

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0232.01 Bob Lackner

HOUSE BILL 10-1017

HOUSE SPONSORSHIP

Kagan, Gagliardi

SENATE SPONSORSHIP

Boyd,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Economic Opportunity Poverty Reduction Task Force.

Current law prohibits counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property (rent control statute). The bill clarifies that the rent control statute applies only to private residential housing units.

The bill also clarifies that nothing in the rent control statute shall

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

prohibit or restrict the right of a property owner and a state agency, county, municipality, or housing authority (public entity) from voluntarily entering into and enforcing an agreement that controls rent on a private residential housing unit, whether the agreement is entered into before, on, or after the effective date of the bill. An agreement authorized pursuant to the act may specify how long a unit is subject to its terms, whether or not subsequent property owners are subject to the agreement, and remedies for early termination agreed to by both the property owner and the public entity. Finally, the rent control statute shall not preclude public entities from cooperatively entering into an agreement, nor shall it preclude the assignment of rights and remedies to any party to the agreement.

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

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

4 **38-12-301. Control of rents by counties and municipalities**
5 **prohibited.** (1) The general assembly finds and declares that the
6 imposition of rent control on private residential housing units is a matter
7 of statewide concern; therefore, no county or municipality may enact any
8 ordinance or resolution ~~which~~ THAT would control rents RENT on A
9 private residential ~~property~~ HOUSING UNIT.

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

13 (a) AN INDIVIDUALIZED NEGOTIATED AGREEMENT BETWEEN A
14 COUNTY OR MUNICIPALITY AND A PERMIT APPLICANT OR PROPERTY OWNER
15 TO LIMIT RENT ON THE UNIT OR THAT IS OTHERWISE DESIGNED TO
16 PRESERVE AFFORDABLE HOUSING STOCK; OR

17 (b) THE PLACEMENT ON THE TITLE TO THE UNIT OF A DEED
18 RESTRICTION THAT LIMITS RENT ON THE UNIT OR THAT IS OTHERWISE
19 DESIGNED TO PRESERVE AFFORDABLE HOUSING STOCK PURSUANT TO AN

1 INDIVIDUALIZED NEGOTIATED AGREEMENT BETWEEN A COUNTY OR
2 MUNICIPALITY AND A PERMIT APPLICANT OR PROPERTY OWNER TO PLACE
3 THE DEED RESTRICTION ON THE TITLE.

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

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

13 **SECTION 2. Act subject to petition - specified effective date**
14 **- applicability.** (1) This act shall take effect September 1, 2010; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within the ninety-day period after final adjournment of the general
18 assembly, then the act, item, section, or part shall not take effect unless
19 approved by the people at the general election to be held in November
20 2010 and shall take effect on the date of the official declaration of the
21 vote thereon by the governor.

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