

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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, including but not limited
6 to child care, arts and cultural organizations, transit, education, affordable
7 housing, healthcare, food access, and economic development, one of the
8 key barriers to providing services is finding adequate and affordable

1 spaces to do so;

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

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

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

16 (2) By enacting House Bill 20-1138, the general assembly intends
17 to assist Colorado nonprofit corporations, and other entities with a focus
18 on providing a community benefit, with using or purchasing real property
19 currently owned by state agencies and state institutions of higher
20 education as well as counties, municipalities, boards, and authorities.

21 **SECTION 2.** In Colorado Revised Statutes, 24-30-1303.5,
22 **amend** (3.5)(a) introductory portion; and **add** (7) as follows:

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

25 (3.5) (a) With respect to all real property owned by or held in trust for the
26 state or any state agency or state institution of higher education, each state
27 agency or state institution of higher education shall identify any vacant

1 facility under its control. As used in this ~~section~~, SUBSECTION (3.5),
2 "vacant" means:

3 (7) (a) NOT LATER THAN DECEMBER 31, 2020, EACH STATE
4 AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, AND POLITICAL
5 SUBDIVISION OF THE STATE SHALL SUBMIT TO THE OFFICE A LIST OF ALL
6 USABLE REAL PROPERTY OWNED AND MANAGED BY THE AGENCY,
7 INSTITUTION, OR POLITICAL SUBDIVISION OF THE STATE.

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

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

12 (B) "POLITICAL SUBDIVISION OF THE STATE" DOES NOT INCLUDE
13 THE COLORADO HOUSING AND FINANCE AUTHORITY, AS DEFINED IN
14 SECTION 29-4-703 (1); AMBULANCE DISTRICTS, AS DEFINED IN SECTION
15 32-1-103 (1); FIRE PROTECTION DISTRICTS, AS DEFINED IN SECTION
16 32-1-103 (7); SANITATION DISTRICTS, AS DEFINED IN SECTION 32-1-103
17 (18); WATER DISTRICTS, AS DEFINED IN SECTION 32-1-103 (25); WATER
18 AND SANITATION DISTRICTS, AS DEFINED IN SECTION 32-1-103 (24);
19 METROPOLITAN DISTRICTS; WATER CONSERVANCY DISTRICTS CREATED
20 UNDER ARTICLE 45 OF TITLE 37; WATER ACTIVITY ENTERPRISES, AS
21 DEFINED IN SECTION 37-45.1-102 (4); AND WATER CONSERVATION
22 DISTRICTS CREATED UNDER ARTICLE 46, 47, 48, OR 50 OF TITLE 37.

23 (II) "UNDERUTILIZED HABITABLE STRUCTURE" MEANS AN EXISTING
24 STRUCTURE INTENDED AND APPROPRIATE FOR CONTINUAL HUMAN
25 OCCUPANCY THAT IS WHOLLY UNUSED OR HAS UNUSED SPACE OF MORE
26 THAN THREE THOUSAND CONTINUOUS SQUARE FEET IN FLOOR AREA PER
27 INDIVIDUAL SPACE OR STRUCTURE, NOT CURRENTLY BEING CONSTRUCTED

1 OR UNDERGOING RENOVATION, AND THAT HAS BEEN VACANT FOR SIX
2 CONTINUOUS MONTHS OR MORE.

3
4 (III) (A) "USABLE REAL PROPERTY", NOTWITHSTANDING SECTION
5 24-30-1301 (15), MEANS UNDERUTILIZED HABITABLE STRUCTURES.

6 (B) "USABLE REAL PROPERTY" DOES NOT INCLUDE
7 RIGHTS-OF-WAY, EASEMENTS, OR ANY OTHER PROPERTY RIGHTS OR
8 INTERESTS OWNED BY A MUNICIPAL UTILITY OR A MUNICIPALITY FOR THE
9 BENEFIT OR USE OF A MUNICIPALLY OWNED UTILITY; PUBLIC
10 EASEMENTS; DOMESTIC WASTEWATER TREATMENT WORKS, AS DEFINED IN
11 SECTION 25-8-103(5); CONSERVATION EASEMENTS; AGRICULTURAL LAND,
12 AS DEFINED IN SECTION 39-1-102 (1.6); LAND OR ANY INTEREST THEREIN
13 ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION OR THE REGIONAL
14 TRANSPORTATION DISTRICT ESTABLISHED BY ARTICLE 9 OF TITLE 32 AND
15 USED, OR INTENDED TO BE USED, FOR RIGHT-OF-WAY PURPOSES; ALL
16 ROADS, STREETS, AND ALLEYS AND ALL OTHER DEDICATED
17 RIGHTS-OF-WAY AND UTILITY EASEMENTS OF THE STATE OR ANY OF ITS
18 POLITICAL SUBDIVISIONS, WHETHER LOCATED WITHIN THE BOUNDARIES OF
19 A POLITICAL SUBDIVISION OR OTHERWISE; LAND OR ANY INTEREST THEREIN
20 HELD BY THE DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND
21 WILDLIFE COMMISSION IN THE DEPARTMENT OF NATURAL RESOURCES; AND
22 PUBLIC LANDS OF THE STATE OR ANY INTEREST THEREIN THAT ARE
23 SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF LAND
24 COMMISSIONERS.

25 (c) THE LIST OF USABLE REAL PROPERTY PROVIDED BY EACH STATE
26 AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, AND POLITICAL
27 SUBDIVISION OF THE STATE TO THE OFFICE IN ACCORDANCE WITH

1 SUBSECTION (7)(a) OF THIS SECTION MUST ALSO INCLUDE THE FOLLOWING
2 INFORMATION, IF APPLICABLE AND NOT ALREADY PROVIDED UNDER
3 SUBSECTION (3.5) OF THIS SECTION:

4 (I) THE ADDRESS OR, IF THERE IS NO ADDRESS, THE LOCATION
5 WHERE THE USABLE REAL PROPERTY IS LOCATED;

6 [REDACTED]

7 (II) CONTACT INFORMATION FOR THE STATE AGENCY, STATE
8 INSTITUTION OF HIGHER EDUCATION, OR POLITICAL SUBDIVISION OF THE
9 STATE THAT OWNS OR CONTROLS THE USABLE REAL PROPERTY; AND

10 [REDACTED]

11 (III) A MEASUREMENT, IN SQUARE FEET, OF THE TOTAL AREA OF
12 THE USABLE REAL PROPERTY THAT IS VACANT AND UNUSED.

13 (d) EACH STATE AGENCY, STATE INSTITUTION OF HIGHER
14 EDUCATION, AND POLITICAL SUBDIVISION OF THE STATE SHALL SUBMIT TO
15 THE OFFICE AN E-MAIL ADDRESS OR PHONE NUMBER FOR INQUIRIES ABOUT
16 ANY LAND OWNED OR CONTROLLED BY THE STATE AGENCY, STATE
17 INSTITUTION OF HIGHER EDUCATION, OR POLITICAL SUBDIVISION OF THE
18 STATE AND, IF APPLICABLE, THE WEBSITE FOR ANY PUBLIC DATA
19 AVAILABLE FOR SUCH LAND FROM A GEOGRAPHIC INFORMATION SYSTEM
20 LAND POSITION, AS DEFINED IN SECTION 38-51-102 (7.5).

21 (e) NOT LATER THAN DECEMBER 31 OF EACH YEAR AFTER 2020,
22 EACH STATE AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, AND
23 POLITICAL SUBDIVISION OF THE STATE SHALL SUBMIT TO THE OFFICE ANY
24 UPDATES TO THE INFORMATION THE AGENCY, INSTITUTION, OR POLITICAL
25 SUBDIVISION OF THE STATE ORIGINALLY SUBMITTED TO THE OFFICE UNDER
26 SUBSECTIONS (7)(a) AND (7)(c) OF THIS SECTION ABOUT THE USABLE REAL
27 PROPERTY THE AGENCY, INSTITUTION, OR POLITICAL SUBDIVISION OF THE

1 STATE OWNS OR CONTROLS.

2

3 (f) NOT LATER THAN JULY 1, 2021, THE OFFICE SHALL ESTABLISH
4 AND MAINTAIN A SEARCHABLE DATABASE THAT INCLUDES THE
5 INFORMATION COLLECTED UNDER THIS SUBSECTION (7) AND ALL DATA
6 REPORTED ANNUALLY BY EACH STATE AGENCY AND STATE INSTITUTION
7 OF HIGHER EDUCATION PURSUANT TO SUBSECTION (3.5) OF THIS SECTION.

8 THE OFFICE MUST MAINTAIN THE ACCURACY OF THIS DATABASE TO THE
9 BEST OF ITS ABILITIES. THIS DATABASE MUST BE AVAILABLE TO THE
10 PUBLIC FREE OF CHARGE ON THE OFFICE'S WEBSITE AND MUST BE EASY TO
11 NAVIGATE. THE OFFICE'S WEBSITE MUST HAVE A DISCLAIMER STATING
12 THAT THE DATABASE WILL BE UPDATED ANNUALLY AND PROVIDE
13 CONTACT INFORMATION FOR A CONTACT WHO CAN POSSIBLY PROVIDE
14 MORE FREQUENT UPDATES.

15 (g) NOTHING IN THIS SUBSECTION (7) REQUIRES ANY STATE
16 AGENCY, STATE INSTITUTION OF HIGHER EDUCATION, OR POLITICAL
17 SUBDIVISION OF THE STATE TO EITHER SELL OR MODIFY ANY PROPERTY
18 THAT THEY OWN OR OTHERWISE CONTROL.

19 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-104, add
20 (7.5)(c) as follows:

21 **22-30.5-104. Charter school - requirements - authority - rules.**

22 (7.5) (c) NOTWITHSTANDING SUBSECTION (7.5)(a) OF THIS SECTION, IF
23 ANY VACANT OR UNUSED BUILDING OWNED OR CONTROLLED BY A SCHOOL
24 DISTRICT QUALIFIES AS "USABLE REAL PROPERTY", AS DEFINED IN SECTION
25 24-30-1303.5 (7)(b)(IV), THEN THE SCHOOL DISTRICT OWNING OR
26 CONTROLLING THAT BUILDING DOES NOT NEED TO LIST THAT BUILDING IN
27 ANY LIST REQUIRED BY SUBSECTION (7.5)(a) OF THIS SECTION, BUT A

1 CHARTER SCHOOL OF THE SCHOOL DISTRICT OR CHARTER APPLICANT MAY
2 APPLY, IN ACCORDANCE WITH SUBSECTION (7.5)(a) OF THIS SECTION, TO
3 THE SCHOOL DISTRICT TO USE ANY SUCH BUILDING OR THE SCHOOL
4 DISTRICT LAND AS THE LOCATION FOR A CHARTER SCHOOL.

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