

CHAPTER 208

PROPERTY

HOUSE BILL 10-1017

BY REPRESENTATIVE(S) Kagan, Gagliardi, Casso, Fischer, Hullinghorst, Kefalas, Labuda, Levy, Ryden, Weissmann, Pommer, Vigil;
also SENATOR(S) Boyd, Carroll M., Hudak, Sandoval, Schwartz, Shaffer B., Steadman.

AN ACT

CONCERNING AUTHORIZATION FOR CERTAIN PUBLIC ENTITIES TO ENTER INTO VOLUNTARY AGREEMENTS AFFECTING RENT ON PRIVATE RESIDENTIAL PROPERTY.

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

SECTION 1. 38-12-301, Colorado Revised Statutes, is amended to read:

38-12-301. Control of rents by counties and municipalities prohibited.

(1) The general assembly finds and declares that the imposition of rent control on private residential housing units is a matter of statewide concern; therefore, no county or municipality may enact any ordinance or resolution ~~which~~ THAT would control ~~rents~~ RENT on EITHER private residential property OR A PRIVATE RESIDENTIAL HOUSING UNIT.

(2) FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION, AN ORDINANCE OR RESOLUTION THAT WOULD CONTROL RENT ON EITHER PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE RESIDENTIAL HOUSING UNIT SHALL NOT INCLUDE:

(a) A VOLUNTARY AGREEMENT BETWEEN A COUNTY OR MUNICIPALITY AND A PERMIT APPLICANT OR PROPERTY OWNER TO LIMIT RENT ON THE PROPERTY OR UNIT OR THAT IS OTHERWISE DESIGNED TO PROVIDE AFFORDABLE HOUSING STOCK; OR

(b) THE PLACEMENT ON THE TITLE TO THE UNIT OF A DEED RESTRICTION THAT LIMITS RENT ON THE PROPERTY OR UNIT OR THAT IS OTHERWISE DESIGNED TO PROVIDE AFFORDABLE HOUSING STOCK PURSUANT TO A VOLUNTARY AGREEMENT BETWEEN A COUNTY OR MUNICIPALITY AND A PERMIT APPLICANT OR PROPERTY OWNER TO PLACE THE DEED RESTRICTION ON THE TITLE.

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

(3) AN AGREEMENT AUTHORIZED PURSUANT TO SUBSECTION (2) OF THIS SECTION MAY SPECIFY HOW LONG EITHER PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE RESIDENTIAL HOUSING UNIT IS SUBJECT TO ITS TERMS, WHETHER A SUBSEQUENT PROPERTY OWNER IS SUBJECT TO THE AGREEMENT, AND REMEDIES FOR EARLY TERMINATION AGREED TO BY BOTH THE PERMIT APPLICANT OR PROPERTY OWNER AND THE COUNTY OR MUNICIPALITY.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COUNTY OR MUNICIPALITY MAY NOT DENY AN APPLICATION FOR A DEVELOPMENT PERMIT AS DEFINED IN SECTION 29-20-103 (1), C.R.S., BECAUSE AN APPLICANT FOR SUCH A PERMIT DECLINES TO ENTER INTO AN AGREEMENT TO LIMIT RENT ON EITHER PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE RESIDENTIAL HOUSING UNIT.

(5) This section is not intended to impair the right of any state agency, county, or municipality to manage and control any property in which it has an interest through a housing authority or similar agency.

SECTION 2. Act subject to petition - specified effective date - applicability.

(1) This act shall take effect September 1, 2010; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) The provisions of this act shall apply to agreements entered into before, on, or after the applicable effective date of this act.

Approved: May 6, 2010