

CHAPTER 285

COURTS

HOUSE BILL 24-1107

BY REPRESENTATIVE(S) Lindstedt and Bird, Mauro;
also SENATOR(S) Bridges and Winter F., Exum, Hinrichsen, Mullica, Priola.

AN ACT**CONCERNING JUDICIAL REVIEW OF A LOCAL LAND USE DECISION.**

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

SECTION 1. In Colorado Revised Statutes, 13-51.5-102, **add** (1.5) as follows:

13-51.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 38-12-502.

SECTION 2. In Colorado Revised Statutes, **add** 13-51.5-104 as follows:

13-51.5-104. Request for judicial review of local land use decisions - attorney fees - effect of filing action - good-faith reliance. (1) (a) THE COURT SHALL AWARD REASONABLE ATTORNEY FEES TO A PREVAILING GOVERNMENTAL ENTITY IN ANY ACTION FOR JUDICIAL REVIEW OF A LOCAL LAND USE DECISION INVOLVING RESIDENTIAL USE WITH A NET PROJECT DENSITY OF FIVE DWELLING UNITS PER ACRE OR MORE BROUGHT PURSUANT TO THIS ARTICLE 51.5 OR RULE 106 (a)(4) OF THE COLORADO RULES OF CIVIL PROCEDURE.

(b) THIS SUBSECTION (1) DOES NOT APPLY TO AN ACTION FOR JUDICIAL REVIEW BROUGHT BY THE LAND USE APPLICANT BEFORE THE GOVERNMENTAL ENTITY.

(2) FILING AN ACTION FOR JUDICIAL REVIEW OF A LOCAL LAND USE DECISION PURSUANT TO THIS ARTICLE 51.5 OR RULE 106 (a)(4) OF THE COLORADO RULES OF CIVIL PROCEDURE DOES NOT AFFECT THE VALIDITY OF THE LOCAL LAND USE DECISION. THE GOVERNMENTAL ENTITY AND PUBLIC MAY RELY ON THE LOCAL LAND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

USE DECISION IN GOOD FAITH FOR ALL PURPOSES UNTIL THE ACTION FOR JUDICIAL REVIEW IS RESOLVED.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 30, 2024