

RESOLUTION NO. 24-298

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

**RESOLUTION TO WAIVE RIGHTS OF FIRST REFUSAL AND OFFER UNDER
HOUSE BILL 24-1175**

WHEREAS, pursuant to C.R.S. §§ 30-11-101(1)(b)-(c), 30-11-102 and 30-11-103, the Board of County Commissioners of El Paso County, Colorado (hereinafter "Board") has the legislative authority to hold real and personal property for the County and to exercise such other and further powers as are conferred by law; and

WHEREAS, Colorado House Bill 24-1175 ("HB-1175") was passed by the Colorado General Assembly and signed by the Governor on May 30, 2024, with an effective date of August 7, 2024; and

WHEREAS, HB-1175 generally provides local governments with the right of first refusal or right of first offer for sales of multifamily residential or mixed-use rental property consisting of not less than five units that is existing affordable housing, excluding mobile home parks and accessory dwellings; and

WHEREAS, HB-1175 does not require local governments to exercise such right of first refusal or offer and permits local governments to waive its right of first refusal or offer under the law; and

WHEREAS, by its terms, HB-1175's provisions for rights of first refusal and offer will automatically terminate on December 31, 2029 and the remainder of Part 12 of HB-1175 will automatically repeal effective July 1, 2031; and

WHEREAS, it is the Board's desire to waive both its right of first refusal and right of first offer under C.R.S. §§ 29-4-1202 and 1203 up to and including July 31, 2031 at which time HB-1175 will repeal.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of El Paso County, State of Colorado, hereby resolves as follows:

Section 1. Waiver of Right of First Refusal.

The Board, pursuant to C.R.S. § 29-4-1202(2)(g), does hereby expressly waive the right of first refusal as provided under C.R.S. § 29-4-1202. Accordingly, the Board does not require any notices from sellers of qualifying properties under C.R.S. § 29-4-1202.

This waiver shall be effective until July 1, 2031, unless otherwise rescinded by the Board by and through a subsequent resolution.

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Section 2. Waiver of Right of First Offer.

The Board, pursuant to C.R.S. § 29-4-1203(2)(e), does hereby expressly waive the right of first offer as provided under C.R.S. § 29-4-1203. Accordingly, the Board does not require any notices from sellers of qualifying properties under C.R.S. § 29-4-1203.

This waiver shall be effective until July 1, 2031, unless otherwise rescinded by the Board by and through a subsequent resolution.

Section 3. Public Notice and Posting.

El Paso County Administration shall post this Resolution in a conspicuous location on El Paso County's website indicating that there are waivers for both rights of first refusal and rights of first offer and that residential sellers with qualifying properties within unincorporated El Paso County, Colorado, do not have an obligation to comply with the notice requirements to El Paso County under C.R.S. §§ 29-4-1202 and 1203.

El Paso County Administrative staff shall also provide a written copy of this Resolution to the Colorado Housing and Finance Authority.

Section 4. Effective Date.

This Resolution shall become effective as of 12:01 a.m. on August 7, 2024.

BE IT FURTHER RESOLVED, that Cami Bremer, duly elected qualified member and Chair of the Board of County Commissioners, or Carrie Geitner, duly elected, qualified member and Vice Chair of the Board of County Commissioners be and is hereby authorized and appointed on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

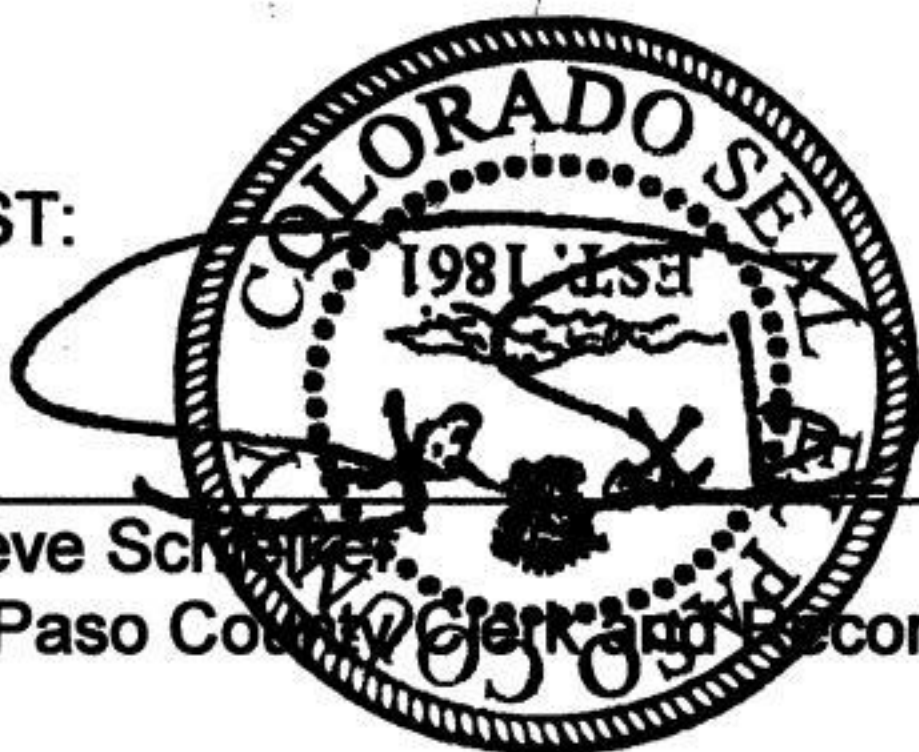
BE IT FURTHER RESOLVED, that the Board hereby delegates authority to the El Paso County Administrator, or his designee, pursuant to C.R.S. § 29-4-1204(2) to carry out any necessary actions to further effectuate the intent of the Board under this Resolution.

DONE THIS 6th day of August, 2024 at Colorado Springs, Colorado.

ATTEST:

By: _____

Steve Schaefer
El Paso County Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS
EL PASO COUNTY, COLORADO

By: _____

Cami Bremer