

**House Transportation, Housing & Local Government**

**02/27/2024 01:30 PM**

**HB24-1107 Judicial Review of Local Land Use Decision**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
<p>Karen Kalavity Against themselves</p>	<p>Well, if the developers don't already have enough power to screw over land, people, wildlife habitat, etc., this bill will certainly do the trick.</p> <p>Let's consider how much of our housing problem emanated in 2008-2012, when homebuilders and the banks did some funny calculations (and loans) that caused MILLIONS of people to lose their homes to foreclosure and bankruptcies. This was called the RECESSION, and it was CREATED by Builders like Lennar Homes and big banks. We are still feeling the effects to this day.</p> <p>So, the solution?</p> <p>Let developers and banks "SOLVE the housing problem" by ignoring any and all local building codes, standards, spatial and landscaping requirements so that they can BUILD, BUILD, BUILD without any checks and balances?</p> <p>I think NOT!</p> <p>All it has resulted in is higher housing costs all around, even in neighborhoods that were previously affordable. In fact, the effect is just the opposite, as builders take land screw it over without oversight and build for the sake of market rate profit with only a handful of "affordable houses" actually ever making it to market. This is even though that is how all these "clowns" get the city council approvals in the first place: "OH, we are meeting the supply portion in the SUPPLY AND DEMAND MODEL and are providing all this so-called affordable housing!" ... Garbage!</p> <p>These developers are simply using up finite resources like land, water, building materials such as lumber (further decimating our nation's carbon-sequestering forests) and screwing over the land and the native residents (including the native wildlife) and making it more expensive for anyone to actually live here by allowing current and more expensive construction costs to override any other basis for home prices. Forget about the fact that actual design goes out the</p>

	<p>window, hey what typical city council person actually even knows how to read a blueprint or a grading plan, but is given the "privilege" of approving any and all garbage development plans a developer puts in front of them? By the way, many of these city council members (city managers, county commissioners, etc.) actually get into office by way of exaggerated campaign contributions from homebuilders, developers, etc.</p> <p>No, we need checks and balances by concerned citizens.</p> <p>This proposed rule change sucks!</p> <p>Sincerely, Karen Kalavity</p>
<p>Charles Kopp Against themselves</p>	<p>Dear Representatives:</p> <p>I strongly urge you to vote against HB24-1107. I know it's part of what's probably a well-intentioned strategy to provide more needed housing by making it easier to increase the supply. But I'm first of all very disturbed by a Draconian approach that gives the state such authority in housing issues. I also don't think that this scheme would result in more affordable housing---the real need---because developers, who are no doubt big proponents and influencers with this bill, would probably be able to build more of the type of housing most profitable to them, without most of it being more "affordable."</p> <p>This bill is blatantly too developer-friendly, and developers should never have a big financial advantage over citizens by not having to pay legal fees in lawsuits that citizen groups would. Let's keep the playing field level!</p> <p>I believe that the only way to remedy the affordable housing problem, which it seems just about every place in the nation is facing to some degree, is to really target building the type of housing that really is more affordable, and in the right places; instead of a shotgun, market, and big supply side approach that can easily miss the target. Providing appropriate subsidies could be part of a better approach, and let's use our heads to come up with other more creative alternatives to the Draconian state plan in the making.</p> <p>Colorado's housing problem must have a lot to do with it being a victim of its own success in drawing a lot of people here. And to preserve our special environment and quality of life we should focus</p>

	<p>on the needs of people already here in housing and other areas, and NOT adopt policies that encourage a lot more people to move here. Of course, the developers and investors who see only dollar signs would love that, but why should we let them have their way?</p> <p>The great numbers of us who care about preserving our environment and quality of life will be watching how you all vote on 1107 and related bills.</p> <p>Sincerely,</p> <p>Charles Kopp Fort Collins charleskopp01@gmail.com</p>
<p>Trudy Haines Against themselves</p>	<p>Dear House Transportation, Housing and Local Government Committee,</p> <p>Please vote NO on HB24-1107. It would make ordinary residents, liable for the local government's and developer's legal costs if not prevailing in a Rule 106 appeal in court. In contrast, land developers would NOT have to pay legal costs if they lose. How is this remotely acceptable or democratic?</p> <p>Please, do not take away the average citizen's right to legal recourse. Regular citizens have an horrific time of paying their own legal fees, let alone a developer's. This bill is a developer's dream--it gives them all the power.</p> <p>Regardless of how this bill is amended, it will end equal protection under the law. Please vote no. Thank you for your service, we are depending on you to represent all citizens.</p> <p>Trudy Haines</p>

	<p>Fort Collins CO 80526</p>
<p>Glen Colton Against themselves</p>	<p>I have been a resident of Fort Collins since 1980 and am greatly disturbed by the rampant growth that has and continues to crowd Colorado - especially the Front Range.</p> <p>Please vote NO on HB24-1107. This is a terrible bill that would open the floodgates for even more rapid and uncontrolled development in Colorado - if that is possible. Residents already believe that growth in Colorado is out of control and wants the government to help reduce growth. This bill would do just the opposite. It would make ordinary residents liable for the local government's and developer's legal costs if not prevailing in a Rule 106 appeal in court. In contrast, land developers would NOT have to pay legal costs if they lose. How is this remotely acceptable or democratic?</p> <p>Please, do not take away the average citizen's right to legal recourse. Regular citizens have a horrific time raising money to pay their own legal fees, let alone a developer's. This bill is a developer's dream--it gives them all the power.</p> <p>Regardless of how this bill is amended, it will end equal protection under the law. Please vote no. Thank you for your service, we are depending on you to represent all citizens.</p> <p>Glen Colton Fort Collins CO 80526</p> <p>more info:</p> <p>The main result of this law, if passed, would effectively mean the end of ordinary citizens' rights to legal recourse. Citizen groups can barely muster their own legal fees, let alone those of developers. Citizen groups hold bake sales to raise money. And while developers have the financial reserves to risk the potential liability for an opponent's legal fees, citizen groups do not. So, regardless of how it's spun or tweaked, we ask legislators to recognize the hard reality of this bill - it will result in the complete termination of citizen access to legal</p>

	<p>recourse. As such, it will end equal protection under the law - not for wealthy developers - but for the everyday citizens who elected you to serve all the people, not just the most powerful and wealthy. It represents a huge step toward corporatocracy, that is, rule by the corporation – coupled with diminishing the role and power of citizens to the point of oblivion.</p>
<p>Celia Greenman Against themselves</p>	<p>The main result of this law, if passed, would effectively mean the end of ordinary citizens’ rights to legal recourse. Citizen groups can barely muster their own legal fees, let alone those of developers. Citizen groups hold fund raisers in brew pubs to raise money. And while developers have the financial reserves to risk the potential liability for an opponent’s legal fees, citizen groups do not. The hard reality of this bill - it will result in the termination of citizen access to legal recourse. As such, it will end equal protection under the law - not for wealthy developers - but for the everyday citizens who elected you to serve all the people, not just the most powerful and wealthy. It represents a huge step toward corporatocracy, that is, rule by the corporation – coupled with diminishing the role and power of citizens to the point of oblivion.</p> <p>What exactly is the purpose of this bill? Colorado already has statute CRS 13-17-102 which is designed to prevent frivolous lawsuits. It applies when a court determines a lawsuit is either: 1) frivolous- meaning there is no valid legal theory or extension of current law that could be successful, or 2) groundless- meaning there is absolutely no evidence to support the claims, or 3) vexatious- meaning it is brought just to harass the other party. By contrast, HB24-1107 would require the court to award fees in all cases to a defendant who prevails, even if the claims were based on a good legal theory, supported by evidence, and brought in good faith.</p>
<p>Alana Miller Amend Natural Resources Defense Council (NRDC)</p>	<p>HB24-1107– Judicial Review of Local Land Use Decision</p> <p>Testimony by Alana Miller</p> <p>February 27, 2024</p> <p>Thank you for the opportunity to submit testimony today on behalf of Natural Resources Defense Council (NRDC).</p>

	<p>We are very concerned about this bill and cannot support it unless the scope is significantly reduced to focus on the type of land use and housing we actually want to promote – affordable, multi-family, and mixed-use.</p> <p>As written, and even with proposed amendments, this bill threatens to strip a community’s ability to push back on harmful land use decisions. There is some land use we want to encourage, but many more one-off examples of land use that communities should be able to question.</p> <p>Without limitations on the bill, neighborhoods would be unable to afford to appeal the siting of polluting industry in their backyard, and communities would be unable to revisit a warehouse on top of sensitive habitat, to offer a couple examples.</p> <p>Even to limit this bill to housing is far too broad. For the past two years, the legislature and state leaders have been grappling with the impacts of bad housing policies that make it unaffordable to live in Colorado, that put our communities predictably in the path of wildfires, and that exacerbate climate change and dangerous air pollution.</p> <p>I think we can all admit that mistakes have been made and that communities need the ability to thoughtfully reconsider some decisions.</p> <p>We were told this bill's purpose is to ensure that proposals for more density and affordable housing are not blocked by NIMBY naysayers. It could be a backstop to protect some of the reforms that will hopefully be made by other land use policies this session.</p> <p>If that is the case, then let’s make the bill limited to the things we are trying to promote, not swing the door wide open to harmful projects with no recourse. This bill could be a developer’s dream, protecting any and all proposals, like sprawling subdivisions in the wildland urban interface, or mega-mansions in wildlife corridors.</p>
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	<p>I urge the bill to be amended solely for multi-family, mixed-use, and affordable housing, otherwise we will be forced to oppose.</p> <p>Thank you for your consideration.</p> <p>Alana Miller Colorado Policy Director Climate &amp; Energy Program Natural Resources Defense Council (NRDC)</p>
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Hello Sponsors of HB24-1107 and Transportation, Housing & Local Government Committee Members

Please vote NO and don't advance this bill out of committee.

Please consider who, in the triad of government, developers and residents, have the funds and attorneys on retainer to bring or fight a judicial review of a local land use decision.

Local governments, at taxpayer expense - in fact the very taxpayers who support the local government with their taxes and fees paid, and developers do! Not to mention paid lobbyists working to continue to take away the rights of local residents with this bill.

The City of Fort Collins, where I live, has 3 lobbyists working on this bill. and of course the Colorado Bankers Association, Colorado Contractors Association, National Association Industrial Office Properties, Rocky Mountain Home Association, to name a few, lobbying in support of the bill.

This is a Chamber of Commerce, developer and local government promoted bill to discourage local residents from bringing actions for judicial review on land use decisions. Local residents are the very parties in these actions who don't have attorneys on retainer and \$\$\$\$ to not only pay their expenses for the judicial review but pay the attorney fees and expenses of developers and local government and the members of the above noted organizations.

When did Democratic electeds start working so hard for corporate housing, financiers and developers?

Losing a decision does not make the claim against a local government frivolous. And why doesn't the land use applicant have to pay attorney fees if they lose the judicial review? This is so unfair and autocratic on the government's part. Governments and developers don't have more rights than local residents.

Northern Water is monitoring this bill. Northern Water wants to build a huge reservoir near where the Poudre River exits the mountains to take water out of the Poudre for cities on the eastern plains. If this bill passes, the implications for local residents and environmental protection advocates are dire. And how will this bill affect actions brought against entities such as the government and Northern Water which have eminent domain powers?

And why is affordable housing mentioned in the FAQs of the bill? Many if not most Colorado governments aren't requiring or building inclusionary affordable housing in developments, including Fort Collins. Of the thousands of housing units developed and in the process of development in Fort Collins, almost all are market rate housing units. It's all carrots, which developers aren't interested in, and no sticks. Developers don't care about affordable housing, they want to develop market rate housing. So many years have been wasted by Fort Collins not requiring affordable inclusionary housing in all developments.

But of course, because the government can, it looks to reduce the rights of its residents rather than truly address the affordable housing issue.

Please vote NO and don't advance this bill out of committee.

**HB24-1107 VOTE NO**

Joan Poston to dan.graeve

02/26/2024 09:03 AM

to Committee members of the Transportation committee.

Please vote no on this bill. This bill strives to place more restrictions on the people's right to private property. This is a liberty that can not be denied. America is for the people and life, liberty, and the pursuit of happiness. To make the people pay for both sides is not justice. This bill is unjust and is an example of government overreach.

VOTE NO

THANK YOU

Joan Poston

Sent from my iPhone



Bill HB24-1107Mary Alagna to dan.graeve 02/22/2024 10:07 AM

Please vote No on bill HB24-1107

The community does not want the warehouse in the neighborhood. No more land destruction!



HB24-1107Sue to dan.graeve 02/24/2024 07:21 AM

**I am asking you to vote down HB24-1107.**

**This bill is:**

- **Unfair.** If communities have to pay both their own and their opponent's legal expenses, why aren't developers also required to pay if they lose?
- **Unusual.** It punishes residents for participating in public decision making. Reimbursement of legal fees in this kind of case are not typical in the American court system.
- **Unequal.** This bill sets up a system where only the wealthy can afford to appeal land use decisions and risk having to pay their legal costs (\$30-\$50K) as well as their opponents'.
- **Undermining Oversight.** This bill will gut citizens' ability to hold local governments accountable for abiding by the law when making industrial, commercial, and residential land use decisions. Communities have brought to light illegal activities by using Rule 106(a)(4) appeal.

**Thank you**

Susan Sturbaum

Sent from my iPhone



HB24-1107Caitlin Sale to dan.graeve 02/24/2024 09:44 AM

Mr. Graeve,

I am asking you and your committee members to vote down HB24-1107.

This bill is:

- Unfair. If communities have to pay both their own and their opponent's legal expenses, why aren't developers also required to pay if they lose? This is a dangerous step towards removing power from community members to have a voice in issues immediately effecting where they live and work. This lack of balance is unacceptable.
- Unusual. It punishes residents for participating in public decision making. Reimbursement of legal fees in this kind of case are not typical in the American court system and places an extreme burden on those with the least means, when we are simply advocating for our communities.
- Unequal. This bill sets up a system where only the wealthy can afford to appeal land use decisions and risk having to pay their legal costs (\$30-\$50K) as well as their opponents'. It is further separating the power of businesses over everyday citizens.
- Undermining Oversight. This bill will gut citizens' ability to hold local governments accountable for abiding by the law when making industrial, commercial, and residential land use decisions, despite the impact these decisions can have on the functionality, safety, and health of the community. Communities have brought to light illegal activities by using Rule 106(a)(4) appeal.

Please consider carefully the repercussions of such a drastic and imbalanced bill, particularly as it sets precedent for businesses to take priority over people. Vote no and protect the voices of the community. One day when you will wish you had.

Thank you for your attention to this important matter.  
Caitlin Sale



HB24-1107Roger Schulte to dan.graeve 02/24/2024 12:03 PM

**I am asking you to vote down HB24-1107.**

Sent from my iPhone

**Bill HB 24-1107**

**Susan Kavanaugh** to dan.graeve

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02/25/2024 09:51 AM

I don't agree with this bill - I think both sides should pay their own legal bills whatever the ruling is.

Sent from my iPhone

**HB24-1107****Elizabeth Haselwood** to dan.graeve

02/25/2024 02:02 PM

Cc meg.froelich.house, marc.catlin.house, andrew.boesenecker.house, lisa.frizell.house,  
tisha.mauro.house, alex.valdez.house, don.wilson.house, mandy.lindsay.house,  
Iman.Jodeh.house, jennifer.parenti.house, stephanie.vigil.house

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Dear representative,

I am a resident of Ralley Valley Estates in Arvada and I am writing to ask you to vote down HB24-1107 for the following reasons.

This bill is:

· Unfair. If communities have to pay both their own and their opponent's legal expenses, why aren't developers also required to pay if they lose?

· Unusual. It punishes residents for participating in public decision making. Reimbursement of legal fees in this kind of case are not typical in the American court system.

· Unequal. This bill sets up a system where only the wealthy can afford to appeal land use decisions and risk having to pay their legal costs (\$30-\$50K) as well as their opponents'.

· Undermining Oversight. This bill will gut citizens' ability to hold local governments accountable for abiding by the law when making industrial, commercial, and residential land use decisions. Communities have brought to light illegal activities by using Rule 106(a)(4) appeal.

I am very grateful for the work that Ralston Valley Coalition has done politically to preserve the quality of life and sense of community developing in west arvada. This bill would make it impossible for them to continue advocating for the kind of community living that I prefer. I appreciate your attention and time and service to our state.

Respectfully,  
Elizabeth A Haselwood, MSN, PMHNP-BC  
Resident of Arvada  
303-547-2221

**HB1107**

**7077clan** to dan.graeve

02/26/2024 11:02 AM

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To all legislators;

This bill is NOT okay at all. We, homeowners, should not be penalized for wanting to express our discord of businesses encroaching on our life. To not halt the building of a said property is ludicrous. What is the point of even having a representative at all. Businesses can buy you!!!!

Nancy Fjugstad  
8320 Taft St  
Arvada, CO 80005

Sent from my iPhone

**HB24-1107**

**sally payne** to dan.graeve@coleg.gov

02/26/2024 07:42 PM

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We strongly oppose this bill and ask you to vote against it.

Thank you,  
Dennis and Sally Payne  
Residents of Jefferson County for 26 years

**HB24-1107**

**Tony Coulson** to: dan.graev

02/21/2024 08:53 AM

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I oppose HB24-1107. Please do not let this short sighted piece of legislation pass.

Thank you,  
Tony Coulson  
Ft Collins  
80521



I am asking you to vote down HB24-1107Phil Lankford to dan.graeve@coleg.gov  
02/27/2024 08:08 AM

Hello

I am asking you to vote down HB24-1107. This bill is: · Unfair. If communities have to pay both their own and their opponent's legal expenses, why aren't developers also required to pay if they lose? · Unusual. It punishes residents for participating in public decision making. Reimbursement of legal fees in this kind of case are not typical in the American court system. · Unequal. This bill sets up a system where only the wealthy can afford to appeal land use decisions and risk having to pay their legal costs (\$30-\$50K) as well as their opponents'. · Undermining Oversight. This bill will gut citizens' ability to hold local governments accountable for abiding by the law when making industrial, commercial, and residential land use decisions. Communities have brought to light illegal activities by using Rule 106(a) (4) appeal

I am on the Ralston Valley Coalition and this bill is not good for anyone! Please vote this down...

Phil Lankford  
lankpjm@yahoo.com



No on Bill HB24-1107Lauren Stelley to dan.graeve 02/24/2024 08:03 AM

**I am asking you to vote down HB24-1107.**

**That Bill is:**

**Unfair.** If communities have to pay both their own and their opponent's legal expenses, why aren't developers also required to pay if they lose?

**Unusual.** It punishes residents for participating in public decision making. Reimbursement of legal fees in this kind of case are not typical in the American court system.

**Unequal.** This bill sets up a system where only the wealthy can afford to appeal land use decisions and risk having to pay their legal costs (\$30-\$50K) as well as their opponents'.

**Undermining Oversight.** This bill will gut citizens' ability to hold local governments accountable for abiding by the law when making industrial, commercial, and residential land use decisions. Communities have brought to light illegal activities by using Rule 106(a)(4) appeal.

The Stelley's  
Sent from my iPhone



No to HB24-1107n menz to dan.graeve 02/26/2024 07:03 PM

**I am asking you to vote down HB24-1107.**

Sent from my iPhone

**Re: HB24-1107**  
**kathleen paulsen** to: dan.graeve

02/20/2024 05:03 PM

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Dear Sir,

Please Kill this bill that gives housing developers more rights than we the people! The monied corporations and individuals must be able to be held accountable. It is the American way to strive for equality for ALL.

Thank you.

Kathleen Paulsen  
1335 W Elizabeth St.  
Fort Collins CO 80521

"Let us give Nature a chance; she knows her business better than we do".  
Michel Eyquem de Montaigne



February 16, 2024

**RE: HB24-1107 - Judicial Review of Local Land Use Decisions:  
SUPPORT**

Dear Madam Chair and Members of the House Transportation, Housing and Local Government Committee:

My name is Jo Feder and I am a Volunteer Lobbyist with the League of Women Voter of Colorado's Legislative Action Committee. **I am writing in support of HB24-1107, on behalf of the League of Women Voters of Colorado.**

The League of Women Voters of Colorado (LWVCO) has been a nonpartisan organization for 104 years, encourages informed and active participation in government, and influences public policy through education and advocacy. Our membership spans the state of Colorado with 20 local leagues operating in several regions around the state.

The LWVCO supports policies to provide a decent home and suitable living environment for every person, and equal rights and equal opportunity for all.

Rule 106 of the Colorado Rules of Civil Procedure permits appeals by plaintiffs who feel that the local government abused its discretion in approving land use permits.. It has also been used by opponents of an approved project to slow or stop a project at little or no cost to the plaintiff to file the appeal. The award of attorney fees when plaintiff's appeal is denied specifically applies to land use decisions, not all circumstances in which Rule 106 appeals can be filed but will be a deterrent to dissuade Rule 106 that are unlikely to be successful while protecting legally-approved developments.

As an organization that represents voters, we believe that this bill protects the right of voters and community member to appeal land use decisions if they truly believe that their local government did so improperly, while also deterring bad faith appeals that can slow down or stop the development that we desperately need to address the affordable housing crisis.

**We urge the committee member to vote YES on HB24-1107.** Thank you for your consideration of this important bill.

Respectfully,  
Jo Feder, Volunteer Lobbyist, Housing  
Legislative Action Committee  
League of Women Voters of Colorado  
1410 Grant Street, Suite B-204  
Denver, CO 80203