



Preserve and Protect Home Rule

Over 100 years ago, Colorado voters gave cities and towns the right to establish their own rules on local matters of concern to their jurisdictions – issues as simple as traffic and criminal violations, and matters as complex as land use, zoning and elections. The right to determine “matters of local concern,” is called “Home Rule” and allows diverse cities and towns to listen to their residents and adopt their own rules free of state interference.

Over several years, Colorado’s local government Home Rule rights have been under attack from the Governor and members of the state legislature, who have shown increasing disregard for Article 20, Section 6 of the state Constitution “Home Rule Cities and Towns.”

These attacks have revolved around land use decisions aimed at eliminating single-family neighborhoods, replacing office buildings along transit corridors with dense housing and no parking, and eradicating occupancy limits. This year, new legislative proposals are attacking control of municipal courts, allowing churches to locate residential housing on church grounds without public input, and telling local governments that they cannot allow new homeowners to plant any live turf – green grass - in their yards.

This constant overreaching and erosion of Home Rule authority, coupled with state mandates, is precisely the reason that a number of Colorado cities and towns are challenging the state’s intrusion of Home Rule with a lawsuit filed against the state. Some cities and towns have chosen to ignore the laws, others have adopted laws of their own contrary to the state laws, and some are challenging them head-on with a lawsuit filed against the state.

Arvada, Aurora, Glendale, Greenwood Village, Lafayette and Westminster have filed a lawsuit challenging bills eliminating parking and requiring that they change their zoning to allow dense housing where the state mandates.

The state’s intrusion into matters of purely local concern is in stark contrast to then Congressman Polis’ defense of Home Rule. Specifically, Congressman Polis wrote in support of Fort Collins a decade ago, “Local planning involves widespread citizen input and broad stakeholder involvement. When addressing contentious issues, local governments have more opportunities for public participation than a state or federal government. As such, land use tools allow local governments to act consistently with their constituents’ expectations.”

We know that the best government is that which is closest to the people. There can be nothing more personal and local than land development and zoning codes, crafted over the years with opportunity for participation of local citizens – not the state – about what type of city they wish to live in.

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