

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0918.01 Esther van Mourik x4215

**HOUSE BILL 21-1274**

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**HOUSE SPONSORSHIP**

**Titone,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE BENEFICIAL USE OF UNUSED STATE-OWNED REAL**  
102                    **PROPERTY, AND, IN CONNECTION THEREWITH, DIRECTING THE**  
103                    **DEPARTMENT OF PERSONNEL TO INVENTORY SUCH PROPERTY**  
104                    **AND USE SUCH PROPERTY TO PROMOTE AFFORDABLE HOUSING**  
105                    **AND RENEWABLE ENERGY DEVELOPMENT.**

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**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 the department of personnel (department) to create and maintain an inventory of unused state-owned real property and

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

to determine whether the unused state-owned real property identified is suitable for construction of affordable housing or placement of renewable energy facilities, or if such property is suitable for other purposes.

The department is authorized to seek proposals from qualified developers to construct affordable housing or to place renewable energy facilities on unused state-owned real property that the department has deemed suitable.

The department is authorized to enter into contracts with qualified developers for proposals to construct affordable housing or to place renewable energy facilities on unused state-owned real property that the department has deemed suitable, subject to available appropriations.

The bill creates the unused state-owned real property cash fund to which the state treasurer is required to credit all proceeds from the sale, rent, or lease of unused state-owned real property.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-82-102.5 as  
3 follows:

4 **24-82-102.5. Unused state-owned real property - cash fund -**  
5 **legislative declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY  
6 HEREBY FINDS AND DECLARES THAT:

7 (I) THE STATE OWNS A SURPLUS OF REAL PROPERTY THAT IS NOT  
8 NEEDED FOR STATE USE THAT COULD PROVIDE BENEFITS TO COLORADO,  
9 INCLUDING FOR AFFORDABLE HOUSING AND RENEWABLE ENERGY;

10 (II) THE DEPARTMENT OF PERSONNEL IS ALREADY AUTHORIZED IN  
11 SECTION 24-82-102 (2)(a) TO RENT OR LEASE REAL PROPERTY NOT  
12 PRESENTLY NEEDED FOR STATE USE;

13 (III) THE STATE HAS SET AMBITIOUS GOALS TO INCREASE  
14 RENEWABLE ENERGY PRODUCTION ACROSS COLORADO;

15 (IV) MANY SENIOR CITIZENS, VETERANS, AND OTHER  
16 HARD-WORKING COLORADANS ARE UNABLE TO AFFORD TO LIVE IN OR  
17 NEAR THE COMMUNITIES IN WHICH THEY WORK AND FAR TOO MANY

1 COLORADANS PAY IN EXCESS OF HALF THEIR MONTHLY INCOME ON THEIR  
2 BASIC NEEDS;

3 (V) AS THE AVAILABILITY OF FINDING LAND SUITABLE FOR THE  
4 DEVELOPMENT OF AFFORDABLE HOUSING THAT CAN BE OBTAINED ON AN  
5 ECONOMIC BASIS IS OFTEN A SIGNIFICANT BARRIER TO THE DEVELOPMENT  
6 OF SUCH HOUSING, THE IDENTIFICATION OF UNUSED STATE-OWNED REAL  
7 PROPERTY, WITH THE ULTIMATE OBJECTIVE OF ASSESSING SUCH PROPERTY  
8 FOR ITS SUSTAINABILITY AND POTENTIAL USE FOR AFFORDABLE HOUSING,  
9 PROMISES TO BE A CRITICAL TOOL AVAILABLE TO THE STATE AND EVEN  
10 LOCAL GOVERNMENTS IN MEETING THE STATE'S HOUSING NEEDS FOR  
11 THESE SEGMENTS OF THE POPULATION; AND

12 (VI) SINCE REAL PROPERTY OWNED BY THE STATE ULTIMATELY  
13 BELONGS TO THE PEOPLE OF COLORADO, THE STATE SHOULD MAXIMIZE  
14 THE USE AND VALUE OF ITS RESOURCES, INCLUDING UNUSED REAL  
15 PROPERTY, TO ADDRESS THE NEEDS OF THE STATE'S POPULATION.

16 (b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS  
17 FOR THE DEPARTMENT TO CONDUCT A REVIEW OF STATE-OWNED REAL  
18 PROPERTY THAT IS NOT PRESENTLY USED FOR STATE PURPOSES AND TO  
19 TRANSPARENTLY ENTER INTO AGREEMENTS TO CONSTRUCT AFFORDABLE  
20 HOUSING OR RENEWABLE ENERGY PRODUCTION FACILITIES ON SUITABLE  
21 UNUSED STATE-OWNED REAL PROPERTY AND TO DETERMINE OTHER  
22 BENEFICIAL USES OF ANY SUCH UNUSED STATE-OWNED REAL PROPERTY.

23 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

25 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL.

26 (b) "FUND" MEANS THE UNUSED STATE-OWNED REAL PROPERTY  
27 FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

1           (c)     "UNUSED STATE-OWNED REAL PROPERTY" MEANS  
2 STATE-OWNED REAL PROPERTY OWNED BY OR UNDER THE CONTROL OF A  
3 STATE AGENCY OR INSTITUTION, NOT INCLUDING THE DIVISION OF PARKS  
4 AND WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES AND NOT  
5 INCLUDING THE STATE BOARD OF LAND COMMISSIONERS, THAT IS NOT  
6 OTHERWISE PROTECTED FOR OR DEDICATED TO ANOTHER USE SUCH AS AN  
7 ACCESS OR A CONSERVATION EASEMENT.

8           (3) (a) THE DEPARTMENT SHALL MAINTAIN AN INVENTORY OF  
9 UNUSED STATE-OWNED REAL PROPERTY AND SHALL POST A LIST OF THE  
10 INVENTORY ON ITS WEBSITE. THE INVENTORY MUST BE UPDATED  
11 ANNUALLY.

12           (b) THE DEPARTMENT MAY REQUEST THE LIST PROVIDED TO THE  
13 CAPITAL DEVELOPMENT COMMITTEE UNDER SECTION 2-3-1304 (3) AS A  
14 BASIS FOR THE DEPARTMENT'S INVENTORY, BUT THE DEPARTMENT SHALL  
15 INDEPENDENTLY ASCERTAIN THE INVENTORY FOR THE DEPARTMENT'S  
16 PURPOSES UNDER THIS SECTION.

17           (4) (a) THE DEPARTMENT SHALL DETERMINE WHETHER THE  
18 UNUSED STATE-OWNED REAL PROPERTY IDENTIFIED BY THE DEPARTMENT  
19 UNDER SUBSECTION (3) OF THIS SECTION IS SUITABLE FOR CONSTRUCTION  
20 OF AFFORDABLE HOUSING OR PLACEMENT OF RENEWABLE ENERGY  
21 FACILITIES, OR MAY RECOMMEND THAT SUCH PROPERTY SHOULD BE SOLD  
22 OR IS SUITABLE FOR OTHER PURPOSES.

23           (b) IN DETERMINING THE SUITABILITY OF PROPERTY UNDER  
24 SUBSECTION (4)(a) OF THIS SECTION, THE DEPARTMENT MAY CONSULT  
25 WITH AND SEEK INPUT FROM:

- 26           (I) THE STATE ARCHITECT, OR THEIR DESIGNEE;
- 27           (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL

1 AFFAIRS, OR THEIR DESIGNEE;

2 (III) ANY RELEVANT POLITICAL SUBDIVISIONS OF THE STATE;

3 (IV) ANY ADDITIONAL RENEWABLE ENERGY FACILITY EXPERTS;

4 AND

5 (V) ANY ADDITIONAL AFFORDABLE HOUSING EXPERTS.

6 (c) NOTWITHSTANDING ANY SECTION TO THE CONTRARY, THE

7 DEPARTMENT MAY SEEK PROPOSALS FROM QUALIFIED DEVELOPERS TO

8 CONSTRUCT AFFORDABLE HOUSING OR TO PLACE RENEWABLE ENERGY

9 FACILITIES ON UNUSED STATE-OWNED REAL PROPERTY THAT THE

10 DEPARTMENT HAS DEEMED SUITABLE UNDER SUBSECTION (4)(a) OF THIS

11 SECTION. PROPOSALS MUST BE SOUGHT IN ACCORDANCE WITH THE

12 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF THIS TITLE 24.

13 (d) THE DEPARTMENT MAY ENTER INTO CONTRACTS WITH

14 QUALIFIED DEVELOPERS FOR PROPOSALS TO CONSTRUCT AFFORDABLE

15 HOUSING OR TO PLACE RENEWABLE ENERGY FACILITIES ON UNUSED

16 STATE-OWNED REAL PROPERTY THAT THE DEPARTMENT HAS DEEMED

17 SUITABLE UNDER SUBSECTION (4)(a) OF THIS SECTION, SUBJECT TO

18 AVAILABLE APPROPRIATIONS. NOTWITHSTANDING SECTION 24-82-102

19 (2)(a), CONTRACTS BETWEEN THE STATE AND QUALIFIED DEVELOPERS MAY

20 NOT REQUIRE IMPROVEMENTS CONSTRUCTED ON STATE PROPERTY FOR THE

21 PURPOSES OF THIS SECTION TO BECOME THE PROPERTY OF THE STATE UPON

22 TERMINATION OF A LEASE FOR SUCH PROPERTY.

23 (e) IN THE EVENT THE DEPARTMENT PLANS TO ENTER INTO A

24 CONTRACT REGARDING ANY UNUSED STATE-OWNED REAL PROPERTY AS

25 AUTHORIZED BY THIS SECTION, OR IN THE EVENT THE DEPARTMENT ENTERS

26 INTO A LEASE OF UNUSED STATE-OWNED REAL PROPERTY AS ALLOWED

27 UNDER SECTION 24-82-102 (2)(a), THE DEPARTMENT SHALL FIRST SUBMIT

1 A REPORT TO THE CAPITAL DEVELOPMENT COMMITTEE THAT OUTLINES THE  
2 ANTICIPATED USE OF THE PROPERTY. THE CAPITAL DEVELOPMENT  
3 COMMITTEE SHALL REVIEW THE REPORTS SUBMITTED BY THE DEPARTMENT  
4 AND MAKE RECOMMENDATIONS TO THE DEPARTMENT CONCERNING THE  
5 ANTICIPATED USE OF THE UNUSED STATE-OWNED REAL PROPERTY. THE  
6 DEPARTMENT SHALL NOT ENTER INTO A CONTRACT REGARDING UNUSED  
7 STATE-OWNED REAL PROPERTY OR LEASE UNUSED STATE-OWNED REAL  
8 PROPERTY WITHOUT CONSIDERING THE RECOMMENDATIONS OF THE  
9 CAPITAL DEVELOPMENT COMMITTEE.

10 (5) (a) THE UNUSED STATE-OWNED REAL PROPERTY FUND IS  
11 HEREBY CREATED IN THE STATE TREASURY. UNLESS OTHERWISE  
12 DIRECTED, THE STATE TREASURER SHALL CREDIT ALL PROCEEDS FROM THE  
13 SALE, RENT, OR LEASE, INCLUDING ANY LEASES ENTERED INTO UNDER  
14 SECTION 24-82-102 (2)(a), OF UNUSED STATE-OWNED REAL PROPERTY TO  
15 THE FUND. THE FUND ALSO CONSISTS OF ANY OTHER MONEY THAT THE  
16 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

17 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
18 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
19 UNUSED STATE-OWNED REAL PROPERTY FUND TO THE FUND. ANY  
20 UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND AT THE END OF  
21 A FISCAL YEAR REMAINS IN THE FUND. SUBJECT TO ANNUAL  
22 APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY  
23 EXPEND MONEY FROM THE FUND FOR THE PURPOSES SET FORTH IN THIS  
24 SECTION, INCLUDING FOR APPRAISALS, SURVEYS, AND PROPERTY  
25 IMPROVEMENT, AND FOR ANY OPERATIONAL COSTS TO ADMINISTER THIS  
26 SECTION.

27 **SECTION 2.** In Colorado Revised Statutes, 24-30-1303.8,

1 **amend** (1)(a) as follows:

2 **24-30-1303.8. Governor's mansion maintenance fund -**  
3 **creation - report.** (1) (a) The governor's mansion maintenance fund,  
4 referred to in this section as the "fund", is hereby created in the state  
5 treasury. The fund consists of money earned from the operation of the  
6 governor's mansion, such as rental fees, AND ANY PROCEEDS FROM THE  
7 LEASE OF THE PARKING LOT ASSOCIATED WITH THE GOVERNOR'S MANSION  
8 PROPERTY, which money is credited to the fund by the state treasurer, and  
9 any other money that the general assembly may appropriate or transfer to  
10 the fund. ~~except that the fund balance may not exceed five hundred~~  
11 ~~thousand dollars at the close of any fiscal year.~~ The state treasurer shall  
12 credit all interest and income derived from the deposit and investment of  
13 money in the fund to the fund. Subject to annual appropriation by the  
14 general assembly, the governor's office may expend money from the fund  
15 for any operating costs for any governor's mansion activities and the  
16 department may expend money from the fund for controlled maintenance  
17 of the governor's mansion; except that the capital development committee  
18 shall review any appropriation requests for controlled maintenance and  
19 shall forward its recommendations to the joint budget committee.

20 **SECTION 3. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly; except  
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
24 of the state constitution against this act or an item, section, or part of this  
25 act within such period, then the act, item, section, or part will not take  
26 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.