

**Town of Erie  
Resolution No. 25-209**

**A Resolution of the Town Council of the Town of Erie Supporting Home Rule Municipalities in Litigation Against the State of Colorado and Asserting Home Rule Authority Over Local Land Use and Zoning**

**Whereas**, the Town is a home rule municipality operating under the Town of Erie Home Rule Charter ("Home Rule Charter") adopted on November 7, 2023;

**Whereas**, the Home Rule Charter provides the Town shall have "the right to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Constitution of the State of Colorado and Title 31, Colorado Revised Statutes, and other applicable statutes, as amended";

**Whereas**, under the provisions of the 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**, the State enacted House Bill 24-1304 Minimum Parking Requirements ("HB 1304") and House Bill 1313 Housing in Transit-Oriented Communities ("HB 1313") that purport to place statewide mandates governing aspects of land use and zoning legislation on a limited group of 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 and other land use legislation from previous sessions will be deprioritized for competitive or discretionary funding opportunities, including grants, incentive programs, contracts, loans, and tax credits;

**Whereas**, six home rule municipalities filed a lawsuit in Denver District Court (Case No. 2025CV31811) against the State of Colorado, Governor Polis, the Colorado Department of Local Affairs, and its Executive Director seeking a declaration that HB 1304 and HB 1313 violate the Colorado Constitution and seeking injunctions against enforcement of the above-referenced bills and Executive Order D 2025 005;

**Whereas**, the Town Council desires to express its support for the plaintiff municipalities and the goals of the lawsuit; and

**Whereas**, the Town Council further desires to affirm its constitutional home rule authority over local land use and zoning matters.

**Now Therefore be it Resolved by the Town Council of the Town of Erie, Colorado, that:**

**Section 1.** The Town hereby affirms its longstanding support of the powers granted by the Colorado Constitution, which includes home rule authority over zoning and land use planning.

**Section 2.** The Town hereby supports the plaintiff home rule municipalities in their litigation efforts against the state seeking injunctions against the enforcement of certain housing bills from the 2024 legislative session (HB 1304 and HB 1313) and Executive Order D 2025 005 and declarations that the same are in violation of the Colorado Constitution.

**Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.**

\_\_\_\_\_  
Andrew J. Moore, Mayor

**Attest:**

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Debbie Stamp, Town Clerk