



**LAND USE AND NATURAL RESOURCES**

**Friday March 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**

<b>Bill #</b>	<a href="#">HB17-1124</a>
<b>Title</b>	<b>Local Government Liable Fracking Ban Oil And Gas Moratorium</b>
<b>H-Spon</b>	P. Buck
<b>S-Spon</b>	T. Neville
<b>Summary</b>	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.
<b>Position</b>	Monitor PP'd
<b>Bill #</b>	<a href="#">HB17-1193</a>
<b>Title</b>	<b>Small Cell Facilities Permitting And Installation</b>
<b>H-Spon</b>	J. Becker, T. Kraft-Tharp

<b>S-Spon</b>	A. Kerr, J. Tate
<b>Summary</b>	<p><b>Sections 1</b> through <b>4</b> of the bill clarify that the expedited permitting process established for broadband facilities applies to small cell facilities and small cell networks. <b>Section 1</b> adds language concerning small cell facilities and small cell networks to a legislative declaration. <b>Section 2</b> adds statutory definitions of antenna and tower. <b>Section 3</b> requires a local government to process an application for a small cell facility or a small cell network within 90 days after receiving the completed application. <b>Section 4</b> declares the siting and operation of small cell facilities and small cell networks are a permitted use in any zone and clarifies the approval process for a consolidated application for multiple small cell facilities or small cell networks. <b>Sections 6 and 7</b> clarify that the rights-of-way access afforded to telecommunications providers for the construction, maintenance, and operation of telecommunications and broadband facilities extends to broadband providers as well as small cell facilities and small cell networks and, in conjunction, <b>section 5</b> defines collocation, small cell facility, and small cell network. <b>Section 8</b> states that if a telecommunications provider or broadband provider complies with applicable law, it has the right to locate or collocate small cell facilities and small cell networks on a local government entity's light poles, light standards, traffic signals, or utility poles. <b>Section 9</b> adds small cell facilities and small cell networks to the types of facilities for which a telecommunications provider or broadband provider may contract with a private property owner to obtain a right-of-way for the construction, maintenance, and operation of the facility. <b>Section 10</b> concerns the consent a telecommunications provider or broadband provider must obtain from a political subdivision to erect communications or broadband facilities along, through, in, upon, under, or over a public highway, and adds small cell facilities and small cell networks to the facilities for which the consent is required. <b>Section 10</b> further provides that a political subdivision shall not create a preference or disadvantage to any telecommunications provider or broadband provider in granting or withholding its consent, and that a decision by a political subdivision denying or limiting the placement of communications or broadband facilities based on the protection of public health, safety, and welfare does not create a preference for or disadvantage a telecommunications provider or broadband provider if the decision does not have the effect of prohibiting the provider from providing service within the service area. <b>Section 11</b> makes a conforming amendment. <b>Section 12</b> specifies the amount and type of payment a local government or municipally owned utility may receive from a telecommunications provider, broadband provider, or cable television provider in exchange for granting permission to attach small cell facilities, broadband devices, or telecommunications devices to poles or structures that are in a right-of-way and are owned by the local government or municipally owned utility.</p>
<b>Position</b>	
<b>Bill #</b>	<a href="#">SB17-014</a>
<b>Title</b>	<b>Limits on Underground Storage Tank Regulation</b>
<b>H-Spon</b>	J Becker
<b>S-Spon</b>	R. Baumgardner, D. Coram
<b>Summary</b>	<b>Transportation Legislation Review Committee.</b> 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.
<b>Position</b>	Monitor
<b>Bill #</b>	<a href="#">SB17-085</a>
<b>Title</b>	<b>Increase Documentary Fee &amp; Fund Attainable Housing</b>
<b>H-Spon</b>	
<b>S-Spon</b>	R. Zenzinger
<b>Summary</b>	<p>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. <b>Section 2</b> 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). <b>Section 3</b> 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.</p>
<b>Position</b>	Oppose P'd
<b>Bill #</b>	<a href="#">SB17-086</a>
<b>Title</b>	<b>Authorize Local Governments Inclusionary Housing Programs</b>
<b>H-Spon</b>	
<b>S-Spon</b>	S. Fenberg
<b>Summary</b>	<p>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</p>

	<p>or a municipality that 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>
<b>Position</b>	Oppose PI'd
<b>Bill #</b>	<a href="#">SB17-098</a>
<b>Title</b>	<b>Mobile Home Parks</b>
<b>H-Spon</b>	J. Ginal
<b>S-Spon</b>	J. Kefalas
<b>Summary</b>	<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</p>

	<p>bill, except for the nonpayment of rent or in cases in which the health or safety of other 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"> <li>• 100% of the recognized gain for a mobile home park with 50 or fewer lots; and</li> <li>• 50% of the recognized gain for a mobile home park with more than 50 lots.</li> </ul> <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>
<b>Position</b>	PI'd
<b>Bill #</b>	<a href="#">SB17-157</a>
<b>Title</b>	<b>Construction Defect Actions Notice Vote Approval</b>
<b>H-Spon</b>	J. Melton
<b>S-Spon</b>	A. Williams
<b>Summary</b>	<p>The bill requires that, before the executive board of a unit owners' association (HOA) in a common interest community brings suit against a developer or builder on behalf of unit owners, the board must:</p> <ul style="list-style-type: none"> <li>• Notify all unit owners; and</li> <li>• Except when the HOA contracted with the developer or builder for the work</li> </ul>

	complained of or the amount in controversy is less than \$100,000, obtain the approval of a majority of the unit owners after giving them detailed disclosures about the lawsuit and its potential costs and benefits. The bill also limits the amount and type of contact that a developer or builder that is potentially subject to a lawsuit may have with individual unit owners while the HOA is seeking their approval for the lawsuit.
<b>Position</b>	PI'd
<b>Bill #</b>	<a href="#">SB17-179</a>
<b>Title</b>	<b>Fee Limits For Solar Energy Device Installations</b>
<b>H-Spon</b>	L. Herod
<b>S-Spon</b>	A. Kerr, R. Gardner
<b>Summary</b>	The bill extends the repeal date of existing laws that limit the amount of permit, plan review, or other fees that counties, municipalities, or the state may charge for installing solar energy devices or systems. The bill also clarifies that the statutory limitations on the amount of fees applies to any related or associated fees, not just to permit or plan review fees.
<b>Position</b>	Monitor / Seek Amends

## OTHER BUSINESS

## NACO/FEDERAL UPDATE

## ADJOURN