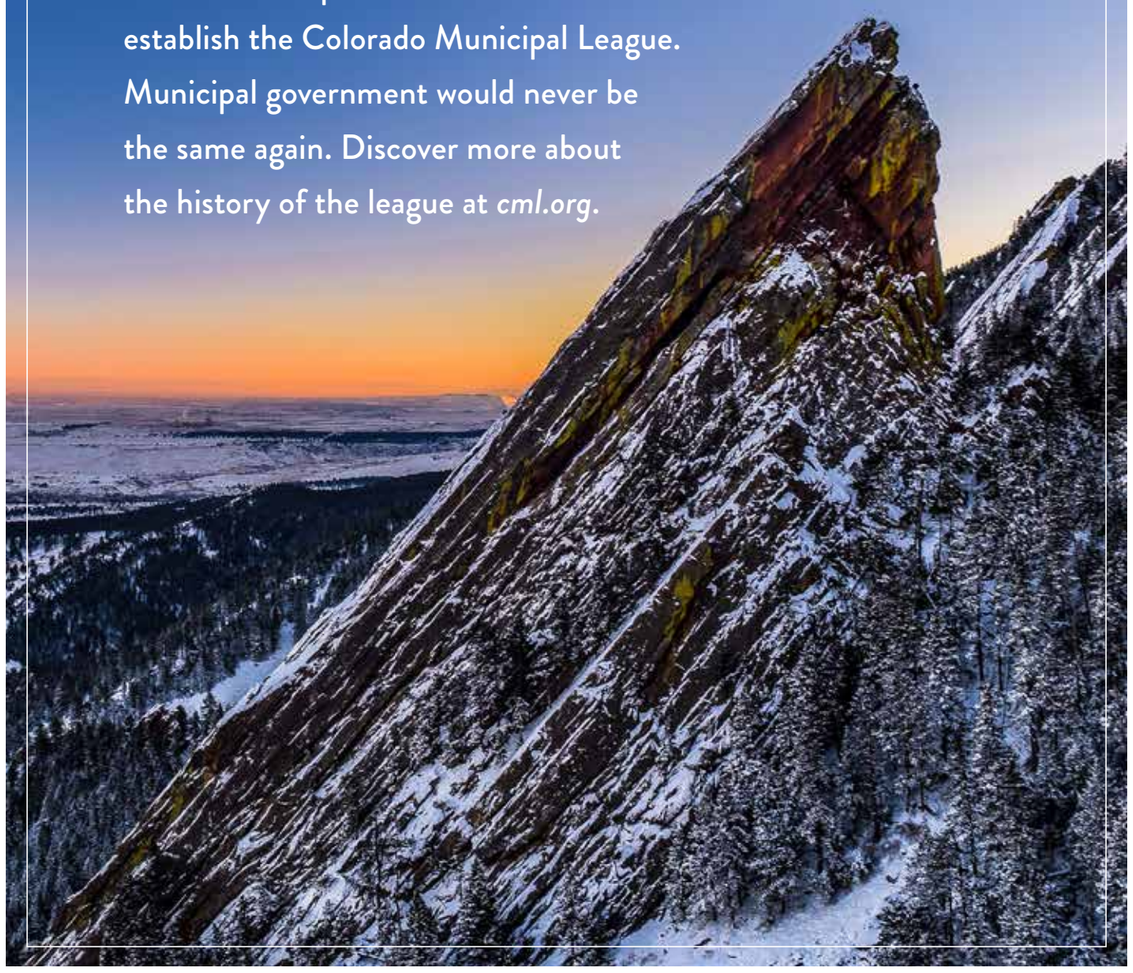
More than 100 years ago, representatives from 11 municipalities met in Boulder to establish the Colorado Municipal League. Municipal government would never be the same again. Discover more about the history of the league at *cml.org*.



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NEWSLETTER

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ADVOCACY

Legislative session wraps up

New laws impacting cities & towns are already going into effect

By the CML Advocacy Team

The Second Regular Session of the 74th Colorado General Assembly wrapped up the evening of Wednesday, May 8. Several new laws have an immediate impact on municipal interests; other bills await final action by Gov. Jared Polis and are not effective unless signed or become law without his signature. Colorado Municipal League's advocacy team followed 264 bills this session, taking active positions on 108. The list of bills CML took positions on can be found at *tinyurl.com/6r99wxwh*. The following are highlights of key laws from the 2024 session that CML has identified that impact municipalities and are in effect or will be in effect very soon. This is not a complete list of all legislation passed that impacts municipalities. A full summary of all bills impacting municipalities that passed in the 2024 legislative session will be available in June for free online at *cml.org*. If you have any questions, please feel free to contact the lobbyist indicated in the summary by email: Heather Stauffer (*hstauffer@cml.org*), Elizabeth Haskell (*ehaskell@cml.org*), Bev Stables (*bstables@cml.org*) and Jeremy Schupbach (*jschupbach@cml.org*).

ACCESSIBILITY

HB24-1454, Grace Period Noncompliance Digital Accessibility. The act provides a temporary "good faith" defense from liability for violation of state technology accessibility standards adopted pursuant to HB21-1110. The public entity must demonstrate good faith efforts toward compliance or toward resolution of a complaint of noncompliance. In addition, by July 1, 2024, the entity must create a "progress-to-date report" showing efforts toward compliance, update that report quarterly, and create a "clear, easy-to-find process" for seeking redress of inaccessible digital products that must also be posted on all front-facing web pages. A court must dismiss an action if the public entity proves that it has made good faith efforts. The defense expires July 1, 2025. **Effective: May 8, 2024.** Lobbyist: Heather Stauffer.

BUILDING CODES

HB24-1161, Motor Vehicle Access Individuals with Disabilities. The act requires that the model electric ready and solar code by the energy code board include accessibility requirements for EV capable, EV ready, and EV supply equipment. The act amends C.R.S. § 31-23-315 to require that, for EV charging stations constructed or replaced after 2025, no fewer than 5%

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EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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CML EXECUTIVE BOARD

MAY 31 DEADLINE TO APPLY FOR CML BOARD CANDIDACY

CML is accepting applications from members interested in running for the CML Executive Board. Per CML bylaws, half of the board seats have terms ending this year and will be on the ballot. Additionally, a vacancy in the large category means there will be an additional seat on the ballot. To see what board seats will be on the annual ballot, applicant qualifications, and the application procedure, please visit *tinyurl.com/4hhdx577.*

CML CONFERENCE

CML ANNUAL CONFERENCE

Registration is open for the 2024 CML Annual Conference. The conference is the premiere educational event for municipal officials in Colorado. Every year it brings together more than a thousand leaders from across the state to get to know each other and learn more about the important issues affecting cities and towns. The conference will take place June 18-21 in Loveland.

Register at *www.cml.org/conference*.

CML PUBLICATIONS

2024 MUNICIPAL DIRECTORY

CML is pleased to announce the publication of our *2024 Municipal Directory*. The directory provides phone numbers and addresses, as well as the names of key elected and appointed officials, for CML's member municipalities. It also includes listings for CML's associate members. The directory provides useful information on municipalities' election dates, local government type, and home rule status. The "2024 CML Municipal Directory" is free and available for download on the CML website, *tinyurl.com/yk9fabx7.*

WATER

REVOLVING FUND ELIGIBILITY SURVEYS OPENS

The 2025 Drinking Water and Wastewater State Revolving Fund Eligibility Survey (SRF) is open. The survey identifies water, sewer, stormwater, and nonpoint source infrastructure improvement needs throughout the state. Completing the survey is the first step toward obtaining funding through SRF programs. The Colorado Department of Public Health and Environment encourages all municipalities to participate. Surveys must be completed and submitted no later than June 30. The survey can be completed online at *tinyurl.com/5xykjadf.*

EPA WATER TECHNICAL ASSISTANCE WEBINAR

Every community deserves access to clean, safe, and reliable drinking water, wastewater, and stormwater services. Yet too many communities across America — in rural, tribal, suburban, and urban areas — struggle to address water infrastructure needs and obtain funding. The Environmental Protection Agency (EPA) Water Technical Assistance (WaterTA) program provides free hands-on support for communities to assess their water needs, identify potential solutions, and apply for federal funding to address their water challenges. The EPA is hosting an informational webinar May 22 about the program and available resources to help ensure every community has access to funding. Register for the webinar at *tinyurl.com/2zs6cvfm.*

Maintaining accurate records is hard work — and important

By Karen Goldman, Municipal Clerk Advisor Program

What do ordinances, minutes, site plans, licenses, and easements have in common? They, plus many more, are public records maintained by a municipality and available for review by public officials and citizens alike. In fact, without public records, it would be very difficult for municipalities to know their histories and effectively operate.

Title 31, Article 1, defines "clerk" as the "custodian of the official records of a municipality" and thus this important responsibility falls to the municipal clerk who ensures records are properly maintained and available for public inspection. Municipal clerks do this by implementing the procedures found in the Colorado Open Records Act, which include identifying which records can be properly disclosed, when they can be disclosed, and when or if to charge for that disclosure.

None of this could be successfully accomplished in municipalities without records retention schedules. In 1992, a group of Colorado Clerks met to create the "Guidelines for the Retention of Municipal Records in Colorado," the precursor to today's "Municipal Records Retention Guide." This dynamic document lists records common to municipalities across the state and identifies the time periods during which the records should be kept or "maintained." For decades, members of the Colorado Municipal Clerks Association (CMCA) Records Management Committee, in conjunction with the Colorado State Archives, have taken on the task of updating the guide by adding new records as they are created. While the list of municipalities that have adopted the guide is long, it doesn't include all the municipalities in Colorado. Adoption is easy: it is done by passing a resolution, and more information can be found under the Records Management tab on the home page of the Colorado State Archives.

Maintaining good records is time consuming and often not fun. However, it is essential in order to know municipal history and current activity. Unfortunately, in some communities, records are not easily available or accessible due to staff turnover and daily activities taking precedence over sorting, maintaining, and disposing of records.

Fortunately, elected officials and municipal clerks have great resources in Colorado to help with this situation. CMCA has talented professionals who are ready to assist clerks. Anyone interested can contact the Municipal Clerk Advisor Program at *charna48@comcast.net*.

Renewable energy, sustainability resources for local governments

By The Colorado Energy Office

The Colorado Energy Office (CEO) offers a number of grants, incentives, and programming for Colorado municipal governments. Whether you're looking to support safe and resilient building codes, streamline solar permitting processes, or bring more electric vehicle charging stations to your community, CEO has a program to support you.

ENERGY CODE ADOPTION AND ENFORCEMENT GRANT

Deadline: May 31

This program provides direct financial support to local and tribal governments to adopt and enforce a building energy code that meets or exceeds the 2021 International Energy Conservation Code and the Colorado model electric ready and solar ready codes. CEO also funds technical assistance and training to support advanced energy codes. Visit *tinyurl.com/yfvrztwn* to learn more or contact *shannon.bauman@state.co.us*.

AUTOMATED PERMIT PROCESSING FOR SOLAR GRANT

Deadline: June 4

Local and tribal governments can apply for funding to cover the costs of adopting automated, online solar permitting platforms. These platforms verify solar system code compliance and can instantly issue permits, freeing up staff time to focus on more complex projects. Reimbursable costs include staff time or training, IT or consultant time, training of installers, and maintenance or subscription costs. Visit *tinyurl.com/96aae88y* to learn more or contact *gov_ceo_apps@state.co.us*.

CHARGE AHEAD COLORADO

Deadline: June 14

This program provides grant funding for community-based Level 2 and DC fast-charging electric vehicle charging stations. The objectives of Charge Ahead Colorado are to improve air quality, reduce transportation emissions, and increase adoption of electric vehicles across Colorado. Visit *tinyurl.com/3psysju9* to learn more or contact *mika.burdette@state.co.us*.

FLEET-ZERO

Deadline: June 21

The program funds electric vehicle charging to support the transition to light-, medium-, and heavy-duty fleets of electric vehicles. For more information, visit *tinyurl.com/5ajdkpny* or contact *matt.lerman@state.co.us*.

GEOTHERMAL ELECTRICITY TAX CREDIT OFFERING

Deadline: June 30

CEO provides refundable, merit-based tax credits to eligible applicants for the development and production of geothermal electricity. Projects can focus on evaluating and developing a geothermal resource to produce electricity, or tax credits for existing geothermal electricity production. Visit *tinyurl.com/yee7pcvm* to learn more or contact *bryce.carter@state.co.us*.

These are just a sample of the agency's current initiatives. More information about CEO grants and programs is available by visiting *energyoffice.colorado.gov*.

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or 1 vehicle charging space incorporate U.S. Access Board standards until federal standards are created. The act prohibits blocking reasonable access to access aisles and reserved parking, curb ramps, and accessible routes and requires peace officers to investigate complaints of violations within a reasonable time. **Effective: Upon Signature.** Lobbyist: Bev Stables.

CRIMINAL JUSTICE

HB24-1074, Aggravated Cruelty to Law Enforcement Animals. The act amends the offense of aggravated cruelty to animals (C.R.S. § 18-9-902(1.5)(b)), a class 4 felony, to include knowingly killing, or causing serious bodily injury resulting in death to, a law enforcement animal. The act provides immunity for licensed veterinarians and others caring for the animal and provides a defense for the use of physical force against the animal if the person reasonably believes the use of the animal is an application of unreasonable or excessive force. In addition, the act specifically includes a peace officer who is the handler of a law enforcement animal in statutory requirements relating to reporting a use of force or preventing an unlawful use of force. **Effective: April 17, 2024.** Lobbyist: Jeremy Schupbach.

SB24-035, Strengthening Enforcement of Human Trafficking. The act includes human trafficking for involuntary servitude or sexual servitude as "crimes of violence" eligible for enhanced sentencing. The act changes the statute of limitations for trafficking of an adult or minor for involuntary servitude and for trafficking of an adult for sexual servitude to 20 years. The act provides a defense to a charge of human trafficking for a person who was forced to engage in human trafficking at the time of the offense. **Effective: April 11, 2024.** Lobbyist: Jeremy Schupbach.

SB24-131, Prohibiting Carrying Firearms in Sensitive Spaces. The act prohibits carrying loaded or unloaded firearms in designated public places and adjacent parking areas, including buildings of the General Assembly; unless permitted locally, certain spaces used by a local government's governing body for meetings and offices of local elected officials or the chief executive; and courthouses. The act exempts peace officers carrying firearms pursuant to their authority, among others. Violation of the act is a class 1 misdemeanor. The act does not change existing law allowing local governments to prohibit firearms in specified places or to permit carrying firearms in the local government spaces covered by the act. The act prohibits carrying firearms, concealed or openly, near polling places and restricts carrying firearms at schools, universities, and childcare centers. **Effective: July 1, 2024.** Lobbyist: Heather Stauffer.

HB24-1079. Persons Detained in Jail on Emergency Commitment. The act adds a definition for "Emergency Medical Services Facility." The act prohibits law enforcement from taking juveniles who are in protective custody due to substance influence to jail. Starting July 1, 2024, the act also establishes reporting requirements for law enforcement agencies that take a person into protective custody. Agencies must report annually to the Behavioral Health Administration. **Effective: Upon Signature.** Lobbyist: Jeremy Schupbach.

EMPLOYMENT

SB24-1219, First Responder Employer Health Benefit Trusts. The act requires employers to extend access to existing heart and circulatory malfunction benefits to part-time and volunteer firefighters with five years of continuous employment and expands state funding to cover these employees. The bill also removes the voluntary option for participation in the cancer trust for firefighter benefits and requires an employer of an eligible firefighter to participate in the cancer trust; provides state funding for the firefighter cancer benefits program for eligible firefighters; and requires an employer to participate in a newly created state funded trust to provide cardiovascular screenings, at a minimum, and other health screenings and prevention, as practicable, to peace officers. If state funding is insufficient for any of the above programs, then the requirement for employers to provide the specified program is optional. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

HB24-1132, Support for Living Organ Donors. Among other provisions, the act prohibits employers from demoting or otherwise taking adverse action against an employee 30 days before or 90 days after the employee becomes a living organ donor unless the employer has clear and convincing evidence that the action would apply to similar employees and was otherwise lawful. An employer is not required to allow a living organ donor to take any unpaid leave that the donor has not already accrued under existing employer policies applicable to similar situated employees or not required under any other applicable law. Violations may be addressed through civil action. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

HB24-1260, Prohibition Against Employee Discipline. The act prohibits public and private employers from taking or threatening an adverse employment action because of an employee's refusal to attend or participate in an employer-sponsored meeting concerning "religious matters" or "political matters" or for declining to listen to or view communication from the employer regarding such matters. Religious matters include religious affiliation and practices and joining or supporting a religious organization or a charitable or community welfare nonprofit organization. Political matters include elections, parties, legislation, regulation, and joining a party or fraternal, labor, or charitable or community welfare nonprofit. Exemptions are provided for an employer to require an employee to act "as necessary to perform lawfully required job duties"; communicating limited information required by law, court order, or intergovernmental agreement; and voluntary conversations. The State of Colorado is granted a special exemption that is not extended to local governments. The act provides administrative and judicial remedies and relief including reinstatement, the greater

of $10,000 or actual damages (including back pay and, for employees that do not seek reinstatement, front pay), up to $10,000 in penalties, and equitable relief. The act provides an affirmative defense for employers that convey in clear and conspicuous terms that the employee had the option to leave a meeting. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

HB24-1451, Include Hair Length in CROWN Act. The act amends the CROWN Act of 2020 to include hair length in the list of traits commonly associated with race for purposes of Colorado's anti-discrimination laws. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

SB24-089, Firefighter Heart Benefits Trust. The act requires that government employers of firefighters participate in a multiple employer health trust that provides benefits for a heart or circulatory health issue and removes the option for the employer to provide these benefits through accident insurance or self-insurance. The act provides an exception that allows a city and county or a municipality with a population of 400,000 or more people that has an existing ordinance to provide the benefits specified in the bill through accident insurance or self-insurance to continue to do so as long as the ordinance remains in effect. **Effective: March 6, 2024.** Lobbyist: Elizabeth Haskell.

SB24-232, Public Employees' Workplace Protections. The act modifies C.R.S. §§ 29-33-103 and -104, enacted through SB23-111, to define "protected, concerted activity for the purpose of mutual aid and protection" to include rights protected by the National Labor Relations Act, excluding activities of managerial or confidential employees (defined in the act) and collective bargaining. The act clarifies limits on rights to maintain a nonpartisan role and activities that result in a "material disruption" of the employee's duties, the employer's operations, or the delivery of public services. The act expressly protects the "content or viewpoint expressed" through an "activity or a strike." **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

WEBINAR

Legislative Wrap Up: A Review of the 2024 Session

Tuesday, May 28, 12-1 p.m.

Learn more about the new laws passed during the recent legislative session. Join the CML advocacy team at this wrap up webinar to find out what comes next and ask questions about issues affecting your city or town. Register at *tinyurl.com/ra2mn8s8.*

LAND USE

HB24-1007. Prohibit Residential Occupancy Limits. The act prohibits local governments from limiting the number of people who may live together in a single dwelling based on familial relationship. The act expressly protects residential occupancy limits based only on either demonstrated health and safety standards (like international building code standards) or affordable housing program guidelines. The act is silent as to occupancy limits not otherwise based on familial relationships. The act purports to apply to statutory and home rule municipalities and counties. **Effective: July 1, 2024.** Lobbyist: Bev Stables.

HB24-1107. Judicial Review of Local Land Use Decision. The act requires an award of attorney fees to a prevailing local government in an action for judicial review of a land use decision pursuant to C.R.S. § 13-51.5-101 et seq. or Rule 106(a)(4) involving residential use with density of five dwelling units per acre or more. The act does not apply to actions brought by the applicant to the local government. The act provides that an action for judicial review of a land use decision does not affect the validity of the decision and that the decision may be relied on "in good faith for all purposes" until the action is resolved. **Effective: Upon Signature.** Lobbyist: Bev Stables.

SB24-193, Protect Tribal Lands from Unauthorized Annexation. The act amends the Municipal Annexation Act of 1965 to prohibit the annexation of any lands with the exterior boundaries of a reservation of a federally recognized Indian tribe without the formal consent of the tribal council or other governing body of the tribe. **Effective: Upon Signature.** Lobbyist: Bev Stables.

MUNICIPAL COURTS

HB24-1241, Alignment of Petty Property Crime Threshold. Under current law, if a defendant is charged with a traffic offense, a petty offense, or a comparable municipal offense, a court cannot impose a monetary condition of release. The provision specified that it applies to a comparable municipal offense that is a property crime and reflects a value of less than $50. The act removes the monetary threshold to align with the actual threshold for petty offense property crimes under state law, which is currently $300. **Effective: April 11, 2024.** Lobbyist: Jeremy Schupbach.

HB24-1345, Sunset Human Trafficking Council. The act provides a mechanism for an individual to file a motion to vacate their conviction if the offense was committed as a result of the person being a victim of human trafficking. Municipal convictions are included. The act extends the Colorado Human Trafficking Council through 2031 and extends the state's address confidentiality program to victims of human trafficking. **Effective: Upon Signature.** Lobbyist: Jeremy Schupbach.

OPEN RECORDS

HB24-1090, Privacy Protections Criminal Justice Records. The act revises Colorado's Criminal Justice Records Act to clarify that the mandated redaction of identifying information for child victims and witnesses applies to offenses committed on or after Jan. 1, 2024. The act permits the release of unredacted records to additional individuals including municipal attorneys, resulting in restored access to criminal case files in the

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Colorado Courts E-Filing system. The act requires the process for release to be operational no later than July 1, 2024. **Effective: Feb. 20, 2024.** Lobbyist: Jeremy Schupbach.

PUBLIC & BEHAVIORAL HEALTH

HB24-1037, Substance Use Disorders Harm Reduction. The act prohibits peace officers from using the presence of an opioid antagonist near a person or in their possession as the sole basis for probable cause to perform a warrantless search or seizure of the person. The act removes criminal penalties for possession of drug paraphernalia received from an approved syringe exchange program and grants immunity from civil or criminal liability for persons distributing opioid antagonists including law enforcement personnel. **Effective: Upon Signature.** Lobbyist: Bev Stables.

SUSTAINABILITY

SB24-150, Processing of Municipal Solid Waste. The act restricts the use of methods of processing waste that include combustion and makes them ineligible under state renewable energy standards. The act also amends municipal authority related to solid waste-to-energy incineration systems (C.R.S. § 31-15-1001 et seq.) to include pyrolosis and gasification processes. **Effective: Upon Signature.** Lobbyist: Heather Stauffer.

TAXATION

SB24-023, Hold Harmless for Error in GIS Database Data. The act establishes that any vendor that uses the information in the Department of Revenue's (DOR) geographic information system (GIS) database to determine which local tax jurisdictions are owed sales and use tax and their general tax rate is held harmless in an audit by the local taxing jurisdiction for any underpayment of tax, charge, or fee liability that results solely from an error or omission in the GIS database data, but not from errors by DOR. Local taxing jurisdictions are not required to hold vendors harmless where the vendor used an incomplete or erroneous address when querying the database. To be held harmless, vendors must collect and produce certain documentation if requested. The DOR must update the GIS database within 30 days of receiving updated data from local taxing jurisdictions and must conduct 95% accuracy testing on both the addresses and general local tax rates. **Effective: April 19, 2024.** Lobbyist: Elizabeth Haskell.

TRANSPORTATION

HB24-1030, Railroad Safety Requirements. The act imposes a number of safety requirements on railroads, including requiring reporting to public utilities on wayside detectors, requiring trains to operate in such a manner as to minimize obstruction of emergency vehicles at highway-rail crossings, and requiring railroads to coordinate with the Department of Public Safety on emergency response and spill response capacity and planning. Railroads are required to notify the state's watch center within 30 minutes of discovery of an emergency involving a train. The act establishes the rail district maintenance and safety fund for safety planning and development; planning, design, construction and operation of safety improvements at rail crossings; and completing capital development projects to improve the safety of a passenger rail system. **Effective: May 10, 2024.** Lobbyist: Bev Stables.

SB24-195, Protect Vulnerable Road Users. The act amends the automated vehicle identification system (AVIS) statute as it relates to state highways to grant CDOT the authority to deploy AVIS on state highways, to require notification and coordination between the state and a local government for use of AVIS on state highways, and to direct CDOT to promulgate rules regarding its use of AVIS on state highways and to address prioritization when both the state and a local government wish to implement AVIS on the same portion of a state highway. The entity with primary responsibility for regulation and enforcement of traffic restrictions shall have priority, but the state rulemaking does not apply to a local government that has implemented or designated an AVIS by ordinance or resolution before Jan. 1, 2025, or when the state adopts rules, whichever is later. CDOT must establish declining annual targets for vulnerable road user fatalities and must expend funds from the road safety surcharge and fees and fines for road safety projects to protect vulnerable road users. **Effective: Upon Signature.** Lobbyist: Bev Stables.

UTILITIES

SB24-151, Telecommunications Security. The act prohibits critical telecommunications infrastructure from including equipment manufactured by a federally-banned entity or otherwise banned by the Federal government. The act requires that all prohibited equipment be removed. The act authorizes removal without obtaining additional state or local permits for removal, discontinuance, or replacement if the telecommunications provider provides notice and the replacement equipment is substantially similar. However, the telecommunications provider must also provide at least 7-days notice and coordinate with a relevant public entity if the work is to be completed in the public right-of-way or on property owned or controlled by a public entity. The act authorizes rulemaking to implement the new law. **Effective: Upon Signature.** Lobbyist: Jeremy Schupbach.

WILDFIRE

HB24-1091, Fire-Hardened Building Materials in Real Property. The act prohibits covenants and homeowners association standards from prohibiting the installation, use, or maintenance of fire-hardened building materials. The act applies to new and existing standards. The act exempts bona fide safety requirements required by a building code and permits some limited restrictions. **Effective: March 12, 2024.** Lobbyist: Heather Stauffer.

THE FACES OF PUBLIC SERVICE

Throughout the spring, CML will profile various elected officials in cities and towns across the state concluding or continuing long terms of public service. Many of these officials have served municipal offices for years, others for decades.

By Rachel Woolworth, CML municipal research analyst

EILEEN WALDOW, FORMER FRASER MAYOR PRO-TEM

Town of Fraser mayor pro-tem 2016-2024, trustee 2012-2015

Q: What has serving in municipal office meant to you?

A: Serving in municipal office has been a profound opportunity to directly impact the lives of those in my community. It's been a journey of dedication, collaboration, and commitment to making our town a better place for all residents and visitors. From infrastructure improvements to policy initiatives, each decision has been driven by a deep sense of responsibility and a desire to foster positive change. Municipal office has provided me with a platform to advocate for the voiceless, champion progress, and cultivate a sense of unity among diverse stakeholders. It's a role that has enriched my life in ways I never imagined, reinforcing the importance of public service as a cornerstone of our democracy. Serving in this capacity has truly been an honor and a privilege.

Q: What is one piece of advice you would like to leave with those taking municipal office this spring?

A: My advice to incoming officials: Listen intently to your constituents and prioritize understanding their needs. Effective governance stems from genuine engagement and empathy. Stay grounded in your commitment to serving the community.

AUSTIN VALDEZ, FORMER LA JARA MAYOR

Town of La Jara trustee and mayor 1994-2024

Q: What has serving in municipal office meant to you?

A: What serving for so many years on the town board has meant to me is working together to accomplish what the town needs and making our small town a better place to live in. We worked together as trustees to make a difference for our community. Yes, you will hear about all the bad things we do like raising the water rates again, but you have got to do what you have got to do to keep the town afloat. You never hear about the good things we do for our town.

Q: What is one piece of advice you would like to leave with those taking office this spring?

A: One piece of advice for new trustees is to not come in with your own personal agenda. It will not work. We have had a few trustees come in looking to leave when they don't get their way and they quit in two or three months. My second piece of advice is don't promise anything to anyone, as it takes the whole board to come to a decision.

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Featured in this issue

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COLORADO
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NEWSLETTER

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