



Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 10-0858**Date:** February 18, 2010**Prime Sponsor(s):** Rep. Murray
Sen. Harvey**Bill Status:** House Local Government**Fiscal Analyst:** Harry Zeid (303-866-4753)

TITLE: CONCERNING A CLARIFICATION OF THE CONDITIONS ON LAND-USE APPROVALS THAT MAY BE IMPOSED BY LOCAL GOVERNMENTS UNDER STATUTORY PROVISIONS GOVERNING THE REGULATORY IMPAIRMENT OF PROPERTY RIGHTS.

Summary of Legislation

Under current law, local governments cannot require an owner of private property to dedicate real property to the public, or pay money or provide services to a public entity unless there is an essential nexus between the dedication or payment and a legitimate local government interest. Furthermore, any dedication or payment must be roughly proportional in nature and extent to the impact of the proposed use or development of the property. This bill is meant to clarify the conditions of land-use approvals imposed by local governments as a means to protect against exactions requiring a landowner to bear burdens for the public good that should more properly be borne by the public at large.

The bill becomes effect upon signature of the Governor, or upon becoming law without his signature, and applies to civil actions commenced on or after November 1, 2007.

Assessment

The bill is assessed at no fiscal impact. By clarifying the intent of statutory provisions governing the regulatory impairment of property rights, the bill clarifies legislative intent for civil actions commenced on or after November 1, 2007, and also limits the potential for future litigation. Since the volume of such cases is low, it will have a minimal and absorbable impact on the workload of the courts. Therefore, no additional appropriation is necessary.

Departments Contacted

Local Affairs

Judicial