

RESOLUTION NO. ____25

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

WHEREAS, by vote of its citizens, the City of Colorado Springs is a home rule municipality governed by its own charter pursuant to Article XX, Section 6 of the Colorado Constitution, which grants plenary authority over local and municipal matters, including zoning and land use; and

WHEREAS, the Charter of the City of Colorado Springs affirms that the City shall have all powers possible for a city to have under the Constitution of the State of Colorado, including the power of local self-government and home rule; and

WHEREAS, home rule municipalities bear the responsibility to assess and manage local land use to ensure the adequacy of water, infrastructure, public safety, environmental stewardship, historic preservation, and overall community character; and

WHEREAS, the State of Colorado enacted House Bill 24-1304 (Minimum Parking Requirements) and House Bill 24-1313 (Housing in Transit-Oriented Communities), which impose statewide mandates on local land use and zoning authority, curtail public input in development decisions, and override established processes for legislative decision-making and administrative review; and

WHEREAS, these laws apply only to a select group of municipalities and override local discretion in zoning, remove minimum parking requirements without context, and mandate administrative approvals of certain high-density housing developments without public hearings; and

WHEREAS, the Colorado Springs City Council 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, on May 16, 2025, the Governor of Colorado issued Executive Order D 2025 005, threatening to deprioritize competitive and discretionary funding opportunities, including grants, incentive programs, contracts, loans, and tax credits for municipalities that do not comply with H.B. 24-1304 and H.B. 24-1313 and related laws; and

WHEREAS, on May 27th, 2025, the City Council passed a Resolution opposing Governor Polis' Executive Order D 2025-005 and related state housing laws, and reasserting the city's home rule authority; and

WHEREAS, six Colorado home rule municipalities, Greenwood Village, Arvada, Aurora, Glendale, Lafayette, and Westminster filed a lawsuit seeking declaratory and injunctive relief on the grounds that these bills and Executive Order D 2025 005 violate the Colorado Constitution, including Article XX, Section 6 (home rule authority), Article II, Section 11 (impairment of contracts), and Article V, Section 1(9) (referendum rights); and

WHEREAS, on October 9th, 2025, the plaintiffs filed an injunction to temporarily block enforcement of Governor Polis' Executive Orders D 2025 005 and 011, asking the court to recognize that the plaintiff municipalities demonstrated merits of their constitutional claims and potential irreparable harm to local self-governance if the order were to be implemented; and

WHEREAS, the City Council of Colorado Springs affirms its longstanding support of the powers granted to home rule municipalities by the Constitution of the State of Colorado, including the right of local self-governance and control over land use and zoning; and

WHEREAS, the City Council wishes to express its support for the plaintiff municipalities and align with their efforts to defend home rule authority.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF COLORADO SPRINGS:

1. The City Council of Colorado Springs 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.

Dated at Colorado Springs, Colorado this ____ day of _____, 2025.

Council President

ATTEST:

Sarah B. Johnson, City Clerk