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## OTTEN JOHNSON ALERT

# Colorado's 2019 Legislative Session: Cliff Notes for the Real Estate Industry

May 2019 • [Brian Connolly](#)

The 2019 legislative session in Colorado featured political fireworks relating to everything from gun control to full-day kindergarten. The 2019 session featured a few significant developments for those of us in the world of real estate, too. Below is a brief review of some of the highlights (and lowlights) for real estate in Colorado:

### Bills That Passed

- Senate Bill 181, which modified the mission of the Colorado Oil and Gas Conservation Commission and granted local governments more authority to regulate oil and gas activity, is expected to result in more fragmented regulation of oil and gas drilling as between local jurisdictions, with oil and gas-friendly jurisdictions expanding drilling rights while pro-environment jurisdictions restrict or limit drilling.
- The legislature has approved placing a measure on the November 2019 ballot asking voters to approve withdrawing TABOR-imposed revenue caps on all state revenues—commonly known as “de-Brucing”—allowing the state to keep all of the revenue that it collects.
- Various tenants’ rights measures passed the legislature, including a requirement that landlords give tenants at least ten days (as compared to three under prior law) to pay unpaid rent; a measure giving mobile home tenants at least thirty days to vacate their homes following a court-ordered eviction; a requirement that landlords respond, in a timely manner, to tenants reporting problems with rental

properties and allowing tenants to withhold rent under such circumstances; and a prohibition on the use of rental application fees for activities other than the processing of rental applications.

- The legislature approved \$300 million in spending on road improvements, including for local and state roads. The state is estimated to have a \$9 billion backlog of road projects.
- A measure allowing metropolitan districts to levy sales tax for the provision of fire protection services passed the legislature.
- A bill clarified that a holder of any water ditch easement has the right to “construct, operate, clean, maintain, repair, and replace the ditch, to improve the efficiency of the ditch, including by lining or piping the ditch, and to enter onto the burdened property for such purposes.”
- Landowners will be required to consent to the listing of properties on the National Historic Register.
- Farm stands will be allowed on any property, whether or not it is zoned by a local government for agricultural operations.
- All local public meeting notices will be allowed to be posted online, instead of in a physical location.

## Bills That Passed, But Are Not Yet Signed

- A measure allowing boards of county commissioners to delegate final approval authority for subdivision plats to county administrative staff was passed by both houses of the legislature, but is awaiting signature from Governor Polis.

## Bills That Died

- The legislature killed a measure that would have repealed the state’s prohibition on rent control. Under the proposed bill, a local government could have imposed rent control measures on any rental property. The bill may resurface in the next session.
- A measure that would have allowed rural broadband infrastructure to be placed in existing electric utility easements died in committee.

Otten Johnson attorneys routinely assist our clients in tracking and analyzing legislation affecting land use, real estate, and business matters. As always, we would be happy to discuss how state legislation affects your project or business.

Otten Johnson attorneys in our [Real Estate](#) practice group have substantial experience with development and governmental agreements. For more information on this Otten Johnson Alert or for help evaluating your current situation, contact any of the attorneys in the Real Estate practice group. For a listing, [click here](#).

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950 Seventeenth Street, Suite 1600, Denver, CO 80202  
Phone 303.825.8400 | Fax 303.825.6525 | [ottenjohnson.com](http://ottenjohnson.com)