

**RESOLUTION NO. \_\_\_\_\_, SERIES OF 2024**

**RESOLUTION WAIVING FREMONT COUNTY’S RIGHT OF FIRST REFUSAL/  
RIGHT OF FIRST OFFER PURSUANT TO HOUSE BILL 24-1175**

**WHEREAS**, the Colorado General Assembly passed, and the Governor signed into law, House Bill 24-1175, with an effective date of August 7, 2024 and a sunset date of July 1, 2031; and

**WHEREAS**, House Bill 24-1175 grants local governments a right of first refusal or first offer to purchase certain multifamily housing, ostensibly in the name of providing affordable housing; and

**WHEREAS**, the members of the Fremont County Board of County Commissioners took an oath to support and defend the United States Constitution and believe that it is and remains the supreme law of the land, and that it continues to apply, even today, and even in Colorado; and

**WHEREAS**, the takings clause of the 5<sup>th</sup> Amendment to the United States Constitution, made applicable to the states through the 14<sup>th</sup> Amendment, provides “nor shall private property be taken for public use, without just compensation”; and

**WHEREAS**, through House Bill 24-1175, the Colorado General Assembly purports to take the right of free alienability from private property owners without paying anything for it; and

**WHEREAS**, House Bill 24-1175 and C.R.S. §§ 29-4-1202 and 1203 set forth a process for a local government to waive its right of first refusal or right of first offer; and

**WHEREAS**, pursuant to C.R.S. §30-11-101(1)(c), the Board is empowered to make such orders respecting County owned real property and personal property as may be deemed by the Fremont County Board of County Commissioners to be in the best interests of the County and its inhabitants; and

**WHEREAS**, it is the desire of the Board to affirm its support of the United States Constitution and the rights it guarantees to the citizens of Fremont County and to those who own property within Fremont County.

**NOW, THEREFORE, BE IT RESOLVED** by the Fremont County Board of County Commissioners as follows:

1. 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.

2. 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.
  
3. This Resolution shall be posted in a conspicuous location on Fremont 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 Fremont County, Colorado, do not have an obligation to comply with the notice requirements to Fremont County under C.R.S. §§ 29-4-1202 and 1203. Fremont County administrative staff shall also provide a written copy of this Resolution to the Colorado Housing and Finance Authority.
  
4. The waivers established hereby shall be effective upon adoption of this Resolution and shall expire on July 1, 2031, unless otherwise rescinded by the Board by and through a subsequent resolution.

Commissioner \_\_\_\_\_ moved for adoption of the foregoing Resolution, seconded by Commissioner \_\_\_\_\_ and approved by roll call vote as follows:

Debbie Bell	AYE	NAY	ABSTAIN	ABSENT
Kevin Grantham	AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF FREMONT COUNTY

ATTEST:

By: \_\_\_\_\_  
Chairman

By: \_\_\_\_\_  
Clerk to the Board