

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 10, 2026
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB26-1239 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 7 through 10 and substitute "is
2 defined in section 39-1-102 (1.6), ~~C.R.S.~~, and from ~~the alleys behind and~~
3 ~~from the sidewalk areas in front of such property at such time~~ ANY PUBLIC
4 RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPERTY TO THE EXTENT
5 THE CONDITION IS CAUSED BY THE PROPERTY OWNER OR OCCUPANT OR
6 ORIGINATES FROM THE PROPERTY, upon such notice, and in such manner
7 as the board of county".

- 8 Page 4, line 2, after "clerk" insert "AND RECORDER OR COUNTY
9 ATTORNEY".

- 10 Page 5, strike lines 12 through 15 and substitute "is defined in section
11 39-1-102 (1.6), ~~C.R.S.~~, and from ~~the alleys behind and from the sidewalk~~
12 ~~areas in front of such property at such time~~, ANY PUBLIC RIGHT OF WAY
13 IMMEDIATELY ADJACENT TO THE PROPERTY TO THE EXTENT THE
14 CONDITION IS CAUSED BY THE PROPERTY OWNER OR OCCUPANT OR
15 ORIGINATES FROM THE PROPERTY, upon such notice, and in such manner
16 as the board of county".

- 17 Page 7, strike line 9 and substitute ""affected land" is defined in ~~section~~
18 ~~34-32-103 (1.5), C.R.S.~~, SECTIONS 34-32-103 (1.5) AND 34-32.5-103 (1),
19 or on lands".

- 20 Page 8, line 11, after "recorder" insert "OR COUNTY ATTORNEY".

- 21 Page 10, line 2, strike "THREE THOUSAND" and substitute "TWO THOUSAND
22 SIX HUNDRED FIFTY".

1 Page 10, strike lines 4 through 6 and substitute "ACCORDANCE WITH THE
2 COUNTY ORDINANCE. EACH DAY THAT A VIOLATION".

3 Page 10, line 12, before "COUNTY" insert "CLERK AND RECORDER OR".

4 Page 10, after line 22 insert:

5 "(III) THE MINIMUM CIVIL PENALTY THAT THE COURT MAY IMPOSE
6 FOR A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO
7 IS ONE HUNDRED DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL
8 PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION.

9 THE PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE
10 HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND
11 VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM
12 PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX
13 HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE
14 CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT
15 AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A
16 PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM. THE COURT
17 MUST BASE THE DETERMINATION OF THE APPROPRIATE CIVIL PENALTY FOR
18 A VIOLATION OF A COUNTY BUILDING CODE OR AMENDMENT THERETO ON
19 THE FOLLOWING FACTORS:

20 (A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
21 AND WELFARE;

22 (B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

23 (C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
24 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

25 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
26 LAWS;

27 (E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
28 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

29 (F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

30 (G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

31 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
32 COURT."

33 Renumber succeeding subparagraphs accordingly.

34 Page 12, line 21, strike "(2)(d)(IV)" and substitute "(2)(d)(V)".

35 Page 13, line 3, strike "~~one~~ THREE" and substitute "one".

36 Page 14, line 8, strike "THREE THOUSAND" and substitute "TWO THOUSAND
37 SIX HUNDRED FIFTY".

1 Page 14, strike lines 22 through 25 and substitute "section 30-28-114
2 WHO has personal knowledge of any violation of this paragraph (b), he or
3 she SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED
4 DURING A REASONABLE INVESTIGATION shall give written notice to the
5 violator to correct".

6 Page 15, line 22, strike "(I)" and substitute "THE MINIMUM CIVIL PENALTY
7 THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY ZONING
8 ORDINANCE OR RESOLUTION OR AMENDMENT THERETO IS ONE HUNDRED
9 DOLLARS PER VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO
10 THOUSAND SIX HUNDRED FIFTY DOLLARS PER VIOLATION. THE
11 PRESUMPTIVE MAXIMUM PENALTY FOR A FIRST VIOLATION IS FIVE
12 HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND
13 VIOLATION IS ONE THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM
14 PENALTY FOR A THIRD OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX
15 HUNDRED FIFTY DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE
16 CIVIL PENALTY ON THE RECORD. IN CASES WHERE SUFFICIENT
17 AGGRAVATING FACTORS ARE PRESENT, THE COURT MAY IMPOSE A
18 PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE MAXIMUM."

19 Page 15, strike lines 26 and 27.

20 Page 16, strike lines 1 through 15 and substitute:

21 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
22 AND WELFARE;
23 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
24 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
25 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
26 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
27 LAWS;
28 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
29 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
30 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
31 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND
32 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
33 COURT."

34 Page 17, line 1, before "COUNTY" insert "CLERK AND RECORDER OR".

35 Page 20, line 18, strike "OFFENSE." and substitute "OFFENSE, AND THE
36 CIVIL PENALTY CONTINUES TO ACCRUE UNTIL THE VIOLATION IS
37 REMEDIED."

1 Page 20, strike lines 21 through 23 and substitute "30-28-114 WHO HAS
2 PERSONAL KNOWLEDGE OF ANY VIOLATION OF SUBSECTION (3)(a) OF THIS
3 SECTION BASED ON COMPETENT EVIDENCE ACQUIRED DURING A
4 REASONABLE INVESTIGATION SHALL GIVE WRITTEN NOTICE TO THE".

5 Page 22, line 21, strike "THREE THOUSAND" and substitute "TWO
6 THOUSAND SIX HUNDRED FIFTY".

7 Page 23, strike lines 19 through 22 and substitute "county building
8 inspector WHO has personal knowledge of any violation of the
9 requirements of ~~subparagraph (I) of this paragraph (b), he or she~~ THIS
10 SUBSECTION (1)(b)(II) BASED ON COMPETENT EVIDENCE ACQUIRED DURING
11 A REASONABLE INVESTIGATION shall give".

12 Page 24, line 19, strike "(I)" and substitute "THE MINIMUM CIVIL PENALTY
13 THAT THE COURT MAY IMPOSE FOR A VIOLATION OF A COUNTY BUILDING
14 CODE OR AMENDMENT THERETO IS ONE HUNDRED DOLLARS PER
15 VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX
16 HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM
17 PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE
18 PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE
19 THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD
20 OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY
21 DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON
22 THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE
23 PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE
24 PRESUMPTIVE MAXIMUM."

25 Page 24, strike lines 22 through 27.

26 Page 25, strike lines 1 through 10 and substitute:

27 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
28 AND WELFARE;

29 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

30 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
31 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

32 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
33 LAWS;

34 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
35 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

36 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

37 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

38 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE

- 1 COURT.".
- 2 Page 25, line 22, before "COUNTY" insert "CLERK AND RECORDER OR".
- 3 Page 28, line 13, strike "OPTING" and substitute "ADOPTING" and before
4 "COUNTY" insert "CLERK AND RECORDER OR".
- 5 Page 29, line 3, strike "THREE" and substitute "ONE".
- 6 Page 29, strike lines 21 through 23 and substitute "FUNCTIONS OF A
7 COUNTY BUILDING INSPECTOR WHO HAS PERSONAL KNOWLEDGE OF ANY
8 VIOLATION OF THIS REQUIREMENTS OF SUBSECTION (3)(a) OF THIS SECTION
9 BASED ON COMPETENT EVIDENCE ACQUIRED DURING A REASONABLE
10 INVESTIGATION".
- 11 Page 29, line 24, strike "SECTION,".
- 12 Page 32, line 12, strike "OR" and substitute "AND".
- 13 Page 33, line 3, strike "THREE THOUSAND" and substitute "TWO THOUSAND
14 SIX HUNDRED FIFTY".
- 15 Page 33, line 14, after "(c)" insert "THE MINIMUM CIVIL PENALTY FOR A
16 VIOLATION OF THIS ARTICLE 4 IS ONE HUNDRED DOLLARS PER VIOLATION,
17 AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX HUNDRED FIFTY
18 DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM PENALTY FOR A
19 FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE PRESUMPTIVE MAXIMUM
20 PENALTY FOR A SECOND VIOLATION IS ONE THOUSAND DOLLARS. THE
21 PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD OR SUBSEQUENT
22 VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY DOLLARS. THE COURT
23 MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON THE RECORD. IN
24 CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE PRESENT, THE
25 COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE PRESUMPTIVE
26 MAXIMUM.".
- 27 Page 33, strike lines 16 through 24 and substitute:
28 (I) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
29 AND WELFARE;
30 (II) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;
31 (III) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
32 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;
33 (IV) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
34 LAWS;

1 (V) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
2 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;
3 (VI) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;
4 (VII) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND
5 (VIII) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
6 COURT."

7 Page 34, line 1, before "COUNTY" insert "CLERK AND RECORDER OR".

8 Page 35, line 13, strike "THREE THOUSAND" and substitute "TWO
9 THOUSAND SIX HUNDRED FIFTY".

10 Page 35, line 18, after "(I)" insert "THE MINIMUM CIVIL PENALTY THAT
11 THE COURT MAY IMPOSE FOR A VIOLATION IS ONE HUNDRED DOLLARS PER
12 VIOLATION, AND THE MAXIMUM CIVIL PENALTY IS TWO THOUSAND SIX
13 HUNDRED FIFTY DOLLARS PER VIOLATION. THE PRESUMPTIVE MAXIMUM
14 PENALTY FOR A FIRST VIOLATION IS FIVE HUNDRED DOLLARS. THE
15 PRESUMPTIVE MAXIMUM PENALTY FOR A SECOND VIOLATION IS ONE
16 THOUSAND DOLLARS. THE PRESUMPTIVE MAXIMUM PENALTY FOR A THIRD
17 OR SUBSEQUENT VIOLATION IS TWO THOUSAND SIX HUNDRED FIFTY
18 DOLLARS. THE COURT MUST SPECIFY THE BASIS FOR THE CIVIL PENALTY ON
19 THE RECORD. IN CASES WHERE SUFFICIENT AGGRAVATING FACTORS ARE
20 PRESENT, THE COURT MAY IMPOSE A PENALTY THAT IS HIGHER THAN THE
21 PRESUMPTIVE MAXIMUM."

22 Page 35, strike lines 20 through 27.

23 Page 36, strike line 1 and substitute:

24 "(A) THE IMPACT OF THE VIOLATION ON PUBLIC HEALTH, SAFETY,
25 AND WELFARE;

26 (B) THE IMPACT OF THE VIOLATION ON NEIGHBORING PROPERTIES;

27 (C) THE VIOLATOR'S WILLINGNESS TO COMPLY WITH OR
28 DEMONSTRATED DISREGARD FOR THE APPLICABLE LAWS;

29 (D) THE VIOLATOR'S ABILITY TO COMPLY WITH THE APPLICABLE
30 LAWS;

31 (E) WHETHER THE VIOLATION IS THE USE OF THE PROPERTY FOR
32 ACTIVITIES PROHIBITED IN THE PROPERTY'S ZONE DISTRICT;

33 (F) WHETHER MULTIPLE VIOLATIONS EXIST ON THE PROPERTY;

34 (G) PRIOR VIOLATIONS BY THE VIOLATOR ON THE PROPERTY; AND

35 (H) ANY OTHER RELEVANT FACTORS DETERMINED BY THE
36 COURT."

37 Page 36, line 6, before "COUNTY" insert "CLERK AND RECORDER OR".

1 Page 38, lines 10 and 11, strike "OR DISTRICT ATTORNEY, AS
2 APPLICABLE,".

3 Strike "(2)(d)(III)" and substitute "(2)(d)(IV)" on: **Page 11**, lines 23 and
4 24; and **Page 12**, line 4.

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