



COLORADO  
MUNICIPAL  
LEAGUE

# Newsletter

Vol. 45, No. 11, May 24, 2019

## Immediate Attention: New Laws Affecting Municipalities

The First Regular Session of the 72nd General Assembly adjourned *sine die* on May 3. CML would like to bring to the attention of our members several new laws that have an immediate impact on municipal interests. Short summaries of the bills are listed below. Several bills await final action by Gov. Jared Polis and are not effective unless signed or become law without his signature.

If you have any questions, contact the lobbyist indicated in the summary by email: Kevin Bommer (kbommer@cml.org), Morgan Cullen (mcullen@cml.org), Brandy DeLange (bdelange@cml.org), and Meghan Dollar (mdollar@cml.org). They also can be contacted at 303-831-6411 or 866-578-0936. Shortly before the 97th CML Annual Conference in June, the League will publish the *2019 Colorado Laws Enacted Affecting Municipalities*, which will summarize these bills and additional legislation of municipal interest. The publication is presented free online at [www.cml.org/home/advocacy-legal/Colorado-Laws-Enacted](http://www.cml.org/home/advocacy-legal/Colorado-Laws-Enacted), where several prior editions are also available.

**SB 19-016, Severance tax operational fund distribution methodology**, changes the timing and distribution of money in the operational fund by separating the reserves into the core reserve and the grant program reserve (formally known as Tier One and Tier Two). The state treasurer will make transfers to the energy grant programs on August 15 after each fiscal year and must base the transfers on actual revenue as opposed to estimated revenue. Effective: April 1, 2019. Lobbyist: Brandy DeLange.

**SB 19-019, county July 4th fireworks restrictions**, allows a county to adopt a resolution that includes an express finding of high fire danger, based on competent evidence, to prohibit the sale and use of fireworks between May 31 and July 5. Competent evidence of high fire danger may

include predictions of future fire danger such as those issued by the National Interagency Coordination Center and localized evidence of low fuel moisture. If this resolution is adopted and a change in weather occurs that diminishes the high fire danger, the county must promptly consider rescinding the fireworks restrictions. The bill applies to unincorporated areas of the county. Effective: March 21, 2019. Lobbyist: Meghan Dollar.

**SB 19-028, Allow on and off premises beer licenses in rural areas**, changes a provision of 2018 legislation related to retail sale of alcohol beverages both on and off a licensed premise. On/off licensees were required to select either an on or off premise license at the time of renewal, and on/off licenses were to be completely eliminated. This act releases the requirement to convert the on/off premises license and allows new licenses to be available, but the provisions only extend to licensees or applicants in the unincorporated area of a county with fewer than 35,000 residents or within a municipality with fewer than 7,500 residents. Effective: Feb. 20, 2019 for all license applications filed on or after June 4, 2018. Lobbyist: Kevin Bommer.

**SB 19-030, Remediating improper guilty pleas**, allows a defendant to petition the court and challenge a guilty plea in a deferred judgement on the grounds that the individual was not properly advised of all of the potential penalties associated with the guilty plea. This motion can be filed at any time and must allege in good faith that the defendant has suffered, is suffering, or will suffer an adverse immigration consequence. The bill also specifies that the defendant must allege in good faith that the guilty plea was obtained in violation of state or federal law regarding proper advisement. The bill specifies a process for the prosecution to weigh in and timelines the court must meet. This bill applies to deferred judgements accepted in

municipal court. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**SB 19-032, Hazardous materials routing**, requires the Department of Transportation (CDOT) to conduct a study to assess the feasibility of allowing the transportation of hazardous materials through the Eisenhower-Edwin C. Johnson Memorial Tunnel and prepare a study report that includes findings and recommendations as to whether and under what conditions the transportation of hazardous materials through the tunnel should be allowed. The bill also authorizes a public highway authority or a governmental partner in a public-private partnership to apply to the Colorado State Patrol (CSP) for a new or modified hazardous materials route designation for a road or highway that it directly or indirectly maintains. Effective: April 8, 2019. Lobbyist: Morgan Cullen.

**SB 19-054, Military vehicle regulation**, defines surplus military vehicles as off-highway vehicles for the purposes of titling these vehicles and of using these vehicles off-road. These changes in the definition do the following: Allow a surplus military vehicle to be titled as an off-highway vehicle; A surplus military vehicle is not registered as a motor vehicle; A surplus military vehicle is treated as an off-highway vehicle for the purposes of on-road and off-road use. These changes do not apply to military vehicles that are valued for historical purposes. Effective: July 1, 2019. Lobbyist: Morgan Cullen.

**SB 19-103, Legalizing minor's businesses**, purports to prohibit municipalities and counties from requiring a business license or permit for businesses operated by any person under the age of 18 and located at a distance determined by the municipality or county as to not directly compete with other businesses.

*"New Laws Affecting Municipalities"  
continued on page 3*

## Classified Corner

### For Sale

The Town of Garden City has for sale **two RU2-350 Radar Signs**. Both signs are on 15 ft. pedestals and include a data package to track and count traffic, an 80-Watt solar package, and have red/blue slow-down alerts. Signs are programmable to control warning speed, which then triggers "Slow Down" message or red and blue warning lights. One radar sign was purchased in July 2012 and the other in January 2015. Both were retired from use in May 2018 due to new road construction. Submit offers in writing to [slewchuk@townofgardencity.com](mailto:slewchuk@townofgardencity.com).

The Mt. Crested Butte Police Department has two vehicles for sale: a **2007 Chevrolet Tahoe** 4WD, 142,500 miles, white, new battery, working light bar with controls, working radar – front/rear antennas, wired and antenna for VHF radio, full cage, locking gun rack for two long guns, good condition; and a **2010 Chevrolet Tahoe** 4WD, 124,800 miles, white, new battery, working light bar with controls, working radar – front/rear antennas, wired and antennas for VHF and 800 radios, Streamlight in-car flashlight charger (flashlight not included), full cage, locking gun rack for two long guns, brush guard, good condition. Vehicles are being offered at a discount from market price to any law enforcement agency that may benefit from the purchase. Best offer. Photos are available. Contact Marge at 970-349-6516 or [m.trautman@mtcbpd.us](mailto:m.trautman@mtcbpd.us).

### To Place an Ad ...

Contact Christine Taniguchi, CML communications coordinator, by email at [ctaniguchi@cml.org](mailto:ctaniguchi@cml.org).



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## Newsletter

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Subscription to *CML Newsletter* is offered as a portion of member dues. Cost to nonmembers is \$300 a year.

## Downtown Development Mobile Tour

Want to know more about Business Improvement Districts (BIDs), Downtown Development Authorities (DDAs), and Urban Renewal Authorities (URAs)? Could one or more of these be a tool to help with downtown development in your town? Why sit in a conference room to learn, when you can visit in person? Join the Colorado Municipal League (CML) and Downtown Colorado Inc. (DCI), **Aug. 1, 9 a.m. – 5 p.m.**, on a mobile tour in Colorado Springs.

This is the second annual financing mechanism mobile tour. Participants will visit the BIDs, DDAs, URAs and partner groups in Colorado Springs to showcase how these tools work, what they have accomplished, how they work with others, and what their plan is for the future. CML and DCI invite their member cities and towns to see some Colorado Springs projects and talk to the officials and business owners involved.

Visit [www.downtowncoloradoinc.org](http://www.downtowncoloradoinc.org) for more information and to register.

## CML Year-End Financial Report (Dec. 31, 2018)

### Colorado Municipal League Statement of Financial Position Dec. 31, 2018

#### Assets

##### Current Assets

Cash and cash equivalents	\$938,413
Investments, current	572,000
Accounts receivable	17,281
Prepaid expenses	69,352
<b>Total Current Assets</b>	<b>1,597,046</b>

##### Noncurrent Assets

Investments, long-term	2,140,000
Capital assets, not being depreciated	300,000
Capital assets, net of accumulated depreciation	1,279,809
<b>Total Noncurrent Assets</b>	<b>3,719,809</b>

**Total Assets** **\$5,316,855**

#### Liabilities

##### Current Liabilities

Accounts payable	45,088
Accrued liabilities	4,702
Deferred revenue	347,897
Accrued vacation payable	51,759
<b>Total Current Liabilities</b>	<b>449,446</b>

##### Net Assets

Unrestricted, board designated	1,979,051
Unrestricted, undesignated	2,888,358
<b>Total Net Assets</b>	<b>4,867,409</b>
<b>Total Liabilities &amp; Net Assets</b>	<b>\$5,316,855</b>

*The complete annual financial report with the auditor's opinion by RubinBrown LLP is available for review; please contact Allison Wright at [awright@cml.org](mailto:awright@cml.org).*

### Statement of Activities Year Ended Dec. 31, 2018

#### Revenues & Other Support

Membership dues	\$2,010,389
Publications	24,576
Annual conference	520,181
Meetings	69,161
Investment income	67,490
Other	58,231
<b>Total Revenues</b>	<b>2,750,028</b>

#### Expenses

##### Program Services

Publications	203,150
Annual conference	443,106
Other meetings	174,459
Federal govt. issues and NLC	79,648
State advocacy	48,492
State & local government issues	583,695
Colorado Cities & Towns <i>Statehouse Report</i> and <i>CML Newsletter</i>	98,652
Inquiry and legal services	67,846
Other	41,377
<b>Total Program Services</b>	<b>1,796,517</b>

##### Support Services

Administrative	667,357
Building occupancy costs	164,421
Depreciation and amortization	105,576
<b>Total Support Services</b>	<b>937,354</b>

**Total Expenses** **2,733,871**

**Change in Net Assets** **16,157**

**Net Assets, Beginning** **4,851,252**

**Net Assets, Ending** **\$4,867,409**

## **"New Laws Affecting Municipalities" continued from page 1**

The prohibition applies to any minor's business that operates no more than 84 days per year. Municipalities and counties are not prohibited from enforcing local laws on the manner in which the business is conducted. Effective: April 1, 2019. Lobbyist: Kevin Bommer.

**SB 19-156, Building codes, sunset state electrical board**, continues the State Electrical Board and its regulatory oversight of electricians. The sunset also reflects changes made to decouple local and state electrical inspections as well as to the requirement to conduct contemporaneous reviews. If contemporaneous reviews are not conducted, the board may issue a cease-and-desist order to the local government but only after a show cause has been issued to the local government. Effective: July 1, 2019. Lobbyist: Brandy DeLange.

**SB 19-175, Serious bodily injury vulnerable road user**, creates a new class 1 traffic misdemeanor of causing serious bodily injury to a vulnerable person while carelessly driving. A violation results in 12 points issued to the driver's license, which results in a license being suspended. If guilty of the violation, the driver may be subject to a restitution order, required to attend a driver improvement course, or ordered to perform useful public service for no more than 320 hours. The bill defines vulnerable road user to include pedestrians, bicycles, peace officers, and others. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**SB 19-181, Protect public welfare oil and gas operations**, clarifies the authority of counties and municipalities to regulate the surface impacts of oil and gas development under their land use powers. The bill grants new authority for local governments to adopt stricter regulations than the state. Within their own jurisdiction, municipalities have the option to impose fees to cover the costs of regulating, monitoring, and permitting sites. The act also reforms the makeup and scope of the Colorado Oil and Gas Conservation Commission (COGCC), directing the COGCC to regulate the development of oil and gas in a manner that protects public health, safety, and welfare, including protection of wildlife resources. Finally, the act makes changes to the forced pooling statute, changing the royalty rate for nonconsenting owners from 12.5 percent to 13 percent for a gas well and 16 percent for an oil well. Applicants must now also get the consent of more than 45 percent of the mineral interests

that will be pooled. Effective: April 16, 2019. Lobbyist: Brandy DeLange.

**SB 19-185, Protections for minor human trafficking victims**, provides immunity to a minor charged with prostitution if probable cause exists to believe he or she was a victim of human trafficking or sexual servitude. This applies to prostitution-related municipal offenses. Lastly, this bill requires a post-enactment review five years after its passage. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**SB 19-212, General fund appropriation to implement state water plan**, codifies the Water Plan Implementation Grant Program and provides a total of \$10 million in funding from general fund appropriations. The grant program is administered through the Colorado Water Conservation Board (CWCB). Grants may be awarded to local governments, state agencies, mutual ditch companies, and nonprofit corporations who have clearly identified one of the following types of projects: water storage and supply projects; water conservation, land use, and drought planning projects; environmental and recreational projects that promote watershed health; and agriculture projects that provide technical assistance or improve agricultural and water efficiency. Grant money awarded may not exceed more than 50 percent of the total cost of the projects. Effective: April 17, 2019. Lobbyist: Brandy DeLange.

**SB 19-221, Colorado water conservation board construction fund**, appropriates funds from the Colorado Water Conservation Board (CWCB) Construction Fund to the CWCB and the Division of Water Resources for water-related projects including the Walker Recharge Project, the Republican River, and repeals an annual transfer from the Severance Tax Perpetual Base fund to the CWCB Construction Fund. Effective: Immediately upon governor's signature. Lobbyist: Brandy DeLange.

**SB 19-227, Harm reduction substance abuse disorders**, expands the medication take-back program to include syringes and creates a naloxone bulk purchasing program. The program will be run by the Colorado Department of Public Health and Environment (CDPHE) and allows local governments more access to naloxone which reverses opiate overdoses. The bill requires public entities to have naloxone available if they make an automatic defibrillator available. The entities can purchase the naloxone from the bulk purchasing program. HB 19-227 allows certified hospitals to be clean

syringe exchange sites. Finally, the bill allows schools to develop policies related to providing opioid antagonists. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**SB 19-240, Industrial hemp products regulation**, allows additional regulation at the state and local level for processing industrial hemp. The act creates clear authority for municipalities and counties to adopt local business licensing and regulation laws related to storage, extraction, processing, and manufacturing of industrial hemp and industrial hemp products. Local laws and regulations may not conflict with any state regulations, otherwise the state regulation controls. The act also establishes a state registration fee. Effective: Immediately upon the governor's signature. Lobbyist: Kevin Bommer.

**SB 19-262, General fund transfer to HUTF**, requires the state treasurer to transfer \$100 million from the general fund to the highway users tax fund on July 1, 2019, for allocation to the state highway fund, counties, and municipalities in accordance with the existing "second stream" allocation formula, which allocates the money as follows: 60 percent to the state highway fund; 22 percent to counties; and 18 percent to municipalities. Ergo, this act will add an additional \$18 million in municipal transportation revenue for 2019. Effective: Immediately upon the governor's signature. Lobbyist: Morgan Cullen.

**SB 19-263, Delay referred transportation bonding measure to 2020**, delays the referred measure via SB 18-001 for voter consideration until the 2020 election cycle. The bill also reduces the amount of notes authorized to be issued to offset the additional transportation funding that will result from the repeal of only two, rather than three, tranches of lease-purchase agreements authorized by SB 17-267. Effective: Immediately upon the governor's signature. Lobbyist: Morgan Cullen.

**HB 19-1009, Substance use disorders recovery**, appropriates \$1 million to the Department of Local Affairs to expand the Housing Voucher Program and allows individuals with substance abuse disorders to apply for housing vouchers. The bill also requires certification of recovery residences and creates a grant program in the Department of Human Services (DHS) to defray recovery residences' certification costs. Finally, HB 19-1009 creates an advisory committee to advise the Department of Law on uses of any custodial funds received by the state as a result of opioid-related litigation. A municipal official

may be appointed to the advisory committee. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**HB 19-1015, Recreation of the Colorado Water Institute**, recreates the institute in state law until July 1, 2029. In addition to recreating the Institute, the Institute should also consult with state and local governments, water managers and user associations, drought and climate change planning organizations, and water quality planning organizations to identify, develop and implement water research information and education for water resources, quality and related policy issues. Effective: Feb. 20, 2019. Lobbyist: Brandy DeLange.

**HB 19-1033, Local governments may regulate nicotine products**, explicitly authorizes statutory and home rule municipalities to enact ordinances regulating the sales of tobacco or nicotine products to minors. Municipalities will be able to enact fees and licenses on cigarettes without forfeiting their share of cigarette sales taxes from the state. The act authorizes municipalities and counties to adopt additional sales taxes on tobacco or nicotine products; however any such local tax as applied to cigarettes would still result in a loss of state cigarette tax revenue currently shared with local governments. Further authority is granted to establish multijurisdictional IGAs for the collection and enforcement of local sales taxes. Effective: July 1, 2019. Lobbyist: Kevin Bommer.

**HB 19-1071, Colorado Department of Public Health and Environment Water Quality Control**, removes requirement that the Board of Health approve operating agreements that municipalities enter into for sewer construction, and clarifies that the board of directors of a water conservancy district must comply with the rules of the water quality control commission. Effective: March 7, 2019. Lobbyist: Brandy DeLange.

**HB 19-1119, Peace officer internal investigation open records**, allows the public to inspect investigation files upon the completion, which includes any appeals process, of an internal investigation. The bill applies in cases where the investigation examines the in-uniform or on-duty conduct of a peace officer related to a specific, identifiable incident of alleged misconduct involving a member of the public. The custodian of the records may first provide a summary of the investigation file and must only provide the entire file upon subsequent request. Witness interviews, video and audio recordings, transcripts, documentary evidence, investigative notes and final departmental decisions are

subject to inspection. The custodian is required to redact certain information from the records prior to releasing them. If a record contains certain redacted information, the applicant may request a written explanation of the reasons for the redaction. The custodian may deny inspection of the file if there is an ongoing related criminal case until the case is dismissed or upon sentence for a conviction. The bill applies to internal investigations initiated after the effective date. Effective: April 12, 2019. Lobbyist: Meghan Dollar.

**HB 19-1124, Enforcement of federal immigration detainers**, prohibits state and local law enforcement officials from arresting or detaining an individual on the basis of a civil immigration detainer request. HB 19-1124 clarifies that law enforcement may assist federal authorities in the execution of a federal warrant or other federal criminal investigations. In addition, the bill prohibits a probation department officer or employee from providing personal information to federal immigration authorities. HB 19-1124 requires that persons in custody receive certain information in writing when being interviewed and again when they are released. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**HB 19-1191, Regulation of farm stands**, allows a farm stand to operate regardless of whether or not the land on which the stand is located has been zoned for agriculture. Municipalities may still require appropriate licensing and/or permitting prior to operation. Effective: April 12, 2019. Lobbyist: Brandy DeLange.

**HB 19-1217, PERA employees' local government division contribution rate**, reduces an increase in the employee contribution increase scheduled for the Local Government Division of the Public Employees Retirement Association. The inadvertent increase included in prior legislation is repealed and will ensure the employee contributions remain at current levels. Effective: Immediately upon the governor's signature. Lobbyist: Kevin Bommer.

**HB 19-1221, Regulation of e-scooters**, excludes electric scooters from the definition of "toy vehicle" and includes electric scooters in the definition of "vehicle," thus authorizing the use of electric scooters on roadways. The bill affords riders of electric scooters the same rights and responsibilities that riders of electrical assisted bicycles have under the laws of the state. The bill preserves the authority of municipalities to determine whether or when to allow electronic scooters on sidewalks.

Effective: Immediately upon the governor's signature. Lobbyist: Morgan Cullen.

**HB 19-1224, Free menstrual hygiene products in custody**, requires holding and correctional facilities, including county and municipal jails, to provide menstrual hygiene products at no cost to the person in custody. This requirement applies regardless of whether the facility is operated by a governmental or private entity. Effective: April 25, 2019. Lobbyist: Meghan Dollar.

**HB 19-1225, No monetary bail for certain low-level offenses**, prohibits the use of monetary bonds for any defendant charged with a petty offense, traffic offense, or a municipal offense. The bill does not apply to municipal offenses that have a comparable state misdemeanor. The use of monetary bond as part of a local pretrial release is allowed if the defendant is informed that they are entitled to release on a personal recognizance bond if he or she waits for the required bond hearing. Monetary bond conditions may be used for a defendant who fails to appear in court or violates a condition of the defendant's release on bond. Effective: April 25, 2019. Lobbyist: Meghan Dollar.

**HB 19-1240, Sales and use tax administration**, codifies sales tax rules adopted by the Department of Revenue with certain modifications. It establishes an economic nexus for remote sales without a retailer's physical presence in Colorado for sales made beginning June 1, 2019, and requires the collection and remittance of all sales taxes collected by the state based on the destination of the item sold. The act creates an exception to the destination sourcing rule for retailers with less than \$100,000 in retail sales, as well as until the state develops a GIS-based address locator for accurate determination of proper taxing jurisdiction. The act also requires sales taxes collected by the state to be collected and remitted by marketplace facilitators beginning on October 1, 2019, for sales made by marketplace sellers, and the act contains other marketplace sales provisions. Existing provisions in the statute related to the implementation of the failed federal Marketplace Fairness Act (MFA) are repealed. With the exception of the repeal of MFA language and future availability of the address locator, the act does not implicate home rule municipalities that self-collect sales tax. Effective: June 1, 2019 – except marketplace facilitator requirements, which are effective Oct. 1, 2019. Lobbyist: Kevin Bommer.

**HB 19-1250, Sexual offenses committed by a peace officer**, creates the crime of unlawful sexual conduct by a peace officer, which is classified as a class 3 felony when a peace officer knowingly engages in sexual intrusion or penetration is inflicted on the victim and a class 4 felony when the victim is subject to unlawful sexual contact. The bill adds that the encounter includes circumstances where a peace officer contacts a victim for law enforcement purposes and the peace officer knows that the victim is or causes the individual to believe that he/she is the subject

of an investigation. Victim consent is not a defense to sexual contact by a peace officer. An offender convicted of unlawful sexual contact must register as a sex offender and an offender convicted of class 3 felony unlawful sexual conduct is subject to lifetime supervision. The bill applies to all peace officers in Article 2.5 of Title 16. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

**HB 19-1335, Juvenile expungement clean-up**, cleans up HB 17-1204, which created an expungement process in municipal

and county courts. HB 19-1335 clarifies when juvenile delinquent records are automatically expunged; when a juvenile delinquent is eligible for expungement; and that juvenile record expungement applies in municipal court by establishing guidelines for municipal courts. The bill also streamlines who is notified when a record is expunged in municipal court, and when municipal courts must look back at previous cases to identify any that should be automatically expunged. Effective: Immediately upon the governor's signature. Lobbyist: Meghan Dollar.

## Legislature Prioritizes Affordable Housing Funding



By Meghan Dollar, CML Legislative and Policy Advocate

The responses to CML's 2019 State of Our Cities and Towns survey painted a clear picture. Municipalities are looking for meaningful solutions to Colorado's affordable housing problem. As stated in a previous "Research Corner," municipalities of all sizes and geographic locations are struggling with this multifaceted issue. When the 2019 Legislative Session began, it was apparent that the legislature could no longer ignore the seriousness of Colorado's affordable housing crisis, and that the state must remedy the shortage of affordable housing funding and resources.

CML joined other key affordable housing players like Housing Colorado, the Colorado Housing and Finance Authority, Colorado Counties, Inc., Colorado Counties Acting Together, the Colorado Center for Law and Policy, Habitat for Humanity, and the Colorado Coalition for the Homeless to pass meaningful legislation in 2019.

Below are the key pieces of affordable housing legislation:

### **HB 19-1228, Affordable housing tax credit**

During the 2014 legislation session, HB 14-1017 was passed to create a state affordable housing tax credit (AHTC) that is operated through the Colorado Housing and Finance Authority (CHFA). HB 19-1228 not only reauthorizes the program, but increases the amount of tax credits that may be distributed from \$5 million to \$10 million. Since its inception, the program has directly supported thousands of affordable housing units statewide. The state AHTC is a successful tool for the state to develop affordable housing in communities.

### **HB 19-1245, Housing funding from vendor fee changes**

HB 19-1245 increases the state vendor fee allowance on sales tax accounts from the current rate of 3.33 percent to 4.0 percent starting on January 1, 2020. Per the bill, the vendor fee allowance is capped at \$1,000 per month per retailer. A portion of the net revenue increase from the vendor fee change is allocated to the Housing Development Grant Fund. The grant fund within the Division of Housing in the Colorado Department of Local Affairs develops and sustains affordable housing projects in Colorado. In the first year, \$8 million will be transferred and in the second year, \$9 million. Following those years, the entirety of the net revenue is dedicated to affordable housing and could be up to \$50 million annually. At least one-third of this revenue will be awarded to affordable housing projects directed towards households with incomes less than or equal to 30 percent of the area median household income.

### **HB 19-1322, Expand affordable housing supply**

HB 19-1322 requires that up to \$30 million from the Unclaimed Property Trust Fund be transferred to the Housing Development Grant

Fund each June for three years starting in FY 2020–2021 through FY 2022–2023.

As mentioned earlier, the Housing Development Grant Fund already provides significant affordable housing resources, and HB 19-1322 will further expand ways affordable housing funding can be used.

Some of the key uses are:

- Homeownership in rural areas for income up to 120 percent of the area median income;
- Home modification and rehabilitation;
- Mobile home repair and replacement;
- Land and infrastructure costs to support affordable rental and/or ownership housing developments;
- Funding for the development, acquisition, and rehabilitation of affordable rental housing.

The funding for rehabilitation of existing housing stock is particularly important as it allows for communities to access funds for asbestos abatement. This cost of asbestos abatement has held many communities back when it comes to building rehabilitation, and CML is hopeful that this legislation will provide significant help for municipalities dealing with older dilapidated housing stock.

After years of affordable housing groups making the important case to prioritize affordable housing funding, the General Assembly finally increased state resources for local communities. The bills above demonstrate an unprecedented determination to make access to affordable housing a reality for all Coloradans. If you have questions about the above legislation, or affordable housing in general, please contact Meghan Dollar at [mdollar@cml.org](mailto:mdollar@cml.org).

## Castle Pines Residents Vote in Favor of Home Rule

CML congratulates the City of Castle Pines on a successful election and welcomes it as the 102nd home rule municipality in Colorado. Unofficial results from the May 14, 2019, election show that residents overwhelmingly voted to approve the City's new Home Rule Charter.

As of 7:30 p.m. on election night, 77 percent of the counted ballots showed support for home rule.

"This is an exciting day for the community," stated Mayor Tera Radloff. "Home rule helps set the foundation for building a strong community and really puts into motion our ability to better self-govern and make local decisions that uniquely impact the community and the residents who live here."

The Charter is the City's new "constitution" and most important guiding document. Thirteen Charter Commissioners were

elected in November 2018 to draft the new City Charter.

"I want to thank the members of the Charter Commission and the residents of Castle Pines for supporting the efforts of the Home Rule Charter Commission," said Jeff Huff, Vice Chair of the Home Rule Charter Commission. "Charter Commission members dedicated many hours to writing the City's new Charter that will undoubtedly lead Castle Pines into the future."

## Census 2020: Avoiding Fraudulent Activity and Scams

Recent reports have surfaced of confusing mailers being sent to residents of at least six states, including Colorado, using the word "census" to ask for information and money. Please be aware of the following guidelines so that you may support your constituents in avoiding fraudulent activity

that may only increase as we approach Census Day (April 1) 2020.

The Census Bureau never asks for:

- Money or donations
- Full Social Security numbers
- Anything on behalf of a political party
- Full bank or credit card account numbers
- Your mother's maiden name

If a resident reports receiving requests that may be fraudulent, please direct them to "Are You in a Survey?" at the U.S. Census website at [www.census.gov/programs-surveys/are-you-in-a-survey.html](http://www.census.gov/programs-surveys/are-you-in-a-survey.html).

If you learn of census-related fraudulent activity and scams in your area, please alert Melissa Mata at [mmata@cml.org](mailto:mmata@cml.org).

## Course Notebook

### GASB 87 Leases

Join Plante Moran, a CML associate member, for a webinar, GASB 87 Leases: What You Need to Know for Successful Implementation, on **June 6**, noon–1 p.m. For more information and to register, visit [bit.ly/2WkJ0Xn](http://bit.ly/2WkJ0Xn).

### Women in Government

Join Women in Government at its 2019 National Legislative Conference in Chicago, **June 13–15**. The event brings together women, state legislators, and policy experts to engage across a variety of top issues and network. Visit [www.womeningovernment.org/attend/upcoming-events](http://www.womeningovernment.org/attend/upcoming-events) for more information.

### Watershed Summit

More than 200 water utility executives, business leaders, conservation experts, and other professionals will come together to share tested solutions at the Watershed Summit on **June 27** in Denver. Gain new insights and ideas to help position your organization for success. The event seeks to add new voices to the discussion, introduce innovative ideas, and break down silos. The goal is to bring local influence to global freshwater issues. To learn more and register, visit [bit.ly/2FzmrBx](http://bit.ly/2FzmrBx).

## Grants Training

Larimer County Sheriff's Office and Grant Writing USA will present a two-day grants workshop in Fort Collins, **June 25–26**. This training is applicable to grant seekers across all disciplines. Beginning and experienced grant writers from city, county, and state agencies as well as nonprofits, K–12, colleges, and universities are encouraged to attend.

Attend this class and you will learn how to find grants and write winning grant

proposals. Tuition is \$455 and includes two days of terrific instruction, workbook, and access to Alumni Forums that are packed full of tools, helpful discussions and more than 200 sample grant proposals.

Seating is limited; online reservations are necessary. Visit [bit.ly/2VsQTst](http://bit.ly/2VsQTst) for more information and to register. Use discount code "CONPO" to receive a \$30 discount off full price registration.

## Webinar: Colorado's Opportunity Zone Program

*Presented by Jana Persky, State of Colorado Office of Economic Development and International Trade Opportunity Zone program director*

**June 5, 2019, Noon–1 p.m.**

Learn more about Opportunity Zones, how they work, and tools the state has to help communities benefit from this investment incentive.

This webinar is free for CML municipal members; however, registration is required. Registration is \$25 for CML associate members and \$50 for all nonmembers. One MUNiversity credit is available to elected officials for this training. To register, visit [bit.ly/2ldlqHC](http://bit.ly/2ldlqHC). Registration closes **June 4**.

## Colorado's Premier Networking Event for Municipal Leaders

What is the premier event where municipal leaders can get one-on-one networking time with colleagues? It's the 97th CML Annual Conference, **June 18–21**, in Breckenridge!

At the conference, municipal leaders can share ideas, exchange resources, and solve problems collectively — the conference experience transcends simply receiving information and becomes transforming, energizing, and renewing. No other source

can replicate this opportunity to grow both personally and professionally!

We hope that you will join us this year in Breckenridge. The conference program is full of opportunities to learn and gain tools for meeting challenges of today and the future.

Registration closes **June 7** and the best way to register is online at [www.cml.org](http://www.cml.org), where you can also view the current educational program. The final conference program will be available

when you check in at the CML registration area at Beaver Run Resort and Conference Center.

Just added! Thursday's Emerging Issue session will focus on the passage of SB 19-181, Protect Public Welfare Oil and Gas. Hear from Colorado Department of Natural Resources Assistant Director of Energy and Minerals Julie Murphy, and others on how the Colorado Oil and Gas Conservation Commission and municipal governments can successfully work together throughout this process.

## Congratulations

Retired CML Executive Director Sam Mamet has been appointed to the Board of Directors of the Center Of The American West on the University of Colorado Boulder campus. The Center offers policy advice and research on various issues affecting the Western U.S. Well known Professor of History Patty Limerick is the faculty director and chair of the board of the Center.

## Accepting Applications for CML Board

CML members are encouraged to consider a leadership position for your CML Executive Board. To run for a position on the CML Executive Board, submit to CML a written application and a written endorsement from your city council or town board of trustees by 5 p.m., **June 5**. Materials should be mailed or delivered to 1144 Sherman St., Denver, CO 80203, or faxed to 303-860-8175. Sample

application and endorsement forms are available by calling 303-831-6411 or 866-578-0936, or by visiting [www.cml.org](http://www.cml.org) and clicking on About CML > CML Executive Board.

Questions on nominating committee procedures may be directed to CML Executive Director Kevin Bommer at [kbommer@cml.org](mailto:kbommer@cml.org), 303-831-6411, or 866-578-0936.

## Research Corner: ICMA Residential Land Use Regulation Survey

This month, ICMA and the Zell/Lurie Real Estate Center of the Wharton School, University of Pennsylvania, released a survey on local governments' land use regulations. The survey, conducted between December 2017 and January 2018, was distributed to chief administrative officers in U.S. local governments with a population of 2,500 or more, and it was completed by 3,346 local governments.

Key findings of the survey include:

- 38.7 percent of municipalities reported that the size of their jurisdiction has increased since 2000. Increases are much more likely to be reported in the West and South, where a higher portion of land is unincorporated.

- One-third of municipalities perceive the amount of land zoned for multifamily housing as not meeting demand. That perception is more common in the West, where nearly half of local governments feel they are not meeting the demand for multifamily housing.
- It is most typical for residential land use changes to require approval (or at least review) by two groups: 1) local planning commissions and 2) local councils, managers, or commissioners. If the land use change would also require rezoning, a third level of approval — most often a local zoning board — is required by just over half of responding local governments.
- The median length of time required to complete the review of a "by-right"

(permitted under current rules) project for multi-family housing is twice the time required for single-family units.

- Affordable housing requirements are more than twice as common in the Northeast (22.7 percent) and Western regions than in the South (9.6 percent) and Midwest (8.1 percent). They are most frequently found in the Pacific Coast states.
- Impact fees, where developers pay an allocable share of the costs of infrastructure improvement, are very common in the Western region (73.8 percent), Florida (84.7 percent), and Maryland (80.0 percent).

Visit [bit.ly/2Qc77Fh](http://bit.ly/2Qc77Fh) to view full survey results.



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**Featured in this issue:**

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# Newsletter

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