

# 2021 State Legislation: New Authorities and Mandates

The following table is designed to serve as a brief general reference source. Commissioners, Councilmembers and Mayors should always seek advice and counsel from the county or city attorney concerning specific implementation requirements.

## Agriculture, Wildlife & Rural Affairs

2021 Legislation	Local Option	Local Requirement	Effective Date
<a href="#"><u>HB21-1045</u></a> , <b>Invasive Pest Control Administration</b>	Local governments may enter into a voluntary agreement with the Colorado Department of Agriculture (CDA) for pest control services, including eradication or treatment of invasive pests. The agreement would allow CDA to recover costs from the external party. CRS 35-4-118		September 7, 2021

## General Government

2021 Legislation	Local Option	Local Requirement	Effective Date
<p><a href="#"><u>HB21-1011</u></a>, <b>Multilingual Ballot Access for Voters</b></p>		<p>Beginning in 2022, counties that have at least 2,000 citizens (or 2.5 percent of the total population) who speak English “less than very well” will be required to prepare an in-person minority language ballot to be available upon request. The Secretary of State’s office will notify these counties, based on Census data, by Jan 5, 2022. CRS 1-5-905</p> <p><b>Funding:</b> Bill states that the G.A. “shall endeavor” to help counties with the cost of the mandate, but does not guarantee funding.</p>	<p>Upon Governor’s signature</p>
<p><a href="#"><u>HB21-1047</u></a>, <b>County Commissioner Redistricting</b></p>		<p>Counties that have districts where at least one commissioner is not elected by the voters of the whole county must follow some of the gerrymandering protections in the state constitution by Amendments Y and Z. CRS 30-10-306.1</p> <p>All counties must complete redistricting of commissioner districts by September 30, 2023. Districts cannot differ in population by more than five percent. CRS 30-10-306(4)</p> <p><b>Funding:</b> No funding provided to comply with additional redistricting requirements.</p>	<p>April 29, 2021</p>

<p><b><a href="#">HB21-1100</a>, Studying Electronic Filing of Documents with Governmental Entities</b></p>		<p>On or before October 15, 2021, each county must submit a report to the state that summarizes what documents can be filed electronically with the county and what the obstacles are to offering additional electronic filing options (financial resources, bandwidth, cybersecurity concerns, statutory prohibitions, etc.). Report should also include how much the county spends on newspaper publication of county financial information. CRS 24-71.7-101(3)</p> <p><b>Funding:</b> No funding provided, but the cost of preparing the report should be minimal.</p>	<p>September 7, 2021</p>
<p><b><a href="#">HB21-1110</a>, Colorado Laws for Persons with Disabilities</b></p>		<p>By 2024, all county websites must be in compliance with the most recent web content accessibility guidelines promulgated by international web accessibility initiatives (and reported by the Governor’s Office of Information Technology (OIT)). SIPA and OIT will provide technical and financial assistance to counties to help them achieve compliance. CRS 24-85-102 et seq</p> <p><b>Funding:</b> No funding provided. SIPA grants could be utilized for county website updates to meet statutory requirements.</p>	<p>Upon Governor’s signature</p>

<p><b><a href="#">SB21-070</a>, County Authority to Register Businesses</b></p>	<p>Counties are authorized to create a registration program for all businesses in the unincorporated area of the county. Counties may not collect a registration fee and there is no penalty or fine for a business that fails to register with the county. CRS 30-15-401(1)(t)</p>		<p>September 7, 2021</p>
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## Health & Human Services

2021 Legislation	Local Option	Local Requirement	Effective Date
<p><a href="#"><u>HB21-1085</u></a>, Secure Transportation Behavioral Health Crisis</p>		<p><b><u>I</u></b>f a qualified provider wishes to offer secure transportation services to individuals in a behavioral health crisis, the county is responsible for licensing the service and permitting the vehicles. CRS 25-3.5-310</p> <p>Counties may impose additional requirements for secure transportation providers that exceed the minimum requirements established by the CO Dept. of Public Health and Environment. CRS 25-3.5-310</p> <p>Counties can require a fee for the license, permit and renewals that reflect the direct and indirect costs incurred by the county in implementing secure transportation in their communities. CRS 25-3.5-309</p> <p style="text-align: center;">_____</p> <p><b>Funding:</b> Fees should be set to cover direct and indirect costs.</p>	<p>Upon Governor’s Signature</p>

<p><a href="#"><u>HB21-1094</u></a>, <b>Foster Youth in Transition Program</b></p>		<p>IF an eligible, former foster youth ages 18 to 21 chooses to continue receiving child welfare services they can enter into a voluntary service agreement. This is optional for the youth, not the county. Services include assistance securing safe, affordable housing, obtaining copies of health and education records, accessing information about maternal and paternal relatives, obtaining public benefits, etc. CRS 19-7-305  Related: <a href="#"><u>HB 1319 Former Foster Care Steering Committee Final Report</u></a>  <b>Funding:</b> State &amp; Federal dollars are available to pay for services. Other states have seen an increase in demand as program awareness grows.</p>	<p>Upon Governor's Signature</p>
<p><a href="#"><u>HB21-1107</u></a>, <b>Protections for Public Health Department Workers</b></p>		<p><b>IF</b> a public health worker requests their personal information be protected, then the county must remove personal information from records that are available on the internet. C.R.S 18-9-313</p>	<p>Upon Governor's Signature</p>
<p><a href="#"><u>HB21-1115</u></a>, <b>Board of Health Member Requirements</b></p>		<p>County, District and State Board of Health Members are required to annually attend two trainings provided by the CO Department of Public Health and Environment. Trainings will cover:</p> <ol style="list-style-type: none"> <li>1.) General public health; and</li> <li>2.) Roles in preparing for, responding to and recovering from an emergency disaster</li> </ol> <p>CRS 25-1-508</p>	<p>January 1, 2022</p>

<b><u>SB21-118</u>, Alternative Response Mistreatment At-risk Adults</b>	Allows up to 15 counties to participate in a pilot program whereby low-risk reports of mistreatment towards at-risk adults are handled in a less intrusive manner. CRS 26-3.1-103.3		June 17, 2021
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## Justice & Public Safety

2021 Legislation	Local Option	Local Requirement	Effective Date
<p><b><a href="#">HB21-1250</a>, Measures to Address Law Enforcement Accountability</b></p>	<p>Local governments and law enforcement agencies may seek funding for the purchase of body cameras, data, and storage. C.R.S 24-33.5-519</p>	<p>Local law enforcement and state patrol shall report every time they make contact with the public, use of force that results in death or bodily injury to the division of criminal justice. Please refer to C.R.S 24-31-903 for a full list of items that will need to be included in the report.</p> <p>Local law enforcement and state patrol shall provide body-worn cameras for each peace officer who interacts with members of the public. C.R.S 24-31-902.</p> <p>Local law enforcement that encrypts their radios will need to create, in partnership with local media, a communication access policy. C.R.S 24-6-502</p> <p><b>Funding:</b> \$6 M will be available August 2, 2021 to use for the purchase of body worn cameras, data, and storage.</p>	<p>April 1, 2022</p> <p>July 1, 2023</p> <p>Upon Governor's Signature</p>

<p><b><a href="#">SB21-1280</a> Pre-Trial Detention Reform</b></p>	<p>Local governments can choose to use a bond hearing officer. The purpose of the bond hearing officer is to help judicial districts with the increased workload that bond hearings in 48 hours might create. C.R.S 16-4-116</p>	<p>Requires a court in a local jurisdiction to hold a bond setting hearing within 48 hours after an arrestee's arrival. C.R.S 16-4-102</p> <p>Each local jail must establish an online portal that can accept online bond payments.</p> <p>_____</p> <p><b>Funding:</b> District attorney assistance for bond hearings grant program has been created to cover costs and expenses related to a district attorney's office ability to comply with the 48-hour bail bond. For state fiscal year 2021-22 an appropriation of \$150,000 has been appropriated to the grant program. By November 1 of each year, the Colorado District Attorneys Council shall submit a request to the Joint Budget Committee. C.R.S 16-4-117</p>	<p>April 1, 2022</p> <p>January 1, 2022</p>
<p><b><a href="#">SB21-256</a>, Local Regulation of Firearms</b></p>	<p>A local government may enact their own ordinance, regulation, or other law governing or prohibiting the sale, purchase, transfer, or possession of a firearm. C.R.S 29-11.7.103</p>		<p>Upon Governor's Signature</p>

## Land Use & Natural Resources

2021 Legislation	Local Option	Local Requirement	Effective Date
<a href="#"><u>HB21-1008</u></a> , <b>Forest Health Project Financing</b>	Enables any combination of local governments, contingent upon voter approval, to establish a special or local improvement district with the power to assess property taxes to conduct forest health projects. CRS 29-1-203.5		May 20, 2021
<a href="#"><u>HB21-1019</u></a> <b>Modification to Regulations of Factory-Built Structures</b>	Allows a local government to require onsite mitigation addressing public safety requirements applicable to manufactured homes that comply with the federal manufactured home construction and safety standard. CRS 24-32-3318	Precludes local governments from duplicating efforts to review or approve a factory-built structure that is under review or approved by the State Division of Housing, and from charging separate building permit fees for plan reviews or inspections performed by the state. CRS 24-32-3311	September 7, 2021

<p><b><a href="#">HB21-1117</a>, Local Government Authority Promote Affordable Housing Units</b></p>	<p>Clarifies local government authority to adopt inclusionary zoning policies, or land use regulations that restrict rent on newly constructed or redeveloped housing units, so long as the regulation provides options or alternatives to the property owner and/or land developer, and the local governments take one or more actions to increase housing density. CRS 29-20-104</p>		<p>September 7, 2021</p>
<p><b><a href="#">HB21-1162</a> Management of Plastic Products</b></p>	<p>Beginning in 2024, the bill authorizes local governments to enact, implement and enforce any ordinance, resolution, rule, or charter provision to regulate plastic products in a manner that is as or more stringent than the requirements created in the bill. CRS 25-17-508</p>		<p>Upon Governor's Signature, except that the preemption repeal does not take effect until July 1, 2024</p>

<p><a href="#"><u>HB21-1222</u></a>,  <b>Regulation of Family  Child Care Homes</b></p>		<p>Counties must treat family child care homes (FCCH) as residential from a zoning, fire and life safety and building code standpoint. Counties may restrict - on a case by case basis - the operation of adjacent residences of two or more large family child care homes and manage the flow of traffic and parking related to such operations. CRS 26-6-104.5  Small FCCH - 6 or fewer kids  Large FCCH - 12 or fewer kids</p>	<p>September 7, 2021</p>
<p><a href="#"><u>HB21-1286</u></a>, <b>Energy  Performance for  Buildings</b></p>		<p>Starting in 2026 and every 5 years thereafter, owners of county buildings that are (1) over 50,000 sq.ft. AND (2) beginning construction or renovation that costs over \$500,000 must demonstrate compliance with energy performance standards to be set in rule by 2023. County buildings, including jails, may meet performance standards campus-wide, instead of building-by-building.  Beginning in December 2022, counties with buildings over 50,000 sq.ft. are</p>	<p>September 7, 2021</p>

		<p>required to submit an annual report on energy usage to the Energy Office.</p> <p>Note: For public buildings (which includes county buildings), there are no penalties for non-compliance.</p>	
<p><b><u>SB21-072</u>, Public Utilities Commission Modernize Electric Transmission Infrastructure</b></p>	<p>Local governments may use their siting and land use authority to review and approve proposed plans by the Colorado Electric Transmission Authority to establish electricity transmission corridors. CRS 40-42-104.</p> <p>For transmission facility construction or expansion projects seeking a certificate of public convenience and necessity (CPCN), local governments may approve or deny issuance of the permit to conduct an activity of state interest within 180 days after the application is completed. CRS 24-65.1-501.</p>		<p>Upon Governor's Signature</p>

<p><b><a href="#">SB21-166</a>, Colorado Fire Commission Recommendations</b></p>	<p>The bill establishes the Regional and Statewide Mutual Aid System (RSMAS), including the Colorado Coordinated Regional Mutual Aid System (CCRMAS), to improve coordination of governmental emergency responders to emergency incidents. All governmental emergency responders, including county improvement districts providing fire protection services, or any county department or agency that provides fire or emergency medical services, are part of the RSMAS and CCRMAS, but they have the option to opt-out. Any responder who opts out is only eligible for reimbursement to the extent that the Division of Fire Prevention &amp; Control (DFPC) authorizes. CRS 24-33.5-1235.</p>		<p>Upon Governor's Signature</p>
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## Taxation and Finance

2021 Legislation	Local Option	Local Requirement	Effective Date
<p><a href="#"><u>HB21-1267</u></a>, <b>County Authority To Delegate Mill Levy Certification</b></p>	<p>Authorizes counties to delegate the administrative mill levy certification duty, and allows for certification via written approval as opposed to formal resolution (lifting the requirement for a public hearing). CRS 39-1-111.</p>		<p>September 7, 2021</p>
<p><a href="#"><u>SB21-130</u></a>, <b>Local Authority for Business Personal Property Tax Exemption</b></p>	<p>For the property tax year that commenced on January 1, 2021, local governments may exempt 100% of a business' personal property tax liability. CRS 39-3-118.5                      Note: HB21-1312 provides relief to small businesses by exempting those with \$50,000 or less of business personal property from this tax. The state will backfill counties, cities, special districts and schools for their lost revenue. This benefit starts on the property tax year that commenced on January 1, 2021. CRS 39-33-119.5</p>		<p>April 29, 2021</p>

<p><b><a href="#">SB21-279</a>, Delinquent Interest Payments Property Tax</b></p>	<p>Between June 16 and September 30, 2021, the BOCC, upon approval of the county treasurer, may temporarily reduce, waive or suspend delinquent interest payments on late property taxes. CRS 39-10-104.5 Counties that choose this option must notify their local taxing jurisdictions and, under certain circumstances, advance payments to them to help cover bond payments or monthly operational costs. CRS 39-10-112</p>		<p>Upon Governor's Signature</p>
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## Tourism, Resorts, & Economic Development

2021 Legislation	Local Option	Local Requirement	Effective Date
<a href="#">SB21-249</a> , Keep Colorado Wild Annual Pass		<p>County Clerks and Recorders are responsible for collecting and transmitting the pass fee revenue to the Colorado Department of Revenue, and must remit fee revenue at least once a month.</p> <p><b>Funding:</b> Counties are authorized to retain a portion of the revenue sufficient to cover costs associated with these actions.</p>	September 7, 2021

## Transportation & Telecommunications

2021 Legislation	Local Option	Local Requirement	Effective Date
<a href="#">HB21-1095</a> , County Road Maintenance and 811 Locate Requirements	Beginning in June of 2022, county road and bridge departments will be able to conduct basic maintenance on unpaved county roads without having to call Colorado 811 for utility locates - provided that the maintenance activity doesn't lower the grade of the road or adjacent ditches or disturb more than six inches of soil. CRS 9-1.5-103		June 1, 2022

<p><b><a href="#">HB21-1138</a>, OHV Use on County Roads</b></p>	<p>County commissioners may currently designate any county road for recreational use of off-highway vehicles (OHVs). If commissioners do not designate a county road for OHV use, that prohibition applies to <b>all</b> OHVs, regardless of what state the OHV is registered in. CRS 33-14.5-108</p>		<p>May 7, 2021</p>
<p><b><a href="#">SB21-084</a>, County Authority on Roughed-In Roads</b></p>	<p>Counties have the authority to prohibit motor vehicles from travelling on roughed-in roads (defined as areas of ground that have been cut with the intention of making a roadway but have not been improved enough to qualify as a roadway). CRS 42-4-106(3)</p>		<p>September 7, 2021</p>