RESOLUTION NO. 2025-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING HOME RULE MUNICIPALITIES IN LITIGATION AGAINST THE STATE AND ASSERTING HOME RULE AUTHORITY OVER LOCAL LAND USE AND ZONING

WHEREAS, in 2000, the residents of the City of Brighton voted to become a home rule municipality and approved their governing charter; and

WHEREAS, the City of Brighton Home Rule Charter provides, "The City of Brighton, hereafter referred to as City, shall have all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado;" and

WHEREAS, under the provisions in Colorado Constitution Article XX, Section 6, zoning and land use planning have been designated as purely local and municipal matters to be locally controlled; and

WHEREAS, home rule municipalities and their local government partners bear the responsibility to evaluate the potential impacts of proposed land uses on their communities, including the ability to ensure adequate water supply and utility services; provide for public safety, schools, and recreational facilities; maintain sufficient and safe transportation, pedestrian, and other infrastructure to support increased population or intensified land use; align development with the community's goals; preserve historic and cultural resources; and protect open space and the environment; and

WHEREAS, the City Council of the City of Brighton strongly believes these responsibilities are best met by listening to the voices of the residents of the City most impacted by its decisions; and

WHEREAS, the State enacted House Bill 24-1304 Minimum Parking Requirements and House Bill 24-1313 Housing in Transit-Oriented Communities that purport to place statewide mandates governing aspects of land use and zoning legislation on a limited group of home rule municipalities; and

WHEREAS, on May 16, 2025, Governor Polis issued Executive Order D 2025 005, declaring that municipalities failing to comply with the above-referenced bills—and other land use legislation from previous sessions—will be deprioritized for competitive or discretionary funding opportunities, including grants, incentive programs, contracts, loans, and tax credits; and

WHEREAS, six home rule municipalities filed a lawsuit against the State of Colorado, Governor Polis, the Colorado Department of Local Affairs and its Executive Director seeking a declaration that HB 24-1313 and HB 24-1304 violate the Colorado Constitution and seeking injunctions against enforcement of the Bills and Executive Order D 2025 005; and

WHEREAS, City Council desires to express its support for the plaintiff municipalities and the goals of the lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

Section 1. The City of Brighton affirms its longstanding support of the powers granted by the Constitution of the State of Colorado which includes home rule authority over zoning and land use planning.

Section 2. The City of Brighton supports the plaintiff home rule municipalities in their litigation efforts against the State seeking injunctions against the enforcement of certain housing bills from the 2024 legislative session (HB24-1304 Minimum Parking Requirements and HB24-1313 Housing in Transit-Oriented Communities) and Executive Order D 2025 005 and declarations that the same are in violation of the Constitution of the State of Colorado.

Section 3. This Resolution is effective as of the date of its adoption.

RESOLVED this 2nd day of September 2025.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

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ALICIA CALDERÓN, City Attorney