

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0753.01 Nicole Myers x4326

HOUSE BILL 19-1100

HOUSE SPONSORSHIP

Geitner,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING A SCHOOL DISTRICT BOARD OF EDUCATION**
102 **FROM INCLUDING A USE RESTRICTION ON CERTAIN**
103 **TRANSACTIONS INVOLVING THE SCHOOL DISTRICT'S PROPERTY**
104 **THAT WOULD RESTRICT THE PROPERTY FROM BEING USED AS A**
105 **SCHOOL FOR ANY GRADE FROM PRESCHOOL THROUGH THE**
106 **TWELFTH GRADE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

A board of education of a school district (board of education) is

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 4, 2019

currently authorized to sell and convey district property for any purpose authorized by law, upon the terms and conditions approved by the board of education. A board of education is also authorized to rent or lease district property for a specified term.

The bill prohibits a board of education from including a use restriction on the sale, conveyance, lease, or rental of any district property that restricts the property from being used as a public or nonpublic school for any grade from preschool through the 12th grade.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) School districts have a duty and responsibility to students,
5 parents, and taxpayers to manage district-owned property in a way that is
6 financially sound and in the best interests of citizens;

7 (b) Deed restrictions and other restraints on the alienation of
8 property often lower the value of buildings and real property, particularly
9 when those restrictions relate to the property's original or current use;

10 (c) School districts in Colorado have inserted deed restrictions
11 when selling school property and school buildings that prevent those
12 properties from being used as a school; and

13 (d) By inserting these deed restrictions, school districts are
14 lowering the value of taxpayer-owned property and decreasing the
15 amount of money available to pay teachers, offer education programming,
16 and maintain other district-owned facilities. These deed restrictions also
17 limit the accessibility of neighborhood schools.

18 (2) The general assembly further finds and declares that it is in the
19 interest of the state to prevent school districts from inserting deed
20 restrictions when selling school property that prevent that school property
21 from being used as a school.

1 **SECTION 2.** In Colorado Revised Statutes, 22-32-110, **amend**
2 (1)(e) and (1)(f) as follows:

3 **22-32-110. Board of education - specific powers.** (1) In addition
4 to any other power granted to a board of education of a school district by
5 law, each board of education of a school district shall have the following
6 specific powers, to be exercised in its judgment:

7 (e) To sell and convey district property which may not be needed
8 within the foreseeable future for any purpose authorized by law, upon
9 such terms and conditions as it may approve; and to lease any such
10 property, pending sale thereof, under an agreement of lease, with or
11 without an option to purchase the same. No finding that the property may
12 not be needed within the foreseeable future shall be necessary if the
13 property is sold and conveyed to a state agency or political subdivision of
14 this state or if the board anticipates that the district will become the tenant
15 of the property under a lease, with or without an option to purchase. A
16 BOARD OF EDUCATION OF A SCHOOL DISTRICT **MAY ONLY** INCLUDE, BY
17 TITLE, COVENANT, DEED, OR OTHERWISE, A USE RESTRICTION ON THE SALE,
18 CONVEYANCE, OR LEASE OF ANY DISTRICT PROPERTY PURSUANT TO THIS
19 SUBSECTION (1)(e) THAT RESTRICTS THE PROPERTY FROM BEING USED AS
20 A PUBLIC OR NONPUBLIC SCHOOL FOR ANY GRADE FROM PRESCHOOL
21 THROUGH THE TWELFTH GRADE, **AFTER PROVIDING PUBLIC NOTICE OF ITS**
22 **INTENT TO INCLUDE SUCH USE RESTRICTION AND AFTER DISCUSSING THE**
23 **ISSUE IN PUBLIC AT A REGULARLY SCHEDULED MEETING OF THE BOARD OF**
24 **EDUCATION.**

25 (f) To rent or lease district property not needed for its purposes for
26 terms not exceeding ten years, or in the case of unimproved real property
27 leased to a lessee that is a charter school as defined in section

1 22-30.5-403 (3), for a term not exceeding thirty years, or in the case of a
2 charter school using debt financing, for a term not exceeding the term of
3 the debt financing, subject to all land use and building and zoning plans,
4 codes, resolutions, and regulations, and to permit the use of district
5 property by community organizations upon such terms and conditions as
6 it may approve. No finding that the property is not needed for the district's
7 purposes shall be necessary if the board anticipates that the district will
8 become the subtenant of the property under a sublease, and under such
9 circumstances the term of the lease may exceed ten years but may not
10 exceed fifty years. A BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY
11 ONLY INCLUDE, IN A LEASE OR OTHERWISE, A USE RESTRICTION ON THE
12 RENTAL OR LEASE OF ANY DISTRICT PROPERTY PURSUANT TO THIS
13 SUBSECTION (1)(f) THAT RESTRICTS THE PROPERTY FROM BEING USED AS
14 A PUBLIC OR NONPUBLIC SCHOOL FOR ANY GRADE FROM PRESCHOOL
15 THROUGH THE TWELFTH GRADE, AFTER PROVIDING PUBLIC NOTICE OF ITS
16 INTENT TO INCLUDE SUCH USE RESTRICTION AND AFTER DISCUSSING THE
17 ISSUE IN PUBLIC AT A REGULARLY SCHEDULED MEETING OF THE BOARD OF
18 EDUCATION.

19 **SECTION 3. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly (August 2, 2019, if adjournment sine die is on May 3,
23 2019); except that, if a referendum petition is filed pursuant to section 1
24 (3) of article V of the state constitution against this act or an item, section,
25 or part of this act within such period, then the act, item, section, or part
26 will not take effect unless approved by the people at the general election
27 to be held in November 2020 and, in such case, will take effect on the

- 1 date of the official declaration of the vote thereon by the governor.
- 2 (2) This act applies to the sale, conveyance, or lease of school
- 3 district property on or after the applicable effective date of this act.