

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE,
COLORADO, SUPPORTING HOME RULE MUNICIPALITIES IN LITIGATION AGAINST THE
STATE AND AFFIRMING MUNICIPAL HOME RULE AUTHORITY OVER
LOCAL LAND USE AND ZONING**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipality governed by a Home Rule Charter approved by its voters pursuant to the authority of the Constitution of the State of Colorado ("Charter"); and

WHEREAS, the Charter 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 and laws of the State of Colorado; and

WHEREAS, the Colorado Constitution provides: (1) in Article XX, § 6(a), that home rule municipalities have authority over "the definition, regulation and alteration of the powers, duties, qualifications and terms or tenure of all municipal officers, agents and employees;" (2) in Article II, § 11, that the General Assembly shall pass no law impairing the obligation of contracts or retrospective in its operation; (3) in Article V, § 1(9), that citizens of municipalities have initiative and referendum rights "as to all local, special, and municipal legislation of every character in or for their respective municipalities"; and (4) in Article II, § 25 that "[n]o person shall be deprived of life, liberty or property, without due process of law"; and

WHEREAS, pursuant to Colorado Constitution Article XX, Section 6, Colorado courts have recognized zoning and land use planning as purely local and municipal matters to be locally controlled; and

WHEREAS, home rule municipalities and their local government partners bear responsibility to protect open space and the environment; align development with the community's goals; 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 recreational facilities; preserve historic and cultural resources; and maintain sufficient and safe transportation, pedestrian, and other infrastructure to support increased population or intensified land use, if any; and

WHEREAS, the Cherry Hills Village City Council ("City Council") strongly believes that it can best meet these responsibilities by listening to the voices of the residents of the City, who bear the greatest impacts of its decisions; and

WHEREAS, City Council has historically and consistently exercised the City's power, as endowed by the Colorado Constitution and the Charter, to approve periodically a Master Plan for the physical development of the City and to implement such plan through legislative regulations that reflect the semi-rural character, form, and function of its future development and that promote planned, logical, fiscally and environmentally responsible, and orderly development within the City based upon unique and purely local circumstances and concerns; and

WHEREAS, the State of Colorado General Assembly enacted a series of laws that purport to place statewide mandates governing aspects of land use and zoning regulation on home rule municipalities, including, without limitation, HB 24-1007 (Prohibit Residential Occupancy Limits), HB 24-1152 (Accessory Dwelling Units); HB 24-1304 (Minimum Parking Requirements) House Bill 24-1313 (Housing in Transit-Oriented Communities), and SB 24-174 (Sustainable Affordable Housing Assistance) (the "Housing Legislation"); and

WHEREAS, on May 16, 2025, Governor Polis issued Executive Order D 2025 005, which order was amended and supplemented by Executive Order D 2025 011, declaring that municipalities failing to comply with the above-referenced laws—and other land use legislation—will be deprioritized for competitive or discretionary funding opportunities, including grants, incentive programs, contracts, loans, and tax credits; and

WHEREAS, the City Council finds that the Housing Legislation encroaches on the City's home rule authority to determine the land use and zoning policies and regulations that are best suited for the City and that such Housing Legislation subverts both Colorado law and the voices of the residents of the City of Cherry Hills Village; and

WHEREAS, the home rule municipalities of Arvada, Aurora, Greenwood Village, Glendale, Lafayette, and Westminster (the "Plaintiff 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 HB 24-1313, HB 24-1304, and Executive Order D 2025 005 violate the Colorado Constitution and the United States Constitution, as applicable, and seeking injunctions against enforcement of the those laws and that order (the "Lawsuit"); and

WHEREAS, City Council desires to express its support for the Plaintiff Municipalities and the relief sought by the Lawsuit; and

WHEREAS, City Council further desires to affirm its constitutional home rule authority over local land use and zoning matters.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cherry Hills Village, Colorado that:

Section 1. Recitals Incorporated. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of City Council.

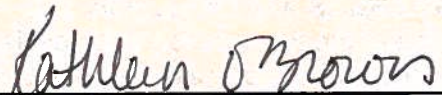
Section 2. Supporting Plaintiff Municipalities. The City of Cherry Hills Village **supports** the Plaintiff Municipalities that seek, via the Lawsuit, injunctions against the enforcement of HB 24-1304, HB 24-1313, and Executive Order D 2025 005 and other applicable relief.

Section 3. Affirming Municipal Home Rule Authority. The City of Cherry Hills Village **affirms** its longstanding support and exercise of the powers that the Colorado Constitution grants to home rule municipalities, including, without limitation, authority over zoning and land use planning.


Section 4. Effective Date. This resolution shall be effective immediately.

Introduced, passed and adopted at the
regular meeting of City Council this 21st day
of October, 2025, by a vote of 5 yes 0 no.

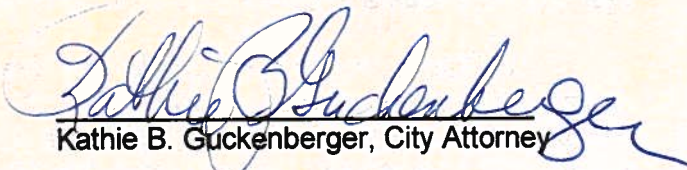
(SEAL)


Kathleen Brown, Mayor

ATTEST:


Laura Gillespie, City Clerk

APPROVED AS TO FORM:


Kathie B. Guckenberger, City Attorney