

CITY MANAGER'S OFFICE MEMORANDUM
#15-2026

DATE: April 13, 2026

TO: Honorable Mayor Meredith Leighty and City Council Members

FROM: Heather Geyer, City Manager 

SUBJECT: CR-71 – Authorizing Legal Action to Defend Home Rule Authority Over Land Use

PURPOSE

To consider CR-71, a resolution authorizing the City Attorney to initiate or join litigation to defend home rule authority over land use.

BACKGROUND

The City of Northglenn operates as a home rule municipality under its Charter, which grants broad authority over local matters, including land use and zoning. This authority is further supported by Article XX, Section 6 of the Colorado Constitution and Colorado Supreme Court precedent which identify zoning and land use planning as matters of local concern.

In 2024, the State of Colorado enacted several laws, commonly referred to as the “Strategic Growth Laws”, including:

- House Bill 24-1313 - Housing in Transit-Oriented Communities
- House Bill 24-1304 - Minimum Parking Requirements
- House Bill 24-1152 - Accessory Dwelling Units

These laws purport to establish statewide mandates affecting local land use decisions.

Additionally, in 2025, Governor Jared Polis issued Executive Orders D 2025 005 and D 2025 011, which tie eligibility and prioritization for state funding opportunities to compliance with these laws. As a result, municipalities that do not fully align with these requirements may be deprioritized for grants, loans, and other funding programs.

Northglenn has already experienced impacts from these actions, including being deprioritized for certain funding opportunities. While the City supports expanding housing opportunities, it maintains that local governments are best positioned to determine how to achieve these outcomes in a manner that reflects community needs and conditions.

The proposed resolution affirms the City’s commitment to preserving its home rule authority and outlines the following key actions:

- Reaffirms the City’s constitutional authority over local land use and zoning decisions
- Authorizes the City Attorney to initiate or join litigation challenging the constitutionality of the Strategic Growth Laws and related Executive Orders
- Allows for collaboration with other home rule municipalities in a coordinated legal response

The core issue is not opposition to housing policy goals, but rather the method by which those goals are implemented. The City believes that a “one-size-fits-all” statewide approach undermines the ability of local governments to:

- Plan for infrastructure, water, and public safety needs
- Align development with community priorities

- Preserve neighborhood character and environmental resources
- Engage residents meaningfully in local decision-making

This action is intended to protect Northglenn's ability to make decisions that are responsive, balanced, and tailored to its unique circumstances as a largely built-out, land-locked community. Additionally, this resolution represents an important step in reaffirming Northglenn's commitment to local governance and ensuring that decisions about land use remain grounded in the needs and voices of the community. While the City shares the State's interest in addressing housing challenges, it is essential that local governments retain the flexibility and authority to implement solutions effectively.

BUDGET/TIME IMPLICATIONS

The City will incur legal expenses that will be paid from the General Fund.

STAFF RECOMMENDATION

Staff recommends the approval of CR-71.

STAFF REFERENCE

If Council members have any questions, please contact Heather Geyer, City Manager, at hgeyer@northglenn.org or 303.450.8706.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-71
Series of 2026

Series of 2026

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE OR JOIN LITIGATION AGAINST THE STATE OF COLORADO CHALLENGING THE CONSTITUTIONALITY OF CERTAIN LAND USE LEGISLATION AND RELATED EXECUTIVE ORDERS AND REAFFIRMING THE CITY'S ASSERTION OF THE IMPORTANCE OF HOME RULE AUTHORITY OVER LOCAL LAND USE AND ZONING

WHEREAS, the City of Northglenn (the "City") is a home rule municipality operating under the Northglenn Home Rule Charter, originally adopted on April 29, 1975 (the "Charter");

WHEREAS, Section 1.2 of the Charter provides in part that "[t]he City shall have all the powers of local self-government and home rule, and all power possible under the Constitution and the laws of the State of Colorado";

WHEREAS, under the provisions in Colorado Constitution Article XX, Section 6, 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 recreational 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; support the local economy; and protect open space and the environment;

WHEREAS, the Northglenn City Council (the "City Council") strongly believes these responsibilities are best met by listening to the voices of the residents of the City most impacted by its decisions and legislating in a manner that best serves the residents and stakeholders of the City;

WHEREAS, the City Council has exercised the power delegated to it by the Colorado Constitution to legislatively enact a Unified Development Ordinance based on the unique and purely local circumstances and concerns facing the City;

WHEREAS, while the City is land-locked and largely built out, the City is actively supporting the construction of all housing types in the City, both in terms of development and redevelopment opportunities within the City;

WHEREAS, merely by way of example, the City of Northglenn has since January of 2024 approved land use entitlements for over 1,200 new multi-family residential units, and during the same time frame has not denied a single request for approval of an accessory dwelling unit in the City;

WHEREAS, the State of Colorado enacted certain strategic growth laws, including without limitation House Bill 24-1313 (Housing in Transit-Oriented Communities), House Bill 24-1304 (Minimum Parking Requirements), and House Bill 24-1152 (Accessory Dwelling Units), referred to herein as "Strategic Growth Laws," that purport to place statewide mandates governing aspects of land use and zoning legislation on home rule municipalities;

WHEREAS, on May 16, 2025, Governor Polis issued Executive Order D 2025 005, declaring that municipalities failing to comply with the above-referenced bills will be deprioritized for competitive or discretionary funding opportunities, including grants, incentive programs, contracts, loans, and tax credits;

WHEREAS, on August 13, 2025, Governor Polis issued Executive Order D 2025 011, amending and supplementing Executive Order D 2025 005 (collectively the "Executive Orders"), declaring that state funding opportunities are subject to prioritization requirements based on compliance with such Strategic Growth Laws;

WHEREAS, notwithstanding the tangible steps that the City has taken to increase the housing needs of the City as set forth above, the City has nonetheless been deprioritized from certain funding opportunities based on the application of the Executive Orders to the City's method of attempting to meet the housing needs of the City, because while the City agrees with many of the outcomes sought by the Strategic Growth Laws, the essence of home rule is that the City is in the best position to determine how to achieve the desired outcomes at the local level;

WHEREAS, the City Council therefore finds that the Strategic Growth Laws encroach on the City's home rule authority to determine land use and zoning policies best suited for the City, and that such Strategic Growth Laws erode the voices of the residents of the City; and

WHEREAS, the City Council therefore finds it necessary and in the best interests of the City to defend the City's constitutional home rule authority based on the harm caused to the City by it being deprioritized from certain funding opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City affirms its longstanding support of the powers granted by the Constitution of the State of Colorado, which includes home rule authority over zoning, land use planning, and land use generally, and the City further affirms the City's organic constitutional authority to determine the best manner in which to expand housing opportunities in the City in a manner best suited and most appropriate to meet the needs of the residents of the City.

Section 2. The City Attorney is further authorized and directed to take all necessary legal action, including the filing of a lawsuit against the State of Colorado, Governor Jared Polis, and relevant agencies of the State of Colorado in order to challenge the constitutionality of those

certain Strategic Growth Laws, and to challenge certain Executive Orders promulgated by Governor Polis, and including the challenge of any future associated executive orders or actions of the State of Colorado that infringe upon the City's home rule land use and zoning authority.

Section 3. The City Attorney is further authorized to cooperate with other home rule municipalities in a coordinated defense of local control.

DATED at Northglenn, Colorado this _____ day of _____, 2026.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, MMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney