

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 23, 2010  
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB10-1017 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

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

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

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

18 (b) THE PLACEMENT ON THE TITLE TO THE UNIT OF A DEED  
19 RESTRICTION THAT LIMITS RENT ON THE UNIT OR THAT IS OTHERWISE

1 DESIGNED TO PRESERVE AFFORDABLE HOUSING STOCK PURSUANT TO AN  
2 INDIVIDUALIZED NEGOTIATED AGREEMENT BETWEEN A COUNTY OR  
3 MUNICIPALITY AND A PERMIT APPLICANT OR PROPERTY OWNER TO PLACE  
4 THE DEED RESTRICTION ON THE TITLE.

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

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

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

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

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