



LAND USE AND NATURAL RESOURCES

Friday February 17, 2017

12:30 p.m.

CCI Office

(This meeting is recorded)

Teleconference: 1.857.216.6700 Passcode: 171009

AGENDA

WELCOME

Commissioner Don Rosier, Chair

Commissioner Roger Partridge, Vice Chair

Brandy DeLange, CCI

INTRODUCTIONS

LEGISLATION

Bill #	HB17-1124
Title	Local Government Liable Fracking Ban Oil And Gas Moratorium
H-Spon	P. Buck
S-Spon	T. Neville
Summary	This bill provides for the compensation of a royalty owner when a local ordinance, resolution, or other policy prohibits the practice of hydraulic fracturing to recover oil and gas within a local government's jurisdiction, or places a moratorium on oil and gas activities. The local government is liable to the mineral interest owner for the value of the mineral interest not received due to the prohibition or moratorium. The bill also requires that a local government that enacts a moratorium on oil and gas activities compensate oil and gas operators, mineral lessees, and royalty owners for all costs, damages, and losses of fair market value associated with the moratorium.
Position	
Bill #	SB17-014
Title	Limits on Underground Storage Tank Regulation
H-Spon	J Becker
S-Spon	R. Baumgardner, D. Coram

Summary	Transportation Legislation Review Committee. The bill prohibits a local government from imposing inspection requirements for underground petroleum storage tanks or charging inspection fees for the inspection of underground petroleum storage tanks.
Position	Monitor
Bill #	SB17-085
Title	Increase Documentary Fee & Fund Attainable Housing
H-Spon	
S-Spon	R. Zenzinger
Summary	Currently, each county clerk and recorder collects a surcharge of one dollar for each document received for recording or filing in his or her office. The surcharge is in addition to any other fees permitted by statute. Section 2 of the bill raises the amount of the surcharge to \$5 for documents received for recording or filing on or after January 1, 2018. Out of each \$5 collected, the bill requires the clerk to retain one dollar to be used to defray the costs of an electronic or core filing system in accordance with existing law. The bill requires the clerk to transmit the other \$4 collected to the state treasurer, who is to credit the same to the statewide attainable housing investment fund (fund). Section 3 creates the fund in the Colorado housing and finance authority (authority). The bill specifies the source of moneys to be deposited into the fund and that the authority is to administer the fund. The bill directs that, of the moneys transmitted to the fund by the state treasurer, on an annual basis, not less than 25% of such amount must be expended for the purpose of supporting new or existing programs that provide financial assistance to persons in households with an income of up to 80% of the area median income for the purpose of allowing such persons to finance, purchase, or rehabilitate single family residential homes as well as to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons to finance, purchase, or rehabilitate single family residential homes. Section 3 also requires the authority to submit a report, no later than June 1 of each year, specifying the use of the fund during the prior calendar year to the governor and to the senate and house finance committees.
Position	Oppose
Bill #	SB17-086
Title	Authorize Local Governments Inclusionary Housing Programs
H-Spon	
S-Spon	S. Fenberg
Summary	In 1981, the general assembly enacted legislation that prohibits counties and municipalities (local governments) from enacting any ordinance or resolution that would control rent on private residential property. The bill clarifies that an ordinance or resolution that would control rent on either private residential property or a private residential housing unit does not include an ordinance or resolution enacted by a county or a municipality that

	<p>establishes, as a condition of obtaining approval for the development of a project, inclusionary housing or inclusionary zoning requirements. As used in the bill, inclusionary housing or inclusionary zoning means a program enacted legislatively and with opportunity for public input that requires, as a condition of obtaining approval for the development of a project, the provision of residential units affordable to and occupied by owners or tenants whose household incomes do not exceed a limit that is established in the ordinance or resolution. The bill specifies different components that may be included in an inclusionary housing program.</p>
Position	Oppose PI'd
Bill #	SB17-098
Title	Mobile Home Parks
H-Spon	J. Ginal
S-Spon	J. Kefalas
Summary	<p>Notice of sale of a mobile home park.</p> <p>Where the home owners within a mobile home park (park) have formed either a homeowners' association or a cooperative, section 2 of the bill specifies that, not less than 30 days nor more than one year prior to, an owner of a park either entering into a written listing agreement for the sale of the park or making an offer to sell the park to any party must provide written notice to the president, secretary, and treasurer of any homeowners' association or cooperative of the owner's intention to sell the park. The bill specifies certain circumstances in which the park owner is not required to satisfy these notice requirements. During the notice period required by the bill, the owner or management of the park may consider any offer to purchase the park that has been made by a homeowners' association or cooperative of such home owners as long as the association or cooperative is open to all home owners. The owner of the park may consider any reasonable offer made by an association or cooperative representing the home owners and negotiate in good faith with them. If an agreement to purchase the community is reached during the notice period specified in the bill, the association or cooperative has a reasonable time beyond the expiration of such period, if necessary, to obtain financing for the purchase. The bill explicitly specifies that these provisions do not give any home owner or group of home owners within a park any right of first refusal.</p> <p>Terms of written rental agreement.</p> <p>Section 3 permits a written rental agreement for a tenancy in a park to contain a clause that encourages the use of mediation or another form of alternative dispute resolution to resolve any controversy by or among owners, management, and home owners within parks.</p> <p>Alternative dispute resolution.</p> <p>In any controversy between management and a home owner of a park arising out of the bill, except for the nonpayment of rent or in cases in which the health or safety of other</p>

	<p>home owners is in imminent danger, section 4 permits the parties to submit the dispute to another form of alternative dispute resolution in addition to mediation prior to the filing of a forcible entry and detainer lawsuit. The choice of alternative dispute resolution methods is dependent upon agreement of the parties. Under section 4, the general assembly also encourages the owners and management of parks and home owners within such parks to make use of the state office of dispute resolution to resolve any controversy by or among them in addition to local government agencies and community-based nonprofit organizations that are created and empowered to mediate disputes between or among the owners and management of parks and home owners within such parks.</p> <p>Subtraction of gain from sale of park from calculation of federal taxable income for state income tax purposes.</p> <p>For income tax years commencing on or after January 1, 2018, section 5 subtracts from federal taxable income the following amount of the gain recognized from the sale or exchange of a park where the party purchasing the park is a county, municipality, local housing authority, nonprofit corporation, homeowners' association, or a cooperative:</p> <ul style="list-style-type: none"> • 100% of the recognized gain for a mobile home park with 50 or fewer lots; and • 50% of the recognized gain for a mobile home park with more than 50 lots. <p>Encouragement of the preservation and development of mobile and manufactured home parks through county and municipal master plans. Recognizing the importance of manufactured housing as an option for many households, under sections 6 and 7, counties and municipalities, as applicable, are required to encourage through either their master plans or other land use or planning documents adopted by the particular governmental body the preservation of existing parks and the development of new manufactured home parks within their territorial boundaries, including increasing opportunities for parks that are owned by the owners of homes within the park. Whenever an existing park is located in a hazardous area, the county or municipality, as applicable, is required to make every reasonable effort to reduce or eliminate the hazard, when feasible, or to help mitigate the loss of housing through the relocation of affected households.</p>
Position	PI'd

OTHER BUSINESS

Update on Construction Defects Legislation

ADJOURN