

1 **BY AUTHORITY**

2 RESOLUTION NO. _____
3 SERIES OF 2026

COMMITTEE OF REFERENCE:

4 **A RESOLUTION**

5 **To waive the City and County’s right of first refusal and right of first offer**
6 **provided by State law pursuant to C.R.S. § 29-4-1202 and C.R.S. §29-4-1203,**
7 **respectively.**

8
9 **BE IT RESOLVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** During the 2024 General Session of the General Assembly of the State of
11 Colorado, House Bill 24-1175 was enacted and signed into law by the Governor of the State of
12 Colorado.

13 **Section 2.** House Bill 24-1175 established a right of first refusal for local governments related
14 to multifamily residential or mixed-used rental property consisting of not less than five units that is
15 existing affordable housing, excluding mobile home parks, which right of first refusal is codified at
16 C.R.S. § 29-4-1202. House Bill 24-1175 also established a right of first offer for local governments
17 related to multifamily residential or mixed-used rental property consisting of not more than one
18 hundred units and not less than fifteen units and excluding existing affordable housing and a mobile
19 home park as defined in Section 38-12-201.5(6), which right of first offer is codified at C.R.S. § 29-
20 4-1203.

21 **Section 3.** Pursuant to C.R.S. § 29-4-1202(g)(I), the governing body of a local government
22 may waive the right of first refusal provided in C.R.S. § 29-4-1202. Pursuant to C.R.S. § 29-4-
23 1203(e)(I), the governing body of a local government may waive the right of first offer provided in
24 C.R.S. § 29-4-1203. Pursuant to C.R.S. § 29-4-1204(5), if a local government has adopted long-
25 term affordability requirements that are greater than those of House Bill 24-1175, the local
26 government’s requirements apply and nothing in House Bill 24-1175 overrides any local affordable
27 housing law.

28 **Section 4.** The City Council for the City and County of Denver passed its Preservation of
29 Affordable Housing ordinance, Denver Revised Municipal Code § 27-45 *et seq.* in 2000 and
30 amended it in 2005 and 2026. The long-term affordability requirements in Denver’s Ordinance are
31 greater than those established in House Bill 24-1175. Pursuant to C.R.S. § 29-4-1204(5), The City
32 and County of Denver’s long-term affordability requirements apply to Denver, and nothing in House
33 Bill 24-1175 overrides Denver’s Preservation of Affordable Housing ordinance.

34 **Section 5.** To the extent C.R.S. § 29-4-1204(5) does not completely exempt Denver from all
35 of the requirements of House Bill 24-1175, the City Council for the City and County of Denver hereby

1 waives the right of first refusal provided in C.R.S. § 29-4-1202 and the right of first offer provided in
2 C.R.S. § 29-4-1203.

3
4 COMMITTEE APPROVAL DATE: _____, 2026.

5 MAYOR-COUNCIL DATE: _____, 2026.

6 PASSED BY THE COUNCIL _____ 2026

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____ 2026

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

13 PREPARED BY: _____; DATE: _____
14

15 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
16 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
17 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
18 3.2.6 of the Charter.

19
20 Miko Ando Brown, Denver City Attorney

21
22 BY: _____, _____ City Attorney DATE: _____
23