

DRAFT
10.6.09

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

BILL 7

LLS NO. 10-0232.01 Bob Lackner

INTERIM COMMITTEE BILL

Economic Opportunity Poverty Reduction Task Force

SHORT TITLE: "Vol Agrmnt Affecting Rent Pvt Res Prop"

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

*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) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
11 OR RESTRICT THE RIGHT OF A PROPERTY OWNER AND A STATE AGENCY,
12 COUNTY, MUNICIPALITY, OR HOUSING AUTHORITY TO VOLUNTARILY ENTER
13 INTO AND ENFORCE AN AGREEMENT THAT CONTROLS RENT ON A PRIVATE
14 RESIDENTIAL HOUSING UNIT, WHETHER THE AGREEMENT IS ENTERED INTO
15 BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THIS SECTION, AS
16 AMENDED.

17 (3) AN AGREEMENT AUTHORIZED PURSUANT TO SUBSECTION (2) OF
18 THIS SECTION MAY SPECIFY HOW LONG A PRIVATE RESIDENTIAL HOUSING
19 UNIT IS SUBJECT TO ITS TERMS, WHETHER OR NOT SUBSEQUENT PROPERTY

1 OWNERS ARE SUBJECT TO THE AGREEMENT, AND REMEDIES FOR EARLY
2 TERMINATION AGREED TO BY BOTH THE PROPERTY OWNER AND THE STATE
3 AGENCY, COUNTY, MUNICIPALITY, OR HOUSING AUTHORITY.

4 (4) THIS SECTION SHALL NOT PRECLUDE STATE AGENCIES,
5 COUNTIES, MUNICIPALITIES, OR HOUSING AUTHORITIES FROM
6 COOPERATIVELY ENTERING INTO AGREEMENTS PURSUANT TO THIS
7 SECTION, NOR SHALL IT PRECLUDE THE ASSIGNMENT OF RIGHTS AND
8 REMEDIES TO ANY PARTY TO THE AGREEMENT.

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

12 **SECTION 2. Act subject to petition - specified effective date**
13 **- applicability.** (1) This act shall take effect September 1, 2010; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within the ninety-day period after final adjournment of the general
17 assembly, then the act, item, section, or part shall not take effect unless
18 approved by the people at the general election to be held in November
19 2010 and shall take effect on January 1, 2011, or on the date of the
20 official declaration of the vote thereon by the governor, whichever is
21 later.

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. <{Ask
24 committee.}>