

CHAPTER 168

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 99-011

BY SENATORS Matsunaka, Blickensderfer, Evans, Hernandez, Reeves, Rupert, and Weddig;
also REPRESENTATIVES Kaufman, Bacon, Clarke, Coleman, Gagliardi, George, Grossman, Larson, Leyba, Mace, Miller, Plant,
Scott, Swenson, Tapia, Tochtrop, Tupa, Veiga, and Windels.

AN ACT

CONCERNING THE AUTHORITY OF A SPECIAL DISTRICT TO WAIVE CHARGES AGAINST PROPERTY WITHIN
THE DISTRICT FOR THE PURPOSE OF FACILITATING AFFORDABLE HOUSING.

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

SECTION 1. 32-1-1001 (1) (j), Colorado Revised Statutes, is amended to read:

32-1-1001. Common powers. (1) For and on behalf of the special district the board has the following powers:

(j) (I) To fix and from time to time to increase or decrease fees, rates, tolls, penalties, or charges for services, programs, or facilities furnished by the special district; except that fire protection districts may only fix fees and charges as provided in section 32-1-1002 (1) (e). The board may pledge such revenue for the payment of any indebtedness of the special district. Until paid, all such fees, rates, tolls, penalties, or charges shall constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of this state for the foreclosure of mechanics' liens.

(II) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, THE BOARD MAY WAIVE OR AMORTIZE ALL OR PART OF THE TAP FEES AND CONNECTION FEES OR EXTEND THE TIME PERIOD FOR PAYING ALL OR PART OF SUCH FEES FOR PROPERTY WITHIN THE DISTRICT IN ORDER TO FACILITATE THE CONSTRUCTION, OWNERSHIP, AND OPERATION OF AFFORDABLE HOUSING ON SUCH PROPERTY, AS SUCH AFFORDABLE HOUSING IS DEFINED BY RESOLUTION ADOPTED BY THE BOARD. HOWEVER, THE BOARD SHALL HAVE THE AUTHORITY TO CONDITION SUCH WAIVER, AMORTIZATION, OR EXTENSION UPON THE RECORDATION AGAINST THE PROPERTY OF A DEED RESTRICTION, LIEN, OR OTHER LAWFUL INSTRUMENT REQUIRING THE PAYMENT OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUCH FEES IN THE EVENT THAT THE PROPERTY'S USE AS AFFORDABLE HOUSING IS DISCONTINUED OR NO LONGER MEETS THE DEFINITION OF AFFORDABLE HOUSING AS ESTABLISHED BY THE BOARD.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 7, 1999