

BEFORE THE COLORADO BALLOT TITLE SETTING BOARD

Scott E. Smith, Objector,

vs.

Daniel Hayes and Julianne Page, Proponents.

**MOTION FOR REHEARING ON INITIATIVE 2019-2020 #109
("Limits on Local Housing Growth")**

On behalf of Scott E. Smith ("Objector"), a registered elector of the State of Colorado, the undersigned counsel hereby submits this Motion for Rehearing for Initiative 2019-2020 #109 ("Initiative #109") pursuant to C.R.S. § 1-40-107, and as grounds therefore states:

The Board set the following ballot title and submission clause for Initiative 2019-20 #109 on July 3, 2019:

Shall there be a change to the Colorado Revised Statutes concerning limitations on the growth of housing, and, in connection therewith, permitting the electors of every city, town, city and county, or county to limit housing growth by initiative and referendum; permitting county voters by initiative and referendum to limit housing growth uniformly within the county, including all or parts of local governments within the county; for the cities and counties of Broomfield and Denver and for the counties of Adams, Arapahoe, Boulder, Douglas, Elbert, El Paso, Jefferson, Larimer, and Weld: (1) limiting privately owned residential housing growth countywide to one percent annually for the years 2021 and 2022 and for subsequent years unless amended or repealed by initiative and referendum starting in 2023; and (2) prohibiting said counties and cities and counties from issuing permits to build new privately owned residential housing units beginning with the certification of election results for the 2020 November statewide ballot and continuing until January 1, 2021; and establishing procedural requirements for initiatives and referenda for enacting, repealing, or amending proposals for local governments to regulate the growth of privately owned residential housing?

A. The title for Initiative #109 contains an impermissible catch phrase or slogan.

The title for #109 uses the catch phrase or slogan "housing growth" repeatedly. With regard to Section 1(3) of the measure, the use of this catch phrase would prevent the voter from understanding that it would severely limit the number of building permits issued by each local government.

B. The title for Initiative #109 contains elements that are not accurately described in the ballot title.

1. The title fails to state that, for two years (2019-2021), there is no right of initiative or referendum on growth limits in the 11 named counties.
2. The title fails to identify what procedural requirements for initiatives and referenda are affected by this initiative.

C. The abstract for Initiative #109 does not comply with C.R.S. §§ 1-40-105.5(3), - 107(1)(a)(II)(C).

The abstract simply declares the local government impact of Initiative #109 to be “indeterminate” and ignores clear and certain impacts. C.R.S. § 1-40-105.5(3)(c). See analysis by Chris Brown and Zhao Chang on the economic impacts of a 1% limit on building permits as proposed in Initiative 2017-2018 #66, attached hereto as Exhibit A.

Accordingly, the Objector respectfully requests that a rehearing be set pursuant to C.R.S. § 1-40-107.

Respectfully submitted this 10th day of July, 2019.

RECHT KORNFELD, P.C.

s/ Thomas M. Rogers III
Thomas M. Rogers III
1600 Stout Street, Suite 1400
Denver, Colorado 80202
303-573-1900 (telephone)
303-446-9400 (facsimile)
trey@rklawpc.com

Objector's Address:
1172 Greenland Forest Drive
Monument, CO 80132

CERTIFICATE OF SERVICE

I, Erin Holweger, hereby affirm that a true and accurate copy of the Motion for Rehearing for Initiative 2019-2020 #109, was sent this 10th day of July, 2019 by United States Mail, postage prepaid, to proponents at:

Daniel Hayes
5115 Easley Rd
Golden CO 80403
720-581-2851
futuredenver@gmail.com

Julianne Page
3565 Kline St.
Wheat Ridge CO 80033
720-891-7346
julipage13@gmail.com

s/Erin Holweger _____