

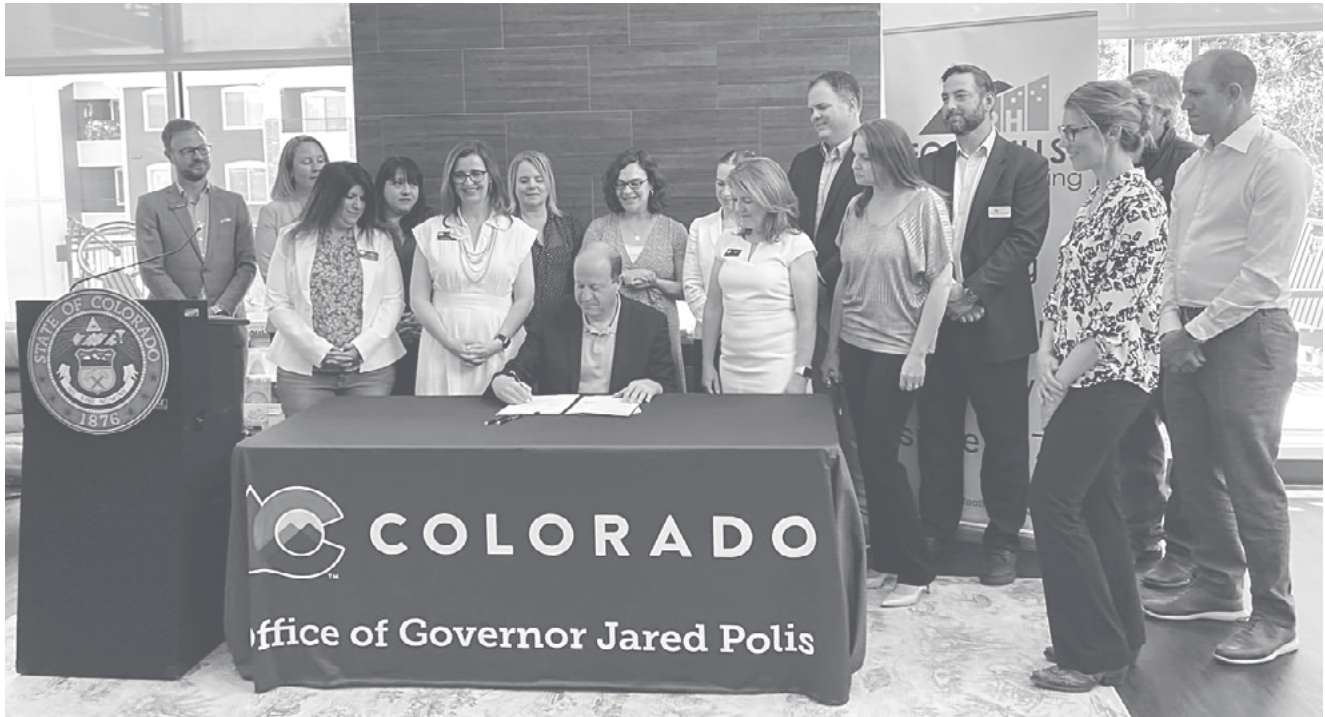


COLORADO  
MUNICIPAL  
LEAGUE

# NEWSLETTER

Vol. 50, No. 12, June 14, 2024

## CML SUPPORTS HOUSING



### Housing solutions happen when we work together

*By Denise White, CML engagement and communications manager*

The signing of Senate Bill 24-174, State Support for Sustainable Affordable Housing, into law on May 30 demonstrates what's possible when a spirit of partnership, not preemption, guides the legislative process. By working together, communities, legislators, and advocates have found common ground to create meaningful change for Coloradans. CML applauds the bill's sponsors, Sen. Rachel Zenzinger (D-Arvada), Sen. Barbara Kirkmeyer, (R-Weld County), Rep. Shannon Bird (D-Westminster), and House Minority Leader Rose Pugliese (R-Colorado Springs), for their dedication to finding common ground and creating meaningful change for Coloradans. This victory belongs to all of us who raised our voices and advocated for change. Let's continue working together to ensure this legislation has a lasting, positive impact on Colorado. Learn more about SB24-174 by visiting [tinyurl.com/2n9jj82w](https://tinyurl.com/2n9jj82w).

**Empowered cities and towns, united for a strong Colorado**

# EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

## National League of Cities publishes 'Housing Supply Accelerator Playbook'

The “Housing Supply Accelerator Playbook: Solutions, Systems, Partnerships,” a collaboration by the National League of Cities and the American Planning Association, is a resource designed to support communities in navigating their housing supply challenges. The playbook focuses on how communities can accelerate locally driven housing solutions to produce, preserve, and improve the quantity of quality housing units.



Emphasizing a systems approach to addressing housing supply challenges, the Housing Supply Accelerator Playbook underscores the pivotal role of shared responsibility in bridging the nation’s housing shortages.

This playbook serves as a guide and a call to action to embrace complexity and champion collaboration. No singular solution can resolve the housing supply crisis. Instead, each concerted effort shapes a diverse, attainable, and equitable housing future.

Key insights from the playbook include:

- The national housing supply shortage demands collective momentum and shared responsibility from each sector of the housing market to achieve meaningful progress.
- Housing supply challenges involve

myriad factors, such as construction and development, finance, land use and regulations, and infrastructure and workforce. A systems approach to addressing housing supply recognizes that all these factors are interconnected and must be resolved to address the current housing supply challenges at the local level.

- Multi-layered solutions are needed to address housing supply challenges at the local level. The combination of local housing strategies, in coordination with all housing stakeholders, will propel communities forward, one step at a time.
- An actionable level of consensus — not perfect consensus — is needed to make progress to tackle today’s housing supply challenges.

Download the “Housing Supply Accelerator Playbook” at [tinyurl.com/4x7h9hxn](https://tinyurl.com/4x7h9hxn).



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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Get this newsletter by email. The *CML Newsletter* is available by email three days before it arrives in the mail! Sign up at [bit.ly/CMLNewsletter](https://bit.ly/CMLNewsletter).

## CELEBRATE WITH CML

CML wants to hear about your community’s successes. Tell us about a grant you’ve won, water tank that’s finally finished, or anything else you’re excited about! Email CML Publication & Design Specialist Alex Miller, [amiller@cml.org](mailto:amiller@cml.org).



RESEARCH CORNER

# MUNICIPALITIES RESPOND TO UNFUNDED STATE MANDATES

Data visualization by **RACHEL WOOLWORTH**, CML municipal research analyst, and **ALEX MILLER**, CML publication & design specialist

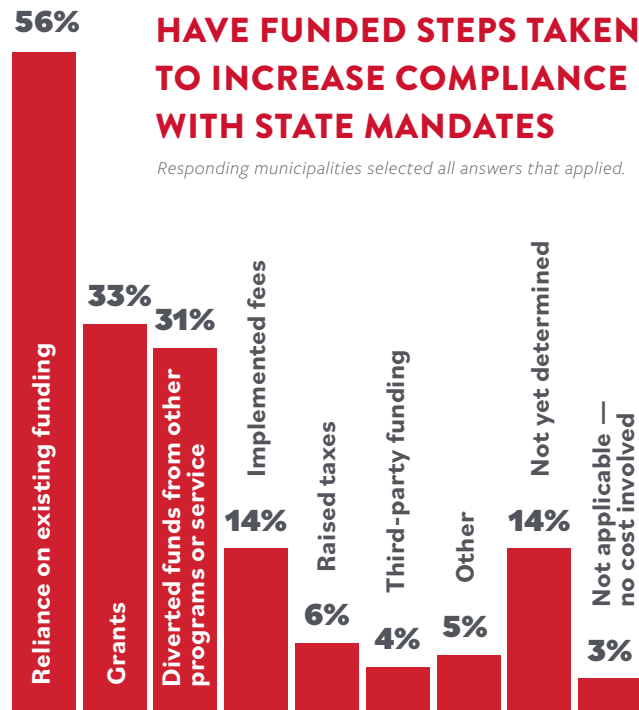
**M**unicipalities across Colorado are facing the challenging fiscal consequences of various unfunded state mandates, laws or regulations that require cities and towns to take prescribed actions to achieve state policy goals without reimbursement.

Colorado Municipal League asked member municipalities which unfunded state mandates created the greatest financial impacts for them in our 2024 State of Our Cities and Towns survey. Mandates related to technological accessibility (44%), law enforcement accountability (26%), and wastewater quality (23%) topped the list.

Generally, the larger the municipality, the more awareness a city or town had of such mandates. One hundred percent of large cities (over 25,000 people) participating in the survey reported awareness of various unfunded state mandates while only 29% of small municipalities (under 2,000 people) reported such awareness.

## HOW MUNICIPALITIES HAVE FUNDED STEPS TAKEN TO INCREASE COMPLIANCE WITH STATE MANDATES

*Responding municipalities selected all answers that applied.*



## STEPS TAKEN BY MUNICIPALITIES TO COMPLY WITH UNFUNDED MANDATES

*Responding municipalities selected all answers that applied.*

**56%**

Updated technology

**46%**

Increased training

**44%**

Relied on outside vendors

**33%**

Updated facilities

**20%**

Added staff

**15%**

Conducted audits

**5%**

Reduced services

**5%**

Closed facilities



## CML Spring District Meetings connect and empower municipalities

In May, CML launched its newly revamped Spring District Meetings across the state, following the redrawing of district boundaries earlier this year. Designed to foster connection and collaboration, these meetings offered updates on the 2024 legislative session's outcomes and a platform for members to share successes and challenges.

From Burlington to Palisade and Johnstown to Trinidad, CML staff crisscrossed the state to gain a deeper understanding of the diverse needs and priorities of its members. More than 425 CML members attended 14 meetings, eager to learn about the implications of new laws for their communities. This spring also marked the inaugural District Meeting for CML's newest district, District 15.

The Spring District Meetings reintroduced social and networking time, allowing members to reconnect with colleagues and learn from each other's experiences. Conversations revealed insights into the work happening in various communities and strategies for tackling common challenges. Key topics included water management, staff retention and recruitment, infrastructure projects, affordable housing, and funding opportunities, underscoring the shared concerns and opportunities facing municipalities. These discussions fostered the exchange of ideas, best practices, and collaborative solutions to address these critical issues.

By amplifying the voices of Colorado municipalities and providing a platform for connection and collaboration, CML's Spring District Meetings play a vital role in empowering local communities and ensuring their perspectives are heard.



Above: CML staff and municipal officials attend the Spring District meeting in Northglenn.  
Below: The Spring District Meeting in Johnstown.



## RSVP for State Revolving Fund regional workshops

This summer, the Colorado State Revolving Fund (SRF) program is coming to you!

The Colorado Department of Public Health and Environment will host a pair of regional workshops this summer, one on July 11 in Alamosa and another July 23 in Akron. The workshop will cover topics including SRF basics (such as details about Bipartisan Infrastructure Law funding);

funding options for drinking water and wastewater infrastructure; planning, asset management, and available technical assistance; and current and upcoming regulations regarding lead and emerging contaminants.

The department will have staff available to answer questions about specific projects and discuss situations unique to your community.

State Revolving Fund loans have very low interest rates so that they are affordable to repay. The fund finances the design and construction of Colorado water, wastewater, and stormwater infrastructure.

RSVP for the Alamosa workshop by June 28, at [tinyurl.com/y9xt62xa](https://tinyurl.com/y9xt62xa).

RSVP for the Akron workshop by July 12, at [tinyurl.com/3c74pzye](https://tinyurl.com/3c74pzye).

## State of Colorado can help municipalities prepare documents

Did you know the State of Colorado assists municipalities with document service needs?

The State of Colorado's Department of Personnel & Administrations Integrated Document Solutions (IDS) provides full-service document preparation, production, and distribution services to all government entities across Colorado. From graphic design and printing, scanning, imaging, and data processing to mail and distribution, IDS partners with

municipalities to offer a wide variety of professional-level document solutions and tailors solutions to each program's needs and budgets.

IDS processes Department of Motor Vehicle renewal cards, property tax documents, and utility bills for municipalities and has a special agreement with the USPS that blends all government mail under the state's postage permit. It is relatively simple to integrate any number of these services

into a seamless operation for agencies, resulting in processes that are more efficient and at a lower cost — and the department is not in business to make a profit.

For more information on these services or to schedule a tour of the department's facilities, please visit the IDS website, [dcs.colorado.gov/ids](https://dcs.colorado.gov/ids), or email [barbara.novak@state.co.us](mailto:barbara.novak@state.co.us).

## Artificial intelligence for government

Join the Colorado Smart Cities Alliance for the culminating event of the AI For Government series, which will provide a hands-on showcase illustrating how artificial intelligence (AI) can be used to help government agencies improve services and quality of life in their communities.

The event will bring together innovation leaders from towns, cities, counties, utilities, and state agencies across Colorado to engage with entrepreneurs, solution providers, and research organizations on the cutting edge of AI.

Iliff Innovation Lab is sponsoring the event. The lab, which is based in Iliff School of Theology, is at the forefront of AI research and technology while also prioritizing diversity and ethics.

Government attendees and Colorado Smart Cities Alliance members can attend for free. The event will take place June 20 in Denver. More information is available at [tinyurl.com/2u5myt9h](https://tinyurl.com/2u5myt9h).

## Mayors Leadership Academy

Leading a city comes with unique challenges — and solutions. In partnership with Colorado Municipal League and the Metro Mayors Caucus (MMC), Civic Results is launching its first Mayors Leadership Academy, beginning Aug. 8. This in-person program, held in varying locations

around the metro Denver area and the state of Colorado, will offer full-day sessions monthly from August to March that are focused on building skills, networks, and relationships. For more information, please email [info@civicresults.org](mailto:info@civicresults.org) or visit [tinyurl.com/mtya984b](https://tinyurl.com/mtya984b).

## Metro Area BID DDA URA Mobile Tour

Many Colorado communities are curious about districts and authorities that can focus on redevelopment, reuse, and place management in downtown and commercial areas. Why sit in a conference room to learn, when you can hit the road and tour some Business Improvement District,

Downtown Development Authority, and Urban Renewal Authority projects?

Colorado Municipal League and Downtown Colorado, Inc. are pleased to announce our fifth annual financing mechanism mobile tour. Register today by visiting [tinyurl.com/34mdvnzj](https://tinyurl.com/34mdvnzj).

## '2024 SAFECOM Guidance' published

The Cybersecurity and Infrastructure Security Agency (CISA) has published "Fiscal Year 2024 SAFECOM Guidance on Emergency Communications Grants,"

which provides information on policies, technical standards, and best practices for grant recipients. Read the guidance at [CISA.gov/safecom/funding](https://CISA.gov/safecom/funding).

# CML LEGAL CORNER



## Rethinking ‘rights of nature’

By Taylor McGaughey, CML law clerk

In the past few years, some Colorado towns enacted resolutions regarding “rights of nature” that afford ecosystems certain legal rights and integrate environmental interests into a town’s policymaking activities. The Town of Nederland expanded its resolution earlier this year by appointing two “guardians” to monitor and report on Middle Boulder Creek and its watershed. Just a few months later, however, the town repealed its 2021 rights of nature resolution altogether. The town’s experience in passing the 2021 rights of nature resolution reflected a new international legal trend, just as the repeal may suggest how municipalities can best address environmental concerns in other ways.

### THE GROWTH OF THE RIGHTS OF NATURE THEORY

The rights of nature theory treats an ecosystem (including animals, trees, rivers, oceans, and mountains) as a legal person, granting the ecosystem a certain legal standing. The ecosystem is represented by a guardian who can act on behalf of it. This concept is based off the premise that nature is entitled to the same fundamental rights as human beings.

The theory gained recognition in the 21st century. First formally recognized in Ecuador in 2008, that country added a constitutional provision to provide protection to Pachamama (Mother Earth). The first successful lawsuit using the rights of nature concept was filed by the Global Alliance for Rights of Nature (GARN) in 2011. GARN initiated the lawsuit on behalf of Ecuador’s Vilcabamba River to protect the river from construction companies dumping rubble into it.

Throughout the 2010s, the theory spread internationally. In 2010, the City Council of Pittsburgh, Pennsylvania passed an ordinance that banned shale gas drilling

and fracking via the rights of nature. In 2017, the Whanganui River in New Zealand, the Rio Atrato River in Colombia, and the Ganga and Yamuna Rivers in India, gained protections under the rights of nature. In 2019, the City of Toledo, Ohio adopted the Lake Erie Bill of Rights (LEBOR), which empowered the city and its residents to sue on behalf of the lake.

### ADOPTION OF RIGHTS OF NATURE BY COLORADO MUNICIPALITIES

Various environmental groups have attempted to establish rights of nature in Colorado through litigation. For example, in 2017, Deep Green Resistance, asserting that it was a guardian to the “Colorado River Ecosystem,” filed a complaint in federal court. The complaint asked the court to declare the “Colorado River Ecosystem” a person capable of possessing rights to “exist, flourish, regenerate, be restored, and naturally evolve.”

The claim relied on the dissenting opinion of a U.S. Supreme Court case, *Sierra Club v. Morton* (1972), which argued that ecosystems should have standing. The majority rejected the dissent, finding that the Sierra Club’s interest in preserving an ecosystem did not grant it standing because the members of the Sierra Club would not directly suffer an injury. As might be expected, given the lack of judicial precedent or statutory authority, the district court dismissed the complaint with prejudice.

Municipalities in Colorado, in recent years, have adopted rights of nature ordinances. In 2018, the Town of Crestone became Colorado’s first municipality to pass rights of nature legislation. In 2021, the Towns of Ridgway and Nederland adopted rights of nature resolutions to protect their local rivers and watersheds. In 2022, the Town of Grand Lake passed a rights of nature resolution to protect the Grand Lake Watershed.

### THE FUTURE OF RIGHTS OF NATURE IN COLORADO MUNICIPALITIES

Municipalities can employ this concept to inform strategic planning and budgeting, revise development processes, and engage their communities. However, expanding legal rights can have unintended consequences, such as disrupting improvement projects or other municipal activities.

Rights of nature resolutions can also draw backlash in the form of litigation or state legislation. Other states, such as Ohio and Florida, have responded to the restrictions imposed by the rights of nature laws that local communities have passed.

For example, the State of Ohio and agricultural companies sued the City of Toledo, arguing that the LEBOR was unconstitutional. A district judge found that LEBOR was unconstitutionally vague in violation of the Fourteenth Amendment and exceeded Toledo’s municipal authority.

A Florida judge, on the other hand, struck down an Orange County rights of nature charter amendment, finding that state law preempted the charter amendment. In addition to these lawsuits, Ohio and Florida have successfully enacted state-level legislation that preempts local rights of nature laws.

Colorado municipalities face significant decisions about the scope and extent of their local program if they consider adopting rights of nature ordinances. Though such laws may help municipalities prioritize protection of their surrounding ecosystems, overinclusive ordinances and guardianship concerns may impede natural resource management and might be subject to legal challenges.

*This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.*



# See you in Loveland!



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- Governor signs CML-initiated State Support for Affordable Housing bill into law
- Spring District Meetings connect and empower Colorado municipalities
- Research Corner: Municipalities respond to unfunded state mandates
- Legal Corner: Rethinking 'rights of nature'

Featured in this issue

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