

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

**NO. 2025-143**

WHEREAS, Article XX, Section 6 of the Constitution of the State of Colorado authorizes municipalities organized under Article XX, Section 6 to have home rule authority and “the full right of self-government in both local and municipal matters”;

WHEREAS, the City of Commerce City (the “City”) is a home rule municipality governed by a Charter duly approved by its voters;

WHEREAS, Section 2.2 of the Charter for the City provides that the City “shall have all the power of local self-government and home rule and all power possible for a city to have under the Constitution of the State of Colorado and the laws of the State of Colorado”;

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

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 recreation 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;

WHEREAS, the City Council for the City of Commerce City strongly believes these responsibilities are best met by listening to the voices of residents of the local municipality most impacted by its decisions;

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

WHEREAS, on May 16, 2025, Governor Polis issued Executive Order D 2025 005 (the “Executive Order”), as amended and supplemented by Executive Order D 2025 011 issued on August 13, 2025, declaring municipalities that fail to comply with the Bills, and five other land use bills enacted during the 2024 and 2025 Regular Sessions of the General Assembly, will be deprioritized from competitive and discretionary funding opportunities, including grants, contracts, loans, incentive programs, and tax credits;

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 the Bills are unconstitutional and that the Executive Order exceeds the Governor's authority;

WHEREAS, the six home rule municipalities are seeking preliminary and permanent injunctive relief preventing the State and its political subdivisions from enforcing the Bills and the Executive Order; and

WHEREAS, the City Council for the City desires to express its support for the lawsuit.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

**SECTION 1.** The City of Commerce City hereby **affirms** its longstanding support of the powers granted by the Colorado Constitution, which includes home rule authority over zoning and land use planning.

**SECTION 2.** The City of Commerce City hereby **supports** the plaintiff home rule municipalities in their litigation against the State and their effort to seek a declaration that the Bills and Executive Order are unconstitutional and obtain an injunction against the enforcement of the Bills and Executive Order.

**SECTION 3.** The City Council for the City of Commerce City further **expresses dismay** at Governor Polis, the State Senate, and the State House of Representatives for encroaching on local and municipal matters, specifically zoning and land use matters, that have long been held as a matter of local concern and within the exclusive authority of home rule municipalities.

RESOLVED AND PASSED THIS 15TH DAY OF SEPTEMBER 2025.

CITY OF COMMERCE CITY, COLORADO

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Steve J. Douglas, Mayor

ATTEST

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Kim Garland, Deputy City Clerk