

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0596.01 Shelby Ross x4510

HOUSE BILL 24-1107

HOUSE SPONSORSHIP

Lindstedt and Bird,

SENATE SPONSORSHIP

Bridges,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING JUDICIAL REVIEW OF A LOCAL LAND USE DECISION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a court to award reasonable attorney fees to a prevailing defendant in an action for judicial review of a local land use decision, except for an action brought by the land use applicant before the governmental entity. Filing an action for judicial review of a local land use decision does not affect the validity of the local land use decision. The bill authorizes a governmental entity and the public to rely on the local land use decision in good faith for all purposes until the action for judicial review is resolved.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-51.5-104 as
3 follows:

4 **13-51.5-104. Request for judicial review of local land use
5 decisions - attorney fees - effect of filing action - good-faith reliance.**

6 (1) (a) THE COURT SHALL AWARD REASONABLE ATTORNEY FEES TO A
7 PREVAILING GOVERNMENTAL ENTITY IN ANY ACTION FOR JUDICIAL REVIEW
8 OF A LOCAL LAND USE DECISION INVOLVING RESIDENTIAL USE BROUGHT
9 PURSUANT TO THIS ARTICLE 51.5 OR RULE 106 (a)(4) OF THE COLORADO
10 RULES OF CIVIL PROCEDURE.

11 (b) THIS SUBSECTION (1) DOES NOT APPLY TO AN ACTION FOR
12 JUDICIAL REVIEW BROUGHT BY THE LAND USE APPLICANT BEFORE THE
13 GOVERNMENTAL ENTITY.

14 (2) FILING AN ACTION FOR JUDICIAL REVIEW OF A LOCAL LAND USE
15 DECISION PURSUANT TO THIS ARTICLE 51.5 OR RULE 106 (a)(4) OF THE
16 COLORADO RULES OF CIVIL PROCEDURE DOES NOT AFFECT THE VALIDITY
17 OF THE LOCAL LAND USE DECISION. THE GOVERNMENTAL ENTITY AND
18 PUBLIC MAY RELY ON THE LOCAL LAND USE DECISION IN GOOD FAITH FOR
19 ALL PURPOSES UNTIL THE ACTION FOR JUDICIAL REVIEW IS RESOLVED.

20 **SECTION 2. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.