

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

PREAMENDED

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

LLS NO. 25-0744.01 Richard Sweetman x4333

HOUSE BILL 25-1211

HOUSE SPONSORSHIP

Stewart R. and Lieder,

SENATE SPONSORSHIP

Bridges,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF WATER SERVICE BY SPECIAL**
102 **DISTRICTS, AND, IN CONNECTION THEREWITH, REQUIRING A**
103 **SPECIAL DISTRICT TO SATISFY CERTAIN REQUIREMENTS WHEN**
104 **ESTABLISHING THE AMOUNT OF A TAP FEE.**

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>.)

A tap fee is a fee that is paid by a developer or property owner in order to connect a property to a public water or sewer system. Current law allows the board (board) of any sanitation, water and sanitation, or water

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

district (water district) to impose and set the amount of a tap fee.

The bill states that a board has a duty to provide water service if the water district has the capacity to do so. The bill also requires a board, in determining the amount of a tap fee, to:

- Ensure that the amount of the tap fee is reasonably related to the costs incurred by the water district in providing water service, which may include costs relating to the acquisition of water rights; and
- Take into consideration as supporting a reduced or proportional tap fee at least 2 of the following factors:
 - Expected long-term water usage, both indoor and outdoor;
 - The square footage of the unit;
 - The presence of low-water-usage appliances, if applicable;
 - The number of bedrooms and bathrooms; and
 - The presence of graywater treatment works, if applicable.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-1006, **amend**
3 (1)(g); and **add** (9) as follows:

4 **32-1-1006. Water and sanitation or water districts - additional**
5 **powers - special provisions - definition.** (1) In addition to the powers
6 specified in section 32-1-1001, the board of any sanitation, water and
7 sanitation, or water district has the following powers for and on behalf of
8 such district:

9 (g) To fix and ~~from time to time to~~ ON OCCASION increase or
10 decrease tap fees IN ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION.
11 The board may pledge ~~such~~ revenue RAISED FROM THE IMPOSITION OF TAP
12 FEES for the payment of any indebtedness of the special district.

13 (9) (a) THE BOARD OF A WATER AND SANITATION OR WATER
14 DISTRICT HAS A DUTY TO PROVIDE WATER SERVICE IF THE SPECIAL
15 DISTRICT HAS THE CAPACITY TO DO SO; EXCEPT THAT THIS SUBSECTION

1 (9)(a) DOES NOT APPLY TO SERVICE THAT IS PROVIDED OUTSIDE A
2 DISTRICT'S BOUNDARIES OR SERVICE AREA PURSUANT TO A CONTRACT.
3 THE TERMS OF SUCH A CONTRACT GOVERN THE TERMS OF SUCH
4 EXTRATERRITORIAL SERVICE. AS USED IN THIS SUBSECTION (9)(a),
5 "CAPACITY" INCLUDES CONSIDERATION OF THE PHYSICAL CAPACITY OF A
6 DISTRICT'S EXISTING INFRASTRUCTURE; THE LEGAL CAPACITY OF THE
7 DISTRICT, INCLUDING BUT NOT LIMITED TO THE SUFFICIENCY OF A
8 DISTRICT'S EXISTING WATER RIGHTS TO PROVIDE WATER OR SEWER
9 SERVICE TO NEW CUSTOMERS; AND A DISTRICT'S FINANCIAL CAPACITY TO
10 FUND ALL REQUIRED INFRASTRUCTURE AND WATER RIGHTS WITHOUT
11 CREATING DETRIMENT OR HARM TO EXISTING CUSTOMERS.

12 (b) IN DETERMINING THE AMOUNT OF A TAP FEE AS DESCRIBED IN
13 SUBSECTION (1)(g) OF THIS SECTION, THE BOARD OF A WATER AND
14 SANITATION OR WATER DISTRICT SHALL:

15 (I) ENSURE THAT THE AMOUNT OF THE TAP FEE IS REASONABLY
16 RELATED TO ALL COSTS INCURRED BY THE DISTRICT IN FUNDING AND
17 PROVIDING WATER OR SANITATION SERVICE, WHICH COSTS MAY INCLUDE
18 COSTS RELATING TO INFRASTRUCTURE CONSTRUCTION AND ACQUISITION,
19 INCLUDING PERMITTED CAPACITIES FOR SUCH INFRASTRUCTURE, AS WELL
20 AS COSTS ASSOCIATED WITH WATER RIGHTS PLANNING AND THE
21 ACQUISITION AND DEVELOPMENT OF WATER RIGHTS, BUT WHICH COSTS DO
22 NOT INCLUDE COSTS RELATED TO ONGOING OPERATIONS, MAINTENANCE,
23 AND USAGE THAT IS CONSIDERED ROUTINE MONTHLY BILLING; AND

24 (II) BASED ON APPLICABLE PLUMBING CODES AND LAND USE
25 JURISDICTIONAL REQUIREMENTS, APPLY AT LEAST ONE OF THE FOLLOWING
26 FACTORS IN SUPPORTING THE CALCULATION AND SETTING OF
27 PROPORTIONAL OR REDUCED FEES:

1 (A) EXPECTED LONG-TERM WATER USAGE, BOTH INDOOR AND
2 OUTDOOR, INCLUDING THE EXISTENCE OF NONNATIVE TURF GRASS AND
3 USE OF WATER-WISE LANDSCAPING, WITH AN EMPHASIS ON NATIVE
4 PLANTS;

5 (B) THE SQUARE FOOTAGE OF THE UNIT OR THE NUMBER OF
6 BEDROOMS IN THE UNIT;

7 (C) THE PRESENCE OF LOW-WATER-USAGE APPLIANCES, IF
8 APPLICABLE;

9 (D) PER-UNIT FIXTURE COUNTS IN BATHROOMS, KITCHENS, AND
10 OTHER SPACES, INTERIOR AND EXTERIOR, THAT PROVIDE WATER OR
11 SANITATION SERVICE; AND

12 (E) THE PRESENCE OF GRAYWATER TREATMENT WORKS, AS
13 DEFINED IN SECTION 25-8-103 (8.4) AND AS MAY BE AUTHORIZED WITHIN
14 THE DISTRICT BOUNDARIES.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.