

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

INTRODUCED

LLS NO. 19-0423.01 Bob Lackner x4350

SENATE BILL 19-225

SENATE SPONSORSHIP

Gonzales and Rodriguez, Foote, Moreno

HOUSE SPONSORSHIP

Lontine and Gonzales-Gutierrez, Duran, Galindo, Jackson, Singer, Sirota

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF LOCAL GOVERNMENTS TO STABILIZE**
102 **RENTS ON PRIVATE RESIDENTIAL 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>.)

The bill repeals existing statutory language prohibiting counties or municipalities (local governments) from enacting any ordinance or resolution that would control rent on either private residential property or a private residential housing unit (collectively, private residential property). The bill authorizes local governments to enact and enforce any ordinance, resolution, agreement, deed restriction, or other measure that

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.

would stabilize rent on private residential property.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 38-12-301 as follows:

4 **38-12-301. Authority of local governments to stabilize rent on**
5 **private residential real property - legislative declaration.** (1) THE
6 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

7 (a) IN 1981, THE GENERAL ASSEMBLY ENACTED LEGISLATION THAT
8 PROHIBITED COUNTIES AND MUNICIPALITIES, REFERRED TO IN THIS PART 3
9 AS "LOCAL GOVERNMENTS", FROM ENACTING ANY RESOLUTION OR
10 ORDINANCE THAT WOULD CONTROL RENT ON PRIVATE RESIDENTIAL REAL
11 PROPERTY OR PRIVATE RESIDENTIAL HOUSING UNITS.

12 (b) SINCE 2000, THE STATE'S NEED FOR AFFORDABLE HOUSING IN
13 ALL GEOGRAPHIC REGIONS HAS GROWN EXPONENTIALLY. AMONG OTHER
14 EFFECTS, THE IMMENSE DEMAND FOR AFFORDABLE HOUSING REPRESENTS
15 A SIGNIFICANT IMPEDIMENT TO ECONOMIC GROWTH AND OPPORTUNITIES
16 FOR RESIDENTS WITHIN THE STATE AS THE MAJORITY OF RENTERS IN
17 COLORADO ARE RENT-BURDENED AND, ACCORDINGLY, ARE CHALLENGED
18 IN THEIR ABILITY TO AFFORD THEIR RENT.

19 (c) THE DEMAND FOR AFFORDABLE HOUSING LIMITS THE ABILITY
20 OF THE STATE TO PROVIDE A HIGH-QUALITY LIFE FOR ALL ITS RESIDENTS
21 AND TO DEVELOP, ATTRACT, AND MAINTAIN A HIGH-QUALITY WORKFORCE.

22 (d) IN ADOPTING ITS MASTER PLANS, MUNICIPALITIES ARE
23 SPECIFICALLY DIRECTED BY SECTION 31-23-207 TO ACCOMPLISH "A
24 COORDINATED, ADJUSTED, AND HARMONIOUS DEVELOPMENT OF THE
25 MUNICIPALITY AND ITS ENVIRONS WHICH WILL, IN ACCORDANCE WITH

1 PRESENT AND FUTURE NEEDS, BEST PROMOTE HEALTH, SAFETY, ORDER,
2 CONVENIENCE, PROSPERITY, AND GENERAL WELFARE...
3 INCLUDING...AFFORDABLE HOUSING....".

4 (e) WHILE RENTAL HOUSING AFFORDABILITY IS AN ISSUE ACROSS
5 THE STATE, THE DYNAMICS FACING COLORADO COMMUNITIES DIFFER.
6 WHILE THE RENT INCREASES IN THE DENVER METROPOLITAN AREA ARE
7 WELL-DOCUMENTED, SUBURBAN CITIES ALSO STRUGGLE TO PROVIDE
8 HOUSING FOR RENTERS MOVING INTO THESE AREAS. FORT COLLINS AND
9 CITIES WITH LARGE NUMBERS OF UNIVERSITY STUDENTS HAVE STUDENT
10 POPULATIONS CONTENDING WITH RISING HOUSING COSTS. SKI
11 COMMUNITIES FACE HOUSING SHORTAGES FOR SEASONAL WORKERS, AND
12 SMALLER CITIES SUCH AS DURANGO ARE ALSO CONFRONTING
13 UNAFFORDABLE RENTAL HOUSING IN THEIR COMMUNITIES.

14 (f) THE INABILITY OF LOCAL GOVERNMENTS TO REGULATE
15 SKYROCKETING RENTS HAS LED TO RENTERS BEING DISPLACED FROM
16 DENVER AND OTHER LARGER COMMUNITIES INTO SMALLER SURROUNDING
17 COMMUNITIES WHOSE EXISTING HOUSING STOCK IS ILL-EQUIPPED TO MEET
18 INCREASED DEMAND. AS A RESULT, COUNTLESS COLORADO RENTERS ARE
19 UNABLE TO WORK IN CLOSE PROXIMITY TO THEIR PLACE OF EMPLOYMENT
20 WITH FAR-REACHING IMPACTS ON THE STATE.

21 (2) BY GIVING LOCAL GOVERNMENTS THE AUTHORITY TO ADOPT
22 THE TYPES OF HOUSING PROGRAMS AUTHORIZED BY SENATE BILL 19-____,
23 ENACTED IN 2019, THE GENERAL ASSEMBLY INTENDS TO GIVE LOCAL
24 GOVERNMENTS AN ADDITIONAL AND MEANINGFUL RESOURCE TO EXPAND
25 THE SUPPLY OF AFFORDABLE HOUSING IN THEIR COMMUNITIES AND TO
26 ENABLE LOW-INCOME AND WORKING-CLASS RESIDENTS TO LIVE IN THE
27 COMMUNITIES IN WHICH THEY WORK, THEREBY PREVENTING THE

1 DISPLACEMENT OF THESE RESIDENTS FROM THEIR COMMUNITIES.

2 (3) A LOCAL GOVERNMENT MAY ENACT AND ENFORCE ANY
3 ORDINANCE, RESOLUTION, AGREEMENT, DEED RESTRICTION, OR OTHER
4 MEASURE THAT WOULD STABILIZE RENT ON EITHER PRIVATE RESIDENTIAL
5 PROPERTY OR A PRIVATE RESIDENTIAL HOUSING UNIT.

6 **SECTION 2.** In Colorado Revised Statutes, **amend** 38-12-302 as
7 follows:

8 **38-12-302. Definitions.** As used in this part 3, unless the context
9 otherwise requires:

10 (1) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE
11 COUNTY, OR A MUNICIPALITY.

12 ~~(1)~~ (2) "Municipality" means a city or town and, in addition,
13 means a city or town incorporated prior to July 3, 1877, whether or not
14 reorganized, and any city, town, or city and county which has chosen to
15 adopt a home rule charter pursuant to ~~the provisions of~~ article XX of the
16 state constitution.

17 **SECTION 3. Act subject to petition - effective date.** This act
18 takes effect September 1, 2019; except that, if a referendum petition is
19 filed pursuant to section 1 (3) of article V of the state constitution against
20 this act or an item, section, or part of this act within the ninety-day period
21 after final adjournment of the general assembly, then the act, item,
22 section, or part will not take effect unless approved by the people at the
23 general election to be held in November 2020 and, in such case, will take
24 effect on the date of the official declaration of the vote thereon by the
25 governor.