



# City Council Communication

**AGENDA DATE:** September 15, 2025    **LEGISTAR ITEM #:** Res 2025-143

**PRESENTER:** Lee Zarzecki  
Office

**DEPARTMENT:** City Attorney's

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| <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Public Hearing |
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## REQUEST

Approve a resolution supporting home rule municipalities in litigation against the State of Colorado, Governor Polis, the Colorado Department of Local Affairs (DOLA), and DOLA Executive Director DeCambra.

## BACKGROUND

Six municipalities filed a lawsuit against the State of Colorado, Governor Polis, the Colorado Department of Local Affairs (DOLA), and DOLA Executive Director DeCambra seeking an injunction against the State's authority to enforce two land-use-related bills enacted during the 2024 General Session and an Executive Order issued by Governor Polis. The two bills being challenged are HB24-1304 Minimum Parking Requirements and HB24-1313 Housing in Transit Oriented Communities (the "Bills"). The Executive Order being challenged is Executive Order D 2025 005 (the "Executive Order"). The plaintiff home rule municipalities are: City of Greenwood Village; City of Arvada; City of Aurora; City of Glendale; City of Lafayette; and City of Westminster (the "Plaintiffs").

The primary claim in the lawsuit is that the Bills are unconstitutional and preempted by the municipalities' home rule authority to control land use and zoning matters under Article XX, Section 6 of the Constitution of the State of Colorado. Colorado courts have long held that land use and zoning are local and municipal matters under the State Constitution's article relating to home rule authority.

With respect to the Executive Order, the municipalities claim that the Executive Order exceeds the Gubernatorial power because it threatens to withhold competitive and discretionary State and Federal funding from

## CITY COUNCIL COMMUNICATION CONTINUED

municipalities that fail to comply with the Bills and five other land-use-related bills enacted during the 2024 and 2025 legislative sessions of the General Assembly. The Executive Order purports to impose new and unrelated criteria to the bills cited in Executive Order for municipalities to receive funding.

### JUSTIFICATION

|                                       |   |                                    |                                |
|---------------------------------------|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> Council Goal | <input type="checkbox"/> Strategic Plan   | <input type="checkbox"/> Work Plan | <input type="checkbox"/> Legal |
| Citation                              | City Council requested a resolution supporting the lawsuit. Resolution No. 2025-143 affirms the City's support for home rule authority and the plaintiff municipalities in the lawsuit. |                                    |                                |

### AVAILABLE ACTIONS

- Available Action # 1. Approve the resolution to express support in home rule authority and the plaintiff municipalities in their lawsuit against the State.
- Available Action #2. Amend the resolution.
- Available Action #3. Deny the resolution, which would effectively take no position on the litigation.

### STAFF RECOMMENDATION

Staff recommends Action #1, approval of the resolution.