

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0086.01 Pierce Lively x2059

HOUSE BILL 20-1138

HOUSE SPONSORSHIP

Coleman and Larson,

SENATE SPONSORSHIP

Bridges and Gardner,

House Committees

Transportation & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SUPPLEMENTING THE CENTRALIZED INVENTORY OF
102 STATE-OWNED REAL PROPERTY MAINTAINED BY THE OFFICE OF
103 THE STATE ARCHITECT TO INCLUDE ALL PUBLICLY OWNED REAL
104 PROPERTY.

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>.)

Not later than December 31, 2020, the bill requires each state agency, state institution of higher education, and political subdivision of the state to submit to the office of the state architect (office) a list of all

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.

usable real property owned by or under the control of the agency, institution, or political subdivision of the state. This list must include, if applicable:

- ! The address where the real property is located;
- ! The size of the real property;
- ! How the real property is zoned;
- ! Contact information for the state agency, institution, or political subdivision of the state that owns or controls the real property;
- ! The plan, if one is available, for the use, development, or sale of the real property; and
- ! A description that includes the condition of the real property and a measurement of total area of the real property that is vacant, unused, or underdeveloped.

Not later than December 31 of each subsequent year, each state agency, state institution, and political subdivision of the state must submit to the office any updates to the information the agency, institution, or political subdivision of the state originally submitted to the office about the usable real property the agency, institution, or political subdivision of the state owns or controls.

Beginning July 1, 2021, whenever any state agency, state institution of higher education, or political subdivision of the state plans to offer any usable real property for sale, or otherwise plans to solicit any offer to purchase real property, the agency, institution, or political subdivision of the state shall notify the office.

Not later than July 1, 2021, the office must establish and maintain a current database that includes the information listed above. This database must be available free of charge to the public on the office's website.

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, determines, and declares that:

4 (a) For many Colorado nonprofit corporations, and other entities
5 with a focus on providing a community benefit, such as child care, transit,
6 education, affordable housing, healthcare, food access, and economic
7 development, one of the key barriers to providing services is finding
8 adequate and affordable spaces to do so;

1 (b) This barrier has only become higher as the Colorado real estate
2 market has strengthened and property values have increased;

3 (c) The identification of usable real property owned or under the
4 control of each state agency, state institution of higher education, county,
5 municipality, district, or authority, is an invaluable tool for these
6 nonprofit corporations and other entities with a focus on providing a
7 community benefit because it provides them with information about the
8 underutilized publicly owned properties that are potentially available to
9 purchase or use; and

10 (d) The identification of such property is a model of good
11 government, demonstrates to taxpayers that elected officials are being
12 open and transparent with their resources, and creates opportunities for
13 dormant or underutilized spaces to be put to good use for the benefit of
14 the community.

15 (2) By enacting House Bill 20-____, the general assembly intends
16 to assist Colorado nonprofit corporations, and other entities with a focus
17 on providing a community benefit, with using or purchasing real property
18 currently owned by state agencies and state institutions of higher
19 education as well as counties, municipalities, boards, and authorities.

20 **SECTION 2.** In Colorado Revised Statutes, 24-30-1303.5, **add**
21 (7) as follows:

22 **24-30-1303.5. Office of the state architect to prepare and**
23 **maintain inventory of state property - vacant facilities - definitions.**

24 (7) (a) NOT LATER THAN DECEMBER 31, 2020, EACH STATE AGENCY,
25 STATE INSTITUTION OF HIGHER EDUCATION, AND POLITICAL SUBDIVISION
26 OF THE STATE SHALL SUBMIT TO THE OFFICE A LIST OF ALL USABLE REAL
27 PROPERTY OWNED BY OR UNDER THE CONTROL OF THE AGENCY,

1 INSTITUTION, OR POLITICAL SUBDIVISION OF THE STATE.

2 (b) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT
3 OTHERWISE REQUIRES:

4 (I) (A) "POLITICAL SUBDIVISION OF THE STATE" MEANS COUNTIES,
5 MUNICIPALITIES, DISTRICTS, AND AUTHORITIES.

6 (B) "POLITICAL SUBDIVISION OF THE STATE" DOES NOT INCLUDE
7 AMBULANCE DISTRICTS, AS DEFINED IN SECTION 32-1-103 (1); FIRE
8 PROTECTION DISTRICTS, AS DEFINED IN SECTION 32-1-103 (7); SANITATION
9 DISTRICTS, AS DEFINED IN SECTION 32-1-103 (18); WATER DISTRICTS, AS
10 DEFINED IN SECTION 32-1-103 (25); AND WATER AND SANITATION
11 DISTRICTS, AS DEFINED IN SECTION 32-1-103 (24).

12 (II) "UNDERUTILIZED HABITABLE STRUCTURE" MEANS AN EXISTING
13 STRUCTURE INTENDED AND APPROPRIATE FOR CONTINUAL HUMAN
14 OCCUPANCY THAT IS WHOLLY UNUSED OR HAS UNUSED SPACE OF MORE
15 THAN FIVE HUNDRED SQUARE FEET IN FLOOR AREA PER INDIVIDUAL SPACE
16 OR STRUCTURE AND THAT HAS BEEN VACANT FOR SIX CONTINUOUS
17 MONTHS OR MORE.

18 (III) "UNUSED LAND" MEANS LAND THAT IS CURRENTLY UNUSED
19 AND IS ABLE TO SERVE AS A SITE FOR AT LEAST ONE STRUCTURE OF ONE
20 THOUSAND FIVE HUNDRED SQUARE FEET OR MORE THAT IS INTENDED AND
21 APPROPRIATE FOR CONTINUAL HUMAN OCCUPANCY.

22 (IV) (A) "USABLE REAL PROPERTY", NOTWITHSTANDING SECTION
23 24-30-1301 (15), MEANS UNUSED LAND AND UNDERUTILIZED HABITABLE
24 STRUCTURES.

25 (B) "USABLE REAL PROPERTY" DOES NOT INCLUDE
26 RIGHTS-OF-WAY, EASEMENTS, OR OTHER PROPERTY RIGHTS UPON WHICH
27 FACILITIES, PLANTS, OR SYSTEMS OF A PUBLIC UTILITY, AS DEFINED BY

1 SECTION 40-1-103, ARE LOCATED OR ARE TO BE LOCATED; PUBLIC
2 EASEMENTS; LAND UNDER WATER; CONSERVATION EASEMENTS;
3 AGRICULTURAL LAND, AS DEFINED IN SECTION 39-1-102 (1.6); LAND OR
4 ANY INTEREST THEREIN ACQUIRED BY THE DEPARTMENT OF
5 TRANSPORTATION AND USED, OR INTENDED TO BE USED, FOR
6 RIGHT-OF-WAY PURPOSES; ALL ROADS, STREETS, AND ALLEYS AND ALL
7 OTHER DEDICATED RIGHTS-OF-WAY AND UTILITY EASEMENTS OF THE
8 STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, WHETHER LOCATED WITHIN
9 THE BOUNDARIES OF A POLITICAL SUBDIVISION OR OTHERWISE; LAND OR
10 ANY INTEREST THEREIN HELD BY THE DIVISION OF PARKS AND WILDLIFE
11 AND THE PARKS AND WILDLIFE COMMISSION IN THE DEPARTMENT OF
12 NATURAL RESOURCES; AND PUBLIC LANDS OF THE STATE OR ANY INTEREST
13 THEREIN THAT ARE SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF
14 LAND COMMISSIONERS.

15 (c) THE LIST OF USABLE REAL PROPERTY PROVIDED BY EACH STATE
16 AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, AND POLITICAL
17 SUBDIVISION OF THE STATE TO THE OFFICE IN ACCORDANCE WITH
18 SUBSECTION (7)(a) OF THIS SECTION MUST ALSO INCLUDE THE FOLLOWING
19 INFORMATION, IF APPLICABLE:

- 20 (I) THE ADDRESS WHERE THE USABLE REAL PROPERTY IS LOCATED;
- 21 (II) THE SIZE OF THE USABLE REAL PROPERTY;
- 22 (III) HOW THE USABLE REAL PROPERTY IS ZONED;
- 23 (IV) CONTACT INFORMATION FOR THE STATE AGENCY, STATE
24 INSTITUTION OF HIGHER EDUCATION, OR POLITICAL SUBDIVISION OF THE
25 STATE THAT OWNS OR CONTROLS THE USABLE REAL PROPERTY;
- 26 (V) THE PLAN, IF ONE IS AVAILABLE, FOR THE USE, DEVELOPMENT,
27 OR SALE OF THE USABLE REAL PROPERTY; AND

1 (VI) A DESCRIPTION THAT INCLUDES THE CONDITION OF THE REAL
2 PROPERTY AND A MEASUREMENT OF TOTAL AREA OF THE USABLE REAL
3 PROPERTY THAT IS VACANT, UNUSED, OR UNDERDEVELOPED.

4 (d) NOT LATER THAN DECEMBER 31 OF EACH YEAR AFTER 2020,
5 EACH STATE AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, AND
6 POLITICAL SUBDIVISION OF THE STATE SHALL SUBMIT TO THE OFFICE ANY
7 UPDATES TO THE INFORMATION THE AGENCY, INSTITUTION, OR POLITICAL
8 SUBDIVISION OF THE STATE ORIGINALLY SUBMITTED TO THE OFFICE UNDER
9 SUBSECTIONS (7)(a) AND (7)(c) OF THIS SECTION ABOUT THE USABLE REAL
10 PROPERTY THE AGENCY, INSTITUTION, OR POLITICAL SUBDIVISION OF THE
11 STATE OWNS OR CONTROLS.

12 (e) BEGINNING JULY 1, 2021, WHENEVER ANY STATE AGENCY,
13 STATE INSTITUTION OF HIGHER EDUCATION, OR POLITICAL SUBDIVISION OF
14 THE STATE PLANS TO OFFER ANY USABLE REAL PROPERTY FOR SALE, OR
15 OTHERWISE PLANS TO SOLICIT ANY OFFER TO PURCHASE USABLE REAL
16 PROPERTY, THE AGENCY, INSTITUTION, OR POLITICAL SUBDIVISION OF THE
17 STATE SHALL NOTIFY THE OFFICE.

18 (f) NOT LATER THAN JULY 1, 2021, THE OFFICE SHALL ESTABLISH
19 AND MAINTAIN A SEARCHABLE DATABASE THAT INCLUDES THE
20 INFORMATION COLLECTED UNDER THIS SUBSECTION (7). THE OFFICE MUST
21 MAINTAIN THE ACCURACY OF THIS DATABASE TO THE BEST OF ITS
22 ABILITIES AND MUST UPDATE THE DATABASE TO INCLUDE INFORMATION
23 SUBMITTED UNDER SUBSECTION (7)(d) OF THIS SECTION NO LATER THAN
24 FIVE BUSINESS DAYS AFTER RECEIVING SUCH INFORMATION. THIS
25 DATABASE MUST BE AVAILABLE TO THE PUBLIC FREE OF CHARGE ON THE
26 OFFICE'S WEBSITE AND MUST BE EASY TO NAVIGATE.

27 (g) NOTHING IN THIS SUBSECTION (7) REQUIRES ANY STATE

1 AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, OR POLITICAL
2 SUBDIVISION OF THE STATE TO EITHER SELL OR MODIFY ANY PROPERTY
3 THAT THEY OWN OR OTHERWISE CONTROL.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2020 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.