



## GET THE MUNICIPAL GOVERNMENT PERSPECTIVE

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## NEWS RELEASE

For immediate release

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### **CML Executive Director Available to Discuss Opposition to Amendment 74**

**September 17, 2018, Denver, CO** – Because of the unknown consequences and severe fiscal and administrative impacts of Amendment 74 both upon the state and municipalities, the Colorado Municipal League (CML) opposes Amendment 74.

Amendment 74 is a change to the Colorado Constitution, requiring either the state or any local government to award “just compensation” to an owner of private property when a government law or regulation reduces the property’s “fair market value.” It is self-executing and effective upon the Governor’s declaration.

#### **Municipal Impact**

“Takings” law is well settled in Colorado, primarily as a result of the current language in our Constitution, which dates back to 1876, when Colorado was admitted into the Union of States. In fact, our language even goes beyond the federal 5<sup>th</sup> Amendment because Colorado’s provision also covers damages, viewed as diminishing “economic value.” The notion of “fair market value” is a new variable, not defined, and likely can’t be further clarified because it is in the Constitution. No flexibility is granted to the General Assembly to implement this measure. Thus, only the State Supreme Court will be left to adjudicate such matters.

Every municipal policy decision which turns on zoning, land use, liquor, marijuana and other forms of licensing, ordinance enforcement to protect public safety, affordable housing initiatives, environmental protection (especially when mandated by state or federal regulation), urban renewal and redevelopment, right to farm ordinances, governmental decision making moratoria on certain industrial uses and prohibitions of undesirable uses such as an adult entertainment business in a neighborhood all will be subject to attack when a plaintiff alleges such a governmental action or regulation reduces a property’s fair market value.

The amendment does not specify which regulations are implicated. Litigation costs will be significant, and definitely affect city and town budgets in a manner that existing programs and services may well be constricted or eliminated. Impacts upon municipal decision making will be extensive and damaging.

There will be major consequences upon various state agencies like CDOT, DNR, and CDPHE.

A whole new system of courts resolving property disputes may be required. This language will be the preferred legal “weapon of choice” for one property owner to sue another property owner. There is no levelling of the playing field for the “little guy” in this measure. Those with deep pockets will surely take advantage of 74 and go as far as they can.

**CML executive director Sam Mamet is available to discuss this amendment with members of the media. Contact him at (303) 831-6411 or at [smamet@cml.org](mailto:smamet@cml.org) to schedule a time to interview him.**

CML is a nonprofit, nonpartisan organization established in 1923 and represents the interests of 270 cities and towns. For more information on the Colorado Municipal League, please visit [www.cml.org](http://www.cml.org) or call 303-831-6411.

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