A BILL FOR AN ACT

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

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that:

(a) For many Colorado nonprofit corporations, and other entities with a focus on providing a community benefit, including but not limited to child care, arts and cultural organizations, transit, education, affordable housing, healthcare, food access, and economic development, one of the key barriers to providing services is finding adequate and affordable
spaces to do so;

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

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

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

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

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

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

(3.5) (a) With respect to all real property owned by or held in trust for the state or any state agency or state institution of higher education, each state agency or state institution of higher education shall identify any vacant
facility under its control. As used in this section, SUBSECTION (3.5), "vacant" means:

(7) (a) **Not later than December 31, 2020**, each State agency, State institution of higher education, and political subdivision of the State shall submit to the Office a list of all usable real property owned and managed by the agency, institution, or political subdivision of the State.

(b) As used in this subsection (7), unless the context otherwise requires:

(I) (A) "Political subdivision of the State" means Counties, municipalities, districts, and authorities.

(B) "Political subdivision of the State" does not include the Colorado housing and finance authority, as defined in section 29-4-703 (1); ambulance districts, as defined in section 32-1-103 (1); fire protection districts, as defined in section 32-1-103 (7); sanitation districts, as defined in section 32-1-103 (18); water districts, as defined in section 32-1-103 (25); water and sanitation districts, as defined in section 32-1-103 (24); metropolitan districts; water conservancy districts created under article 45 of title 37; water activity enterprises, as defined in section 37-45.1-102 (4); and water conservation districts created under article 46, 47, 48, or 50 of title 37.

(II) "Underutilized habitable structure" means an existing structure intended and appropriate for continual human occupancy that is wholly unused or has unused space of more than three thousand continuous square feet in floor area per individual space or structure, not currently being constructed
OR UNDERGOING RENOVATION, AND THAT HAS BEEN VACANT FOR SIX CONTINUOUS MONTHS OR MORE.

(III) (A) "Usable real property", notwithstanding Section 24-30-1301 (15), means UNDERUTILIZED HABITABLE STRUCTURES.

(B) "Usable real property" does not include RIGHTS-OF-WAY, EASEMENTS, OR ANY OTHER PROPERTY RIGHTS OR INTERESTS OWNED BY A MUNICIPAL UTILITY OR A MUNICIPALITY FOR THE BENEFIT OR USE OF A MUNICIPALLY OWNED UTILITY; PUBLIC EASEMENTS; DOMESTIC WASTEWATER TREATMENT WORKS, AS DEFINED IN SECTION 25-8-103(5); CONSERVATION EASEMENTS; AGRICULTURAL LAND, AS DEFINED IN SECTION 39-1-102 (1.6); LAND OR ANY INTEREST THEREIN ACQUIRED BY THE DEPARTMENT OF TRANSPORTATION OR THE REGIONAL TRANSPORTATION DISTRICT ESTABLISHED BY ARTICLE 9 OF TITLE 32 AND USED, OR INTENDED TO BE USED, FOR RIGHT-OF-WAY PURPOSES; ALL ROADS, STREETS, AND ALLEYS AND ALL OTHER DEDICATED RIGHTS-OF-WAY AND UTILITY EASEMENTS OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, WHETHER LOCATED WITHIN THE BOUNDARIES OF A POLITICAL SUBDIVISION OR OTHERWISE; LAND OR ANY INTEREST THEREIN HELD BY THE DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION IN THE DEPARTMENT OF NATURAL RESOURCES; AND PUBLIC LANDS OF THE STATE OR ANY INTEREST THEREIN THAT ARE SUBJECT TO THE JURISDICTION OF THE STATE BOARD OF LAND COMMISSIONERS.

(c) The list of usable real property provided by each state agency, state institution of higher education, and political subdivision of the state to the office in accordance with
SUBSECTION (7)(a) OF THIS SECTION MUST ALSO INCLUDE THE FOLLOWING INFORMATION, IF APPLICABLE AND NOT ALREADY PROVIDED UNDER SUBSECTION (3.5) OF THIS SECTION:

(I) The address or, if there is no address, the location where the usable real property is located;

(II) Contact information for the state agency, state institution of higher education, or political subdivision of the state that owns or controls the usable real property; and

(III) A measurement, in square feet, of the total area of the usable real property that is vacant and unused.

(d) Each state agency, state institution of higher education, and political subdivision of the state shall submit to the office an e-mail address or phone number for inquiries about any land owned or controlled by the state agency, state institution of higher education, or political subdivision of the state and, if applicable, the website for any public data available for such land from a geographic information system land position, as defined in section 38-51-102 (7.5).

(e) Not later than December 31 of each year after 2020, each state agency, state institution of higher education, and political subdivision of the state shall submit to the office any updates to the information the agency, institution, or political subdivision of the state originally submitted to the office under subsections (7)(a) and (7)(c) of this section about the usable real property the agency, institution, or political subdivision of the
STATE OWNS OR CONTROLS.

(f) Not later than July 1, 2021, the Office shall establish and maintain a searchable database that includes the information collected under this subsection (7) and all data reported annually by each state agency and state institution of higher education pursuant to subsection (3.5) of this section. The Office must maintain the accuracy of this database to the best of its abilities. This database must be available to the public free of charge on the Office’s website and must be easy to navigate. The Office’s website must have a disclaimer stating that the database will be updated annually and provide contact information for a contact who can possibly provide more frequent updates.

(g) Nothing in this subsection (7) requires any state agency, state institution of higher education, or political subdivision of the state to either sell or modify any property that they own or otherwise control.

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

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

(7.5) (c) Notwithstanding subsection (7.5)(a) of this section, if any vacant or unused building owned or controlled by a school district qualifies as "usable real property", as defined in section 24-30-1303.5 (7)(b)(IV), then the school district owning or controlling that building does not need to list that building in any list required by subsection (7.5)(a) of this section, but a
CHARTER SCHOOL OF THE SCHOOL DISTRICT OR CHARTER APPLICANT MAY APPLY, IN ACCORDANCE WITH SUBSECTION (7.5)(a) OF THIS SECTION, TO THE SCHOOL DISTRICT TO USE ANY SUCH BUILDING OR THE SCHOOL DISTRICT LAND AS THE LOCATION FOR A CHARTER SCHOOL.

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