

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 24-0096.02 Megan McCall x4215

HOUSE BILL 24-1175

HOUSE SPONSORSHIP

Boesenecker and Sirota,

SENATE SPONSORSHIP

Winter F. and Jaquez Lewis,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A LOCAL GOVERNMENT RIGHT OF FIRST REFUSAL OR**
102 **OFFER TO PURCHASE QUALIFYING MULTIFAMILY PROPERTY FOR**
103 **THE PURPOSE OF PROVIDING LONG-TERM AFFORDABLE HOUSING**
104 **OR MIXED-INCOME DEVELOPMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates 2 property rights for local governments to certain types of multifamily rental properties: A right of first refusal and a right of first offer. The right of first offer is temporary and terminates on

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

December 31, 2029. For multifamily rental properties that are existing affordable housing, a local government has a right of first refusal to match an acceptable offer for the purchase of such property, subject to the local government's commitment to using the property as long-term affordable housing. Existing affordable housing is housing that is currently receiving federal or local financial assistance.

The bill requires the seller of such property to give notice to the local government at least 2 years before the first expiration of an existing affordability restriction on the property and again when the seller takes certain actions as a precursor to selling the property. Upon receiving the notice indicating intent to sell the property or of a potential sale of the property, the local government has 14 calendar days to preserve its right of first refusal and an additional 60 calendar days to make an offer and must agree to close on the property within 120 calendar days of the acceptance of the local government's offer. If the price, terms, and conditions of an acceptable offer that has been communicated to the local government materially change, the seller must provide notice of the change within 7 days and the local government may exercise or re-exercise its right of first refusal. If the residential seller rejects an offer by the local government, the seller must provide a written explanation of the reasons and invite the local government to make a subsequent offer within 14 days.

For all other multifamily rental properties that are 20 years or older and have not more than 100 units and not less than 5 units in urban counties and 3 units in rural and rural resort counties, a local government has a right of first offer. A seller of such property must provide notice of intent to sell the property to the local government before the seller lists the property for sale. After receipt of the notice, the local government has 14 days to respond by either making an offer to purchase the property and stating an intent to perform due diligence and enter into a contract to purchase the property within 45 days of the date that the residential seller's notice was received or waiving its right to purchase the property. The local government's offer is subject to the property being used or converted for the purpose of providing long-term affordable housing or mixed-income development. If the local government does not provide a response in the 14-day period, the right of first offer is waived and the residential seller can proceed with listing and selling the property to any third-party buyer. The residential seller has 14 days to accept or reject the local government's offer and, if the offer is accepted, the local government has 30 days to close the transaction.

In exercising its right of first refusal or first offer, the local government may partner with certain other entities for financing of the transaction and may also assign either right to certain other entities that are then subject to all the rights and requirements of the local government in exercising either right.

1 (4) "COLORADO HOUSING AND FINANCE AUTHORITY" MEANS THE
2 COLORADO HOUSING AND FINANCE AUTHORITY CREATED IN SECTION
3 29-4-704 (1).

4 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS
5 CREATED IN SECTION 24-1-125 (1).

6 (6) "DIVISION" MEANS THE DIVISION OF HOUSING CREATED IN
7 SECTION 24-32-704 (1) WITHIN THE DEPARTMENT.

8 (7) "EXISTING AFFORDABLE HOUSING" MEANS HOUSING THAT
9 RECEIVES FEDERAL FINANCIAL ASSISTANCE OR LOCAL FINANCIAL
10 ASSISTANCE.

11 (8) "FEDERAL FINANCIAL ASSISTANCE" MEANS FINANCIAL
12 ASSISTANCE RECEIVED FROM OR AS A RESULT OF FEDERAL PROGRAMS
13 THAT AIM TO SUPPORT THE CREATION, PRESERVATION, OR REHABILITATION
14 OF AFFORDABLE HOUSING. THIS INCLUDES ALL RELEVANT PROGRAMS
15 ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOUSING AND
16 URBAN DEVELOPMENT, UNITED STATES DEPARTMENT OF TREASURY, AND
17 UNITED STATES DEPARTMENT OF AGRICULTURE.

18 (9) "LOCAL GOVERNMENT" MEANS:

19 (a) A CITY, CITY AND COUNTY, OR TOWN IF THE APPLICABLE
20 QUALIFYING PROPERTY IS LOCATED WITHIN THE INCORPORATED AREA OF
21 A CITY, A CITY AND COUNTY, OR A TOWN; AND

22 (b) A COUNTY IF THE APPLICABLE QUALIFYING PROPERTY IS
23 LOCATED WITHIN THE UNINCORPORATED AREA OF A COUNTY.

24 (10) "LONG-TERM AFFORDABLE HOUSING" MEANS HOUSING FOR
25 WHICH THE LOCAL GOVERNMENT ENSURES THAT AFFORDABILITY LEVELS
26 ARE EQUAL TO OR GREATER THAN PRE-EXISTING LEVELS AT THE
27 QUALIFYING PROPERTY AND THAT THE ANNUAL RENT FOR ANY UNIT IN THE

1 APPLICABLE QUALIFYING PROPERTY DOES NOT EXCEED THE RENT FOR
2 HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS
3 PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING
4 AND URBAN DEVELOPMENT, THE COLORADO HOUSING AND FINANCE
5 AUTHORITY, OR THE DIVISION, FOR A MINIMUM OF ONE HUNDRED YEARS,
6 AND FOR WHICH THE LOCAL GOVERNMENT AGREES NOT TO RAISE RENT FOR
7 ANY UNIT IN THE APPLICABLE QUALIFYING PROPERTY BY MORE THAN THE
8 RENT INCREASE CAP; EXCEPT THAT THE RENT INCREASE CAP DOES NOT
9 APPLY TO UNITS OF HOUSING REGULATED BY FAIR MARKET RENTS
10 PUBLISHED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
11 DEVELOPMENT, THE COLORADO HOUSING AND FINANCE AUTHORITY, OR
12 ANY OTHER FEDERAL FINANCIAL ASSISTANCE OR STATE OR LOCAL
13 FINANCIAL ASSISTANCE FUNDING THAT RESTRICTS OR LIMITS ALLOWABLE
14 RENTS.

15 (11) "MISSION-DRIVEN ORGANIZATION" MEANS AN ORGANIZATION
16 IN GOOD STANDING WITH THE SECRETARY OF STATE THAT IS EXEMPT FROM
17 TAXATION PURSUANT TO SECTION 501 (a) OF THE FEDERAL "INTERNAL
18 REVENUE CODE OF 1986", AS AMENDED, AND LISTED AS AN EXEMPT
19 ORGANIZATION IN SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL
20 REVENUE CODE OF 1986", AS AMENDED.

21 (12) "MIXED-INCOME PROJECT" MEANS AN AFFORDABLE HOUSING
22 DEVELOPMENT IN WHICH A PERCENTAGE OF UNITS HAVE RESTRICTED
23 AVAILABILITY TO HOUSEHOLDS AT OR BELOW GIVEN AREA MEDIAN INCOME
24 LEVELS, PROPORTIONAL TO THE DEMONSTRATED HOUSING NEEDS OF THE
25 LOCAL COMMUNITY. THE PERCENTAGE OF INCOME RESTRICTED UNITS AND
26 AFFORDABILITY LEVELS MUST COMPLY WITH LAWS ENACTED BY LOCAL
27 GOVERNMENTS PROMOTING THE DEVELOPMENT OF NEW AFFORDABLE

1 HOUSING UNITS PURSUANT TO SECTION 29-20-104 (1).

2 (13) "RENT INCREASE CAP" MEANS A PERCENTAGE OF THE
3 CURRENT ANNUAL RENT FOR A QUALIFYING PROPERTY THAT IS EQUAL TO
4 THE GREATER OF:

5 (a) THE AVERAGE ANNUAL PERCENTAGE CHANGE FOR THE
6 PREVIOUS TWELVE MONTHS AT THE TIME OF THE CALCULATION IN THE
7 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
8 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
9 ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX; OR

10 (b) THREE PERCENTAGE POINTS.

11 (14) "RESIDENTIAL SELLER" MEANS AN OWNER OF AN APPLICABLE
12 QUALIFYING PROPERTY.

13 (15) "STATE OR LOCAL FINANCIAL ASSISTANCE" MEANS FINANCIAL
14 ASSISTANCE RECEIVED FROM OR THROUGH PROGRAMS OF THE STATE OR A
15 LOCAL PUBLIC ENTITY AIMING TO SUPPORT THE CREATION, PRESERVATION,
16 OR REHABILITATION OF AFFORDABLE HOUSING. THIS INCLUDES ALL
17 RELEVANT PROGRAMS ADMINISTERED BY THE DEPARTMENT OF LOCAL
18 AFFAIRS, THE COLORADO HOUSING AND FINANCE AUTHORITY, THE
19 COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION
20 24-48.5-101 (1), THE COLORADO MIDDLE INCOME HOUSING AUTHORITY
21 CREATED IN SECTION 29-4-1104 (1), AND ANY OTHER STATE OR LOCAL
22 FINANCIAL ASSISTANCE.

23 **29-4-1202. Right of first refusal - eligibility - process - notice**
24 **- tolling - definition. (1) Definition of qualifying property.** AS USED IN
25 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "QUALIFYING
26 PROPERTY" MEANS A MULTIFAMILY RESIDENTIAL OR MIXED-USE RENTAL
27 PROPERTY THAT IS EXISTING AFFORDABLE HOUSING, EXCLUDING A MOBILE

1 HOME PARK AS DEFINED IN SECTION 38-12-201.5 (6).

2 (2) **Local government's right of first refusal.** (a) IN
3 ACCORDANCE WITH THIS PART 12, THE LOCAL GOVERNMENT FOR THE
4 JURISDICTION IN WHICH A QUALIFYING PROPERTY IS LOCATED HAS A RIGHT
5 OF FIRST REFUSAL TO PURCHASE THE QUALIFYING PROPERTY WITH AN
6 OFFER THAT IS ECONOMICALLY OR SUBSTANTIALLY IDENTICAL TO ANY
7 OTHER OFFER A RESIDENTIAL SELLER RECEIVES AND IS WILLING TO ACCEPT
8 ON THE QUALIFYING PROPERTY.

9 (b) (I) ANY PURCHASE AND SALE AGREEMENT FOR THE
10 CONVEYANCE OF A QUALIFYING PROPERTY BY A RESIDENTIAL SELLER IS
11 CONTINGENT UPON THE RIGHT OF FIRST REFUSAL SET FORTH IN THIS
12 SECTION.

13 (II) IF THE LOCAL GOVERNMENT PROVIDES NOTICE PURSUANT TO
14 SUBSECTION (4)(a)(I) OF THIS SECTION TO A RESIDENTIAL SELLER THAT
15 THE LOCAL GOVERNMENT MAY EXERCISE ITS RIGHT OF FIRST REFUSAL, THE
16 RESIDENTIAL SELLER SHALL NOT PROCEED WITH THE SALE OF THE
17 QUALIFYING PROPERTY TO ANY OTHER PARTY AND THE LOCAL
18 GOVERNMENT SHALL HAVE A RIGHT TO MAKE AN OFFER THAT IS
19 ECONOMICALLY OR SUBSTANTIALLY IDENTICAL TO AN ACCEPTABLE OFFER
20 ON THE QUALIFYING PROPERTY THAT IS IDENTIFIED BY THE RESIDENTIAL
21 SELLER AS REQUIRED BY SUBSECTION (3)(b)(II)(D) OF THIS SECTION.

22 (III) FOR THE PURPOSE OF DETERMINING WHETHER THE TERMS OF
23 AN OFFER BY A THIRD PARTY AND AN OFFER BY THE LOCAL GOVERNMENT
24 ARE ECONOMICALLY OR SUBSTANTIALLY IDENTICAL, IT IS IMMATERIAL
25 HOW THE OFFER WOULD BE FINANCED. FOR PURPOSES OF THIS SECTION, A
26 RESIDENTIAL SELLER SHALL NEGOTIATE IN GOOD FAITH WITH THE LOCAL
27 GOVERNMENT THAT MAKES AN OFFER THAT IS ECONOMICALLY OR

1 SUBSTANTIALLY IDENTICAL TO AN ACCEPTABLE OFFER ON THE QUALIFYING
2 PROPERTY THAT IS IDENTIFIED BY THE RESIDENTIAL SELLER PURSUANT TO
3 SUBSECTION (3)(b)(II)(D) OF THIS SECTION FOR THE SALE OF THE
4 QUALIFYING PROPERTY. THIS INCLUDES, BUT IS NOT LIMITED TO,
5 EVALUATING AN OFFER FROM THE LOCAL GOVERNMENT OR ITS ASSIGNEE
6 WITHOUT CONSIDERATION OF:

7 (A) THE PERIOD FOR CLOSING;

8 (B) THE TYPE OF FINANCING OR PAYMENT METHOD;

9 (C) WHETHER OR NOT THE OFFER IS CONTINGENT ON A
10 PARTICULAR FINANCING OR PAYMENT METHOD; AND

11 (D) WHETHER OR NOT THE OFFER IS CONTINGENT ON AN
12 APPRAISAL, INSPECTION, REVIEW OF TITLE, OBTAINING TITLE INSURANCE,
13 OR OTHER CUSTOMARY CONDITIONS FOR THE SALE OF SIMILAR PROPERTY.

14 (IV) A RESIDENTIAL SELLER SHALL NOT COLLUDE WITH A
15 POTENTIAL BUYER FOR THE PRIMARY PURPOSE OF INFLATING A SALES
16 PRICE ABOVE THE MARKET PRICE OF A QUALIFYING PROPERTY.

17 (c) THE LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL
18 CONCERNING THE QUALIFYING PROPERTY IS LIMITED TO PRESERVING OR
19 CONVERTING THE QUALIFYING PROPERTY TO LONG-TERM AFFORDABLE
20 HOUSING DIRECTLY OR THROUGH ANOTHER ENTITY TO WHICH THE LOCAL
21 GOVERNMENT ASSIGNS ITS RIGHTS PURSUANT SUBSECTION (2)(f) OF THIS
22 SECTION OR TRANSFERS THE QUALIFYING PROPERTY.

23 (d) IF A QUALIFYING PROPERTY IS CLASSIFIED AS MIXED-USE, THE
24 LOCAL GOVERNMENT'S RIGHT OF FIRST REFUSAL ONLY EXTENDS TO THE
25 PORTION OF THE QUALIFYING PROPERTY THAT IS RESIDENTIAL, BUT
26 NOTHING IN THIS SECTION EXCLUDES THE LOCAL GOVERNMENT FROM
27 INCLUDING THE PURCHASE OF ANY COMMERCIAL PORTION OF THE

1 QUALIFYING PROPERTY BY THE LOCAL GOVERNMENT IN ITS OFFER OR IN
2 THE TERMS OF THE SALE AT THE DISCRETION OF THE LOCAL GOVERNMENT.

3 (e) THE LOCAL GOVERNMENT, IN EXERCISING ITS RIGHT OF FIRST
4 REFUSAL, MAY PARTNER WITH A NONPROFIT ENTITY, A PRIVATE ENTITY, OR
5 ANOTHER GOVERNMENTAL ENTITY TO CO-FINANCE, LEASE, OR MANAGE
6 THE QUALIFYING PROPERTY FOR THE PUBLIC PURPOSE OF MAINTAINING THE
7 QUALIFYING PROPERTY AS LONG-TERM AFFORDABLE HOUSING AS LONG AS
8 THE LOCAL GOVERNMENT OR ITS ASSIGNEE MAINTAINS OWNERSHIP OF THE
9 QUALIFYING PROPERTY.

10 (f) AT ANY TIME, THE LOCAL GOVERNMENT MAY ASSIGN THE RIGHT
11 OF FIRST REFUSAL REGARDING A QUALIFYING PROPERTY TO A HOUSING
12 AUTHORITY THAT IS WITHIN THE LOCAL GOVERNMENT'S JURISDICTION, A
13 REGIONAL HOUSING AUTHORITY THAT SERVES THE LOCAL GOVERNMENT'S
14 JURISDICTION, OR THE COLORADO HOUSING AND FINANCE AUTHORITY,
15 SUBJECT TO THE REQUIREMENTS THAT THE QUALIFYING PROPERTY IS USED
16 TO PRESERVE OR BE CONVERTED TO LONG-TERM AFFORDABLE HOUSING
17 AND THAT ALL OTHER PROVISIONS OF THIS PART 12 APPLY TO THE
18 ASSIGNEE. UPON ASSIGNMENT, THE ASSIGNEE ASSUMES ALL LIABILITY OF
19 THE LOCAL GOVERNMENT REGARDING THE EXERCISE OF THE RIGHT OF
20 FIRST REFUSAL AND IS RESPONSIBLE FOR PERFORMING ALL REQUIREMENTS
21 PURSUANT TO THIS PART 12 WITH RESPECT TO A QUALIFYING PROPERTY AS
22 IF THE ASSIGNEE WERE THE LOCAL GOVERNMENT. THE ASSIGNEE MUST
23 NOTIFY THE RESIDENTIAL SELLER OF THE ASSIGNMENT IF THE LOCAL
24 GOVERNMENT HAS ALREADY SENT THE RESIDENTIAL SELLER NOTICE
25 PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION.

26 (g) (I) THE GOVERNING BODY OF THE LOCAL GOVERNMENT MAY
27 ELECT TO DISCLAIM THE RIGHT OF FIRST REFUSAL THAT IS PROVIDED

1 PURSUANT TO THIS SECTION WITH RESPECT TO:

2 (A) ANY PROPOSED TRANSACTION; OR

3 (B) ANY DURATION OF TIME.

4 (II) A LOCAL GOVERNMENT THAT HAS NOT DISCLAIMED ALL OR
5 PART OF ITS RIGHT OF FIRST REFUSAL PURSUANT TO SUBSECTION (2)(g)(I)
6 OF THIS SECTION SHALL POST A NOTICE IN A CONSPICUOUS LOCATION ON
7 ITS WEBSITE THAT INFORMS RESIDENTIAL SELLERS THAT QUALIFYING
8 PROPERTIES, IF OFFERED FOR SALE, ARE SUBJECT TO A RIGHT OF FIRST
9 REFUSAL ENTITLING THE LOCAL GOVERNMENT TO MAKE AN OFFER TO
10 PURCHASE THE QUALIFYING PROPERTY AT A PRICE AGREED UPON BY THE
11 RESIDENTIAL SELLER.

12 (3) **Notices by residential seller.** (a) (I) NOT LESS THAN TWO
13 YEARS BEFORE THE FINAL EXPIRATION OF AN EXISTING AFFORDABILITY
14 RESTRICTION INCUMBENT TO A QUALIFYING PROPERTY'S FUNDING
15 SOURCES, A RESIDENTIAL SELLER SHALL PROVIDE NOTICE TO THE
16 GOVERNING BODY OF THE LOCAL GOVERNMENT IN WHICH THE QUALIFYING
17 PROPERTY IS LOCATED OF THE EXPIRATION OF SUCH RESTRICTIONS. THE
18 NOTICE MUST INCLUDE THE EXACT DATE OF EXPIRATION OF THE
19 RESTRICTIONS AND INDICATE WHETHER THE RESIDENTIAL SELLER
20 ANTICIPATES THAT IT WILL EITHER RECAPITALIZE AND CONTINUE TO
21 OPERATE THE QUALIFYING PROPERTY AT AFFORDABILITY LEVELS AT LEAST
22 EQUAL TO WHAT HAS BEEN PROVIDED AT THE QUALIFYING PROPERTY,
23 RETAIN OWNERSHIP OF THE QUALIFYING PROPERTY AND LET
24 AFFORDABILITY REQUIREMENTS EXPIRE, OR CONSIDER SELLING THE
25 QUALIFYING PROPERTY UPON EXPIRATION OF THE RESTRICTIONS.

26 (II) NOT LESS THAN SIX MONTHS BEFORE THE FINAL EXPIRATION
27 OF AN EXISTING AFFORDABILITY RESTRICTION INCUMBENT TO A

1 QUALIFYING PROPERTY'S FUNDING SOURCES, A RESIDENTIAL SELLER SHALL
2 PROVIDE AN UPDATED NOTICE TO THE GOVERNING BODY OF THE LOCAL
3 GOVERNMENT IN WHICH THE QUALIFYING PROPERTY IS LOCATED THAT
4 CONTAINS THE SAME INFORMATION REQUIRED BY SUBSECTION (3)(a)(I) OF
5 THIS SECTION.

6 (b) (I) WITHIN FOURTEEN CALENDAR DAYS OF A TRIGGERING
7 EVENT, A RESIDENTIAL SELLER SHALL PROVIDE NOTICE IN ACCORDANCE
8 WITH THIS SUBSECTION (3)(b) AND SUBSECTION (3)(d) OF THIS SECTION TO
9 THE GOVERNING BODY OF THE LOCAL GOVERNMENT IN WHICH THE
10 QUALIFYING PROPERTY IS LOCATED. A TRIGGERING EVENT IS ANY TIME
11 THE RESIDENTIAL SELLER:

12 (A) MATERIALLY DEPARTS FROM ANY REPRESENTATION MADE IN
13 THE NOTICES REQUIRED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION
14 AFTER AFFORDABILITY RESTRICTIONS EXPIRE IN A MANNER THAT
15 INDICATES AN INTENT TO SELL THE QUALIFYING PROPERTY;

16 (B) SIGNS A CONTRACT WITH A REAL ESTATE BROKER OR
17 BROKERAGE FIRM TO LIST THE QUALIFYING PROPERTY FOR SALE OR TO
18 SELL OR TRANSFER THE QUALIFYING PROPERTY;

19 (C) SIGNS A LETTER OF INTENT, OPTION TO SELL OR BUY, OR OTHER
20 CONDITIONAL WRITTEN AGREEMENT WITH A POTENTIAL BUYER FOR THE
21 SALE OR TRANSFER OF THE QUALIFYING PROPERTY, WHICH INCLUDES THE
22 ESTIMATED PRICE, TERMS, AND CONDITIONS OF THE PROPOSED SALE OR
23 TRANSFER, EVEN IF THE PRICE, TERMS, OR CONDITIONS ARE SUBJECT TO
24 CHANGE;

25 (D) SIGNS A CONTRACT WITH A POTENTIAL BUYER'S REAL ESTATE
26 BROKER OR BROKERAGE FIRM RELATED TO THE POTENTIAL SALE OR
27 TRANSFER OF THE QUALIFYING PROPERTY;

1 (E) PROVIDES A SIGNED PROPERTY DISCLOSURE FORM FOR THE
2 QUALIFYING PROPERTY TO A POTENTIAL BUYER;

3 (F) LISTS THE QUALIFYING PROPERTY FOR SALE;

4 (G) MAKES A CONDITIONAL ACCEPTANCE OF AN OFFER FOR THE
5 SALE OR TRANSFER OF THE QUALIFYING PROPERTY;

6 (H) TAKES ANY OTHER ACTION DEMONSTRATING AN INTENT TO
7 SELL THE QUALIFYING PROPERTY; OR

8 (I) RECEIVES A NOTICE THAT A CERTIFICATE OF LEVY HAS BEEN
9 FILED RELATED TO THE QUALIFYING PROPERTY PURSUANT TO SECTION
10 13-56-101.

11 (II) THE NOTICE REQUIRED PURSUANT TO THIS SUBSECTION (3)(b)
12 MUST INCLUDE:

13 (A) A GENERAL DESCRIPTION OF THE QUALIFYING PROPERTY TO BE
14 SOLD, INCLUDING THE ADDRESS AND NAME OF THE PROPERTY, IF ANY, AND
15 ANY ADDITIONAL DESCRIPTIONS OF THE QUALIFYING PROPERTY ON FILE
16 WITH THE OFFICE OF THE ASSESSOR IN THE COUNTY IN WHICH THE
17 QUALIFYING PROPERTY IS LOCATED;

18 (B) THE RESIDENTIAL SELLER'S ADDRESS AND, IF AVAILABLE,
19 ELECTRONIC MAILING ADDRESS TO RECEIVE NOTICES FROM THE LOCAL
20 GOVERNMENT;

21 (C) THE NAMES AND MAILING ADDRESSES THAT THE RESIDENTIAL
22 SELLER HAS ON RECORD FOR EVERY TENANT RESIDING AT THE QUALIFYING
23 PROPERTY;

24 (D) THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE OFFER
25 THE RESIDENTIAL SELLER HAS RECEIVED TO SELL THE QUALIFYING
26 PROPERTY OR THE PRICE, TERMS, AND CONDITIONS FOR WHICH THE
27 RESIDENTIAL SELLER INTENDS TO SELL THE QUALIFYING PROPERTY;

1 (E) ANY TERMS OR CONDITIONS WHICH, IF NOT MET, WOULD BE
2 SUFFICIENT GROUNDS, IN THE RESIDENTIAL SELLER'S DISCRETION AND IN
3 COMPLIANCE WITH THIS PART 12 AND ANY OTHER APPLICABLE LAW, TO
4 REJECT AN OFFER; AND

5 (F) IF THE RESIDENTIAL SELLER HAS ENTERED INTO A CONTINGENT
6 PURCHASE AND SALE AGREEMENT WITH A PROSPECTIVE BUYER, A COPY OF
7 THE AGREEMENT.

8 (III) THE PRICE, TERMS, AND CONDITIONS REQUIRED TO BE STATED
9 IN THE NOTICE PURSUANT TO SUBSECTION (3)(b)(II)(D) OF THIS SECTION
10 MUST BE UNIVERSAL AND APPLICABLE TO ALL POTENTIAL BUYERS AND
11 MUST NOT BE SPECIFIC TO OR PROHIBITIVE OF THE LOCAL GOVERNMENT
12 MAKING A SUCCESSFUL OFFER TO PURCHASE THE QUALIFYING PROPERTY,
13 MUST NOT BE UNLAWFUL, AND MUST NOT INHIBIT THE EXERCISE OF THE
14 RIGHT OF FIRST REFUSAL PROVIDED FOR IN THIS SECTION.

15 (c) IF THE PRICE, TERMS, OR CONDITIONS AS REQUIRED TO BE
16 PROVIDED IN THE RESIDENTIAL SELLER'S NOTICE PURSUANT TO
17 SUBSECTIONS (3)(b)(II)(C) AND (3)(b)(II)(D) OF THIS SECTION
18 MATERIALLY CHANGE, THE RESIDENTIAL SELLER SHALL WITHIN SEVEN
19 DAYS OF THE CHANGE PROVIDE NOTICE TO THE LOCAL GOVERNMENT OF
20 THE CHANGE AND THE LOCAL GOVERNMENT MAY EXERCISE, OR
21 RE-EXERCISE, ITS RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH THIS
22 SECTION.

23 (d) THE NOTICES GIVEN PURSUANT TO THIS SUBSECTION (3) MUST
24 BE DELIVERED TO THE CLERK OF THE GOVERNING BODY OF THE LOCAL
25 GOVERNMENT BY ELECTRONIC MAIL; EXCEPT THAT, IF THERE IS NOT AN
26 ELECTRONIC MAILING ADDRESS AVAILABLE FOR THE CLERK, THEN BY
27 HAND DELIVERY, UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT

1 DELIVERY.

2 (e) THE LOCAL GOVERNMENT MAY SHARE THE INFORMATION
3 CONTAINED IN THE NOTICES REQUIRED PURSUANT TO THIS SUBSECTION (3)
4 WITH ITS OFFICERS, EMPLOYEES, AGENTS, AND PROSPECTIVE ASSIGNEES OR
5 PROSPECTIVE ENTITIES THAT THE LOCAL GOVERNMENT PARTNERS WITH
6 PURSUANT TO SUBSECTION (2)(e) OF THIS SECTION FOR THE PURPOSES OF
7 EVALUATING OR OBTAINING FINANCING FOR THE PROSPECTIVE
8 TRANSACTION. THE NAMES AND MAILING ADDRESSES FOR TENANTS
9 RESIDING AT THE QUALIFYING PROPERTY MUST BE KEPT CONFIDENTIAL,
10 AND ANY OTHER INFORMATION CONTAINED IN THE NOTICE MUST BE KEPT
11 CONFIDENTIAL IF THE RESIDENTIAL SELLER SO REQUESTS AND, TOGETHER
12 WITH THE NAMES AND MAILING ADDRESSES FOR TENANTS RESIDING AT THE
13 QUALIFYING PROPERTY, IS CONFIDENTIAL INFORMATION NOT SUBJECT TO
14 PUBLIC DISCLOSURE; EXCEPT THAT THE OCCURRENCE OF A TRIGGERING
15 EVENT, THE LOCATION OF THE QUALIFYING PROPERTY, AND THE IDENTITY
16 OF THE RESIDENTIAL SELLER ARE NOT CONFIDENTIAL AND ARE SUBJECT TO
17 PUBLIC DISCLOSURE.

18 (4) (a) **Notice by the local government to the residential seller.**

19 (I) THE LOCAL GOVERNMENT SHALL PROVIDE NOTICE TO THE RESIDENTIAL
20 SELLER WITHIN FOURTEEN CALENDAR DAYS OF RECEIPT OF THE NOTICE
21 REQUIRED PURSUANT TO SUBSECTION (3)(b) OR (3)(c) OF THIS SECTION OF
22 THE LOCAL GOVERNMENT'S INTENT TO PRESERVE ITS RIGHT OF FIRST
23 REFUSAL PROVIDED IN THIS SECTION. IF THE LOCAL GOVERNMENT INTENDS
24 TO ASSIGN ITS RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH SUBSECTION
25 (2)(f) OF THIS SECTION, THE LOCAL GOVERNMENT MUST DISCLOSE THE
26 POTENTIAL ASSIGNEE IN THE NOTICE. THE NOTICE MUST BE DELIVERED BY
27 ELECTRONIC MAIL; EXCEPT THAT, IF THE RESIDENTIAL SELLER HAS NOT

1 PROVIDED AN ELECTRONIC MAILING ADDRESS, THEN BY HAND DELIVERY,
2 UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT DELIVERY TO THE
3 ADDRESS PROVIDED BY THE RESIDENTIAL SELLER PURSUANT TO
4 SUBSECTION (3)(c)(I)(B) OF THIS SECTION.

5 (II) THE NOTICE GIVEN PURSUANT TO SUBSECTION (4)(a)(I) OF THIS
6 SECTION IS NONBINDING ON THE LOCAL GOVERNMENT.

7 (III) IF NO NOTICE IS GIVEN BY THE LOCAL GOVERNMENT, IF THE
8 LOCAL GOVERNMENT FAILS TO MAKE AN OFFER WITHIN THE TIME PERIOD
9 PROVIDED IN SUBSECTION (5) OF THIS SECTION, OR IF THE OFFER IS
10 OTHERWISE NOT MADE IN ACCORDANCE WITH SUBSECTION (5) OF THIS
11 SECTION, THE RESIDENTIAL SELLER MAY PROCEED WITH THE SALE OF THE
12 QUALIFYING PROPERTY TO ANY BUYER.

13 (b) **Notice by the local government to residents of the**
14 **qualifying property.** (I) (A) UPON GIVING NOTICE TO A RESIDENTIAL
15 SELLER PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE LOCAL
16 GOVERNMENT SHALL PROVIDE NOTICE TO EACH RESIDENT OF THE
17 QUALIFYING PROPERTY WHO IS IDENTIFIED PURSUANT TO SUBSECTION
18 (3)(b)(II)(C) OF THIS SECTION IN THE SELLER'S NOTICE INFORMING THE
19 RESIDENT THAT THERE IS INTEREST BY THE LOCAL GOVERNMENT OR AN
20 ASSIGNEE IN PURCHASING THE QUALIFYING PROPERTY AND PROVIDING A
21 DATE, TIME, AND LOCATION THAT THE LOCAL GOVERNMENT WILL HOLD A
22 MEETING FOR RESIDENTS TO ATTEND FOR INFORMATION REGARDING A
23 POTENTIAL PURCHASE OF THE PROPERTY BY THE LOCAL GOVERNMENT.

24 (B) THE LOCAL GOVERNMENT SHALL PROVIDE A SECOND NOTICE
25 TO THE RESIDENTS OF A QUALIFYING PROPERTY UPON THE ACCEPTANCE BY
26 A RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S OFFER TO PURCHASE
27 THE QUALIFYING PROPERTY AND THE EXECUTION OF THE NECESSARY

1 AGREEMENTS IN CONNECTION WITH ACCEPTANCE OF THE OFFER.

2 (C) THE LOCAL GOVERNMENT SHALL PROVIDE A THIRD NOTICE TO
3 THE RESIDENTS OF A QUALIFYING PROPERTY UPON CLOSING ON THE
4 QUALIFYING PROPERTY AND EXECUTING THE NECESSARY AGREEMENTS TO
5 FINALIZE THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL
6 GOVERNMENT. THE NOTICE MUST INCLUDE CONTACT INFORMATION FOR
7 THE ENTITY THAT WILL PROVIDE MANAGEMENT SERVICES TO THE
8 QUALIFYING PROPERTY.

9 (II) THE LOCAL GOVERNMENT SHALL MAIL THE NOTICES REQUIRED
10 PURSUANT TO SUBSECTION (4)(b)(I) OF THIS SECTION TO THE RESIDENTS
11 OF A QUALIFYING PROPERTY USING THE MOST RECENT ADDRESS OF EACH
12 RESIDENT. THE RESIDENTIAL SELLER SHALL PROVIDE UPDATED MAILING
13 ADDRESSES FOR RESIDENTS UPON REQUEST BY THE LOCAL GOVERNMENT.
14 THE LOCAL GOVERNMENT SHALL ALSO POST A COPY OF THE NOTICES IN A
15 CONSPICUOUS PLACE IN THE QUALIFYING PROPERTY. THE MAILED AND
16 POSTED NOTICES MUST BE PROVIDED IN ENGLISH, SPANISH, AND ANY
17 OTHER LANGUAGE KNOWN TO BE SPOKEN BY RESIDENTS AT THE
18 QUALIFYING PROPERTY.

19 (III) THE MEETING HELD BY THE LOCAL GOVERNMENT AS
20 REQUIRED BY SUBSECTION (4)(b)(I)(A) OF THIS SECTION MUST BE IN AN
21 ACCESSIBLE SPACE, AND SPANISH TRANSLATION SERVICES AND, IF
22 AVAILABLE, VIRTUAL MEETING OPTIONS MUST BE PROVIDED, ALL AT NO
23 COST TO THE RESIDENTS.

24 (5) **Process to exercise right of first refusal.** (a) EXCEPT AS
25 OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS SECTION, THE LOCAL
26 GOVERNMENT HAS SIXTY CALENDAR DAYS FROM PROVIDING NOTICE
27 PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION TO MAKE AN OFFER

1 TO PURCHASE THE QUALIFYING PROPERTY AND SHALL AGREE TO CLOSE ON
2 THE QUALIFYING PROPERTY AND EXECUTE THE NECESSARY AGREEMENTS
3 TO FINALIZE THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL
4 GOVERNMENT WITHIN ONE HUNDRED TWENTY CALENDAR DAYS OF THE
5 ACCEPTANCE BY A RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S
6 OFFER TO PURCHASE THE QUALIFYING PROPERTY AND THE EXECUTION OF
7 THE NECESSARY AGREEMENTS IN CONNECTION WITH ACCEPTING THE
8 OFFER.

9 (b) IF A RESIDENTIAL SELLER REJECTS AN OFFER MADE BY THE
10 LOCAL GOVERNMENT EXERCISING ITS RIGHT OF FIRST REFUSAL, THE
11 RESIDENTIAL SELLER SHALL PROVIDE A WRITTEN EXPLANATION OF THE
12 REJECTION AND SHALL INVITE THE LOCAL GOVERNMENT TO MAKE A
13 SUBSEQUENT OFFER WITHIN FOURTEEN DAYS BY IDENTIFYING THE TERMS
14 AND CONDITIONS THAT MUST BE INCLUDED IN THE SUBSEQUENT OFFER IN
15 ORDER FOR THE RESIDENTIAL SELLER TO POTENTIALLY ACCEPT THE
16 SUBSEQUENTLY MADE OFFER BY THE LOCAL GOVERNMENT AND THE LOCAL
17 GOVERNMENT MAY RE-EXERCISE ITS RIGHT OF FIRST REFUSAL IN
18 ACCORDANCE WITH THIS SECTION BY PROVIDING NOTICE OF THE ITS INTENT
19 TO PRESERVE ITS RIGHT OF FIRST REFUSAL IN ACCORDANCE WITH
20 SUBSECTION (4)(a) OF THIS SECTION.

21 (6) **Extension of time and tolling.** (a) THE PERIODS SET FORTH IN
22 SUBSECTION (5)(a) OF THIS SECTION MAY BE EXTENDED AND ANY TERMS
23 OR CONDITIONS OF SALE MAY BE MODIFIED BY WRITTEN AGREEMENT
24 BETWEEN THE LOCAL GOVERNMENT AND THE RESIDENTIAL SELLER.

25 (b) THE LOCAL GOVERNMENT OR ITS ASSIGNEE IS ENTITLED TO
26 TOLLING OF THE PERIODS SET FORTH IN SUBSECTION (5)(a) OF THIS
27 SECTION IN ANY OF THE FOLLOWING CIRCUMSTANCES:

1 (I) IF THERE IS A REASONABLE DELAY NOT WITHIN THE CONTROL
2 OF THE LOCAL GOVERNMENT OR ITS ASSIGNEE IN OBTAINING FINANCING OR
3 A REQUIRED INSPECTION OR SURVEY OF THE QUALIFYING PROPERTY, THE
4 PERIOD IS TOLLED FOR THE DURATION OF THE DELAY; AND

5 (II) IF THE LOCAL GOVERNMENT, ITS ASSIGNEE, THE ATTORNEY
6 GENERAL, OR A MISSION-DRIVEN ORGANIZATION FILES A NONFRIVOLOUS
7 CIVIL ACTION ALLEGING A VIOLATION OF THIS SECTION, THE PERIOD IS
8 TOLLED UNTIL THE ACTION REACHES FINAL RESOLUTION OR THE PARTIES
9 REACH A RESOLUTION, INCLUDING THE RESOLUTION OF ANY APPEALS, BY
10 SIGNING A SETTLEMENT AGREEMENT.

11 (7) **Tenant qualifications.** (a) THE LOCAL GOVERNMENT OR ITS
12 ASSIGNEE SHALL MAINTAIN AT THE QUALIFYING PROPERTY EQUAL OR
13 GREATER AFFORDABILITY LEVELS TO THE LEVELS PROVIDED AT THE TIME
14 IT IS ACQUIRED BY THE LOCAL GOVERNMENT BOTH WITH RESPECT TO THE
15 NUMBER OF AFFORDABLE UNITS AND TENANT QUALIFICATIONS FOR A
16 GIVEN AREA MEDIAN INCOME. TENANT QUALIFICATIONS MUST COMPLY
17 WITH FAIR HOUSING LAWS AND AFFORDABILITY REQUIREMENTS OF ANY
18 NEW FUNDING SOURCES.

19 (b) NOTWITHSTANDING THE REQUIREMENTS AROUND LONG-TERM
20 AFFORDABLE HOUSING SET FORTH IN THIS SECTION OR THE REQUIREMENTS
21 IN SUBSECTION (7)(a) OF THIS SECTION, RESIDENTS AT THE QUALIFYING
22 PROPERTY AT THE TIME IT IS ACQUIRED BY THE LOCAL GOVERNMENT
23 PURSUANT TO THIS SECTION MAY CONTINUE TO RESIDE AT THE QUALIFYING
24 PROPERTY IRRESPECTIVE OF THEIR INCOME LEVEL FOR AT LEAST THE
25 DURATION OF THEIR TENANCY AGREEMENT PURSUANT TO THE TENANCY
26 AGREEMENT'S TERMS IN EFFECT AT THE TIME THE LOCAL GOVERNMENT
27 ACQUIRES THE QUALIFYING PROPERTY. A LOCAL GOVERNMENT OR ITS

1 ASSIGNEE MAY ONLY DECLINE TO RENEW A TENANT'S LEASE IN ORDER TO
2 COMPLY WITH GREATER AFFORDABILITY RESTRICTIONS AT THE PROPERTY
3 IN ACCORDANCE WITH SUBSECTION (7)(a) OF THIS SECTION OR IF THE
4 RESIDENT IS DEMONSTRABLY VIOLATING ANY TERMS OF THE LEASE.

5 **29-4-1203. Right of first offer - eligibility - process - notice -**
6 **definition - repeal. (1) Definition of qualifying property.** AS USED IN
7 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "QUALIFYING
8 PROPERTY" MEANS A MULTIFAMILY RESIDENTIAL OR MIXED-USE RENTAL
9 PROPERTY CONSISTING OF NOT MORE THAN ONE HUNDRED UNITS AND NOT
10 LESS THAN FIVE UNITS IN URBAN COUNTIES AND THREE UNITS IN RURAL OR
11 RURAL RESORT COUNTIES, AS SUCH COUNTIES ARE CLASSIFIED IN
12 ACCORDANCE WITH THE DIVISION OF HOUSING'S MOST RECENT
13 CLASSIFICATIONS PURSUANT TO SECTION 29-4-1107 (1)(d), AND
14 EXCLUDING EXISTING AFFORDABLE HOUSING AND A MOBILE HOME PARK
15 AS DEFINED IN SECTION 38-12-201.5 (6).

16 **(2) Local government's right of first offer. (a)** IN ACCORDANCE
17 WITH THIS PART 12, THE LOCAL GOVERNMENT FOR THE JURISDICTION IN
18 WHICH A QUALIFYING PROPERTY IS LOCATED HAS A RIGHT OF FIRST OFFER
19 TO MAKE AN OFFER TO PURCHASE THE QUALIFYING PROPERTY BEFORE THE
20 QUALIFYING PROPERTY IS LISTED FOR SALE TO THIRD PARTIES.

21 **(b)** A RESIDENTIAL SELLER SHALL NOT LIST FOR SALE TO THIRD
22 PARTIES A QUALIFYING PROPERTY UNLESS NOTICE HAS BEEN PROVIDED IN
23 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION AND FOURTEEN DAYS
24 HAS ELAPSED SINCE SUCH NOTICE WAS RECEIVED IN ACCORDANCE WITH
25 SUBSECTION (3)(c) OF THIS SECTION.

26 **(c)** THE LOCAL GOVERNMENT'S RIGHT OF FIRST OFFER CONCERNING
27 THE QUALIFYING PROPERTY IS LIMITED TO PRESERVING OR CONVERTING

1 THE QUALIFYING PROPERTY TO LONG-TERM AFFORDABLE HOUSING OR A
2 MIXED-INCOME DEVELOPMENT DIRECTLY OR THROUGH ANOTHER ENTITY
3 TO WHICH THE LOCAL GOVERNMENT ASSIGNS ITS RIGHTS PURSUANT TO
4 SUBSECTION (2)(e) OF THIS SECTION OR TRANSFERS THE QUALIFYING
5 PROPERTY. IF A QUALIFYING PROPERTY IS CLASSIFIED AS MIXED-USE, THE
6 LOCAL GOVERNMENT'S OFFER MUST INCLUDE ANY COMMERCIAL PORTION
7 OF THE QUALIFYING PROPERTY BUT ONLY THE RESIDENTIAL PORTION OF
8 THE QUALIFYING PROPERTY IS SUBJECT TO AFFORDABILITY
9 REQUIREMENTS.

10 (d) THE LOCAL GOVERNMENT, IN EXERCISING ITS RIGHT OF FIRST
11 OFFER, MAY PARTNER WITH A NONPROFIT ENTITY, A PRIVATE ENTITY, OR
12 ANOTHER GOVERNMENTAL ENTITY TO CO-FINANCE, LEASE, OR MANAGE
13 THE QUALIFYING PROPERTY FOR THE PUBLIC PURPOSE OF MAINTAINING THE
14 QUALIFYING PROPERTY AS LONG-TERM AFFORDABLE HOUSING OR A
15 MIXED-INCOME DEVELOPMENT IF THE LOCAL GOVERNMENT OR ITS
16 ASSIGNEE MAINTAINS OWNERSHIP OF THE QUALIFYING PROPERTY.

17 (e) AT ANY TIME, THE LOCAL GOVERNMENT MAY ASSIGN THE
18 RIGHT OF FIRST OFFER REGARDING A QUALIFYING PROPERTY TO A HOUSING
19 AUTHORITY THAT IS WITHIN THE LOCAL GOVERNMENT'S JURISDICTION, A
20 REGIONAL HOUSING AUTHORITY THAT SERVES THE LOCAL GOVERNMENT'S
21 JURISDICTION, OR THE COLORADO HOUSING AND FINANCE AUTHORITY,
22 SUBJECT TO THE REQUIREMENTS THAT THE QUALIFYING PROPERTY IS USED
23 TO PRESERVE OR BE CONVERTED TO LONG-TERM AFFORDABLE HOUSING OR
24 A MIXED-INCOME DEVELOPMENT AND THAT ALL OTHER PROVISIONS OF
25 THIS PART 12 APPLY TO THE ASSIGNEE. UPON ASSIGNMENT, THE ASSIGNEE
26 ASSUMES ALL LIABILITY OF THE LOCAL GOVERNMENT REGARDING THE
27 EXERCISE OF THE RIGHT OF FIRST OFFER AND IS RESPONSIBLE FOR

1 PERFORMING ALL REQUIREMENTS PURSUANT TO THIS PART 12 WITH
2 RESPECT TO A QUALIFYING PROPERTY AS IF THE ASSIGNEE WERE THE
3 LOCAL GOVERNMENT.

4 (3) **Notice by residential seller.** (a) BEFORE A RESIDENTIAL
5 SELLER LISTS A QUALIFYING PROPERTY FOR SALE, THE RESIDENTIAL
6 SELLER SHALL PROVIDE NOTICE TO THE GOVERNING BODY OF THE LOCAL
7 GOVERNMENT IN WHICH THE QUALIFYING PROPERTY IS LOCATED THAT THE
8 RESIDENTIAL SELLER INTENDS TO SELL THE QUALIFYING PROPERTY.

9 (b) THE NOTICE REQUIRED PURSUANT TO THIS SUBSECTION (3)
10 MUST INCLUDE:

11 (I) A GENERAL DESCRIPTION OF THE QUALIFYING PROPERTY TO BE
12 PURCHASED, INCLUDING THE ADDRESS AND NAME OF THE PROPERTY, IF
13 ANY, AND ANY ADDITIONAL DESCRIPTIONS OF THE QUALIFYING PROPERTY
14 ON FILE WITH THE OFFICE OF THE ASSESSOR IN THE COUNTY IN WHICH THE
15 QUALIFYING PROPERTY IS LOCATED;

16 (II) THE RESIDENTIAL SELLER'S ADDRESS AND, IF AVAILABLE,
17 ELECTRONIC MAILING ADDRESS TO RECEIVE NOTICES FROM THE LOCAL
18 GOVERNMENT;

19 (III) ANY INFORMATION ON THE QUALIFYING PROPERTY AND THE
20 OPERATION OF THE QUALIFYING PROPERTY THAT THE RESIDENTIAL SELLER
21 WOULD COMMONLY INCLUDE IN MARKETING MATERIALS, INCLUDING THE
22 AMOUNT OF RENT CHARGED TO TENANTS AT THE QUALIFYING PROPERTY,
23 VACANCY RATE, GROSS AND NET OPERATING EXPENSES AND INCOME, AND
24 AMENITIES AT THE QUALIFYING PROPERTY; AND

25 (IV) ANY MARKETING MATERIALS THE RESIDENTIAL SELLER HAS
26 PREPARED AND ANTICIPATES USING IN CONNECTION WITH LISTING THE
27 QUALIFYING PROPERTY FOR SALE.

1 (c) THE NOTICE GIVEN PURSUANT TO THIS SUBSECTION (3) MUST BE
2 DELIVERED TO THE CLERK OF THE GOVERNING BODY OF THE LOCAL
3 GOVERNMENT BY ELECTRONIC MAIL; EXCEPT THAT, IF THERE IS NOT AN
4 ELECTRONIC MAILING ADDRESS AVAILABLE FOR THE CLERK, THEN BY
5 HAND DELIVERY, UNITED STATES FIRST CLASS MAIL, OR OVERNIGHT
6 DELIVERY. THE NOTICE IS DEEMED RECEIVED ON THE DATE IT IS SENT BY
7 ELECTRONIC MAIL, THE DATE IT IS HAND DELIVERED, THE DATE AFTER THE
8 DAY IT IS DEPOSITED FOR DELIVERY BY OVERNIGHT DELIVERY, OR THE
9 DATE THAT IS TWO BUSINESS DAYS AFTER THE DAY IT IS DEPOSITED IN THE
10 UNITED STATES MAIL.

11 (d) THE LOCAL GOVERNMENT MAY SHARE THE INFORMATION
12 CONTAINED IN THE NOTICES REQUIRED PURSUANT TO THIS SUBSECTION (3)
13 WITH ITS OFFICERS, EMPLOYEES, AGENTS, AND PROSPECTIVE ASSIGNEES OR
14 PROSPECTIVE ENTITIES THAT THE LOCAL GOVERNMENT PARTNERS WITH
15 PURSUANT TO SUBSECTIONS (2)(d) AND (2)(e) OF THIS SECTION FOR THE
16 PURPOSES OF EVALUATING OR OBTAINING FINANCING FOR THE
17 PROSPECTIVE TRANSACTION. THE INFORMATION CONTAINED IN THE NOTICE
18 MUST BE KEPT CONFIDENTIAL IF THE RESIDENTIAL SELLER SO REQUESTS
19 AND IS CONFIDENTIAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE;
20 EXCEPT THAT THE EXISTENCE OF THE NOTICE, THE LOCATION OF THE
21 QUALIFYING PROPERTY, AND THE IDENTITY OF THE RESIDENTIAL SELLER
22 ARE NOT CONFIDENTIAL AND ARE SUBJECT TO PUBLIC DISCLOSURE.

23 (e) AFTER NOTICE IS PROVIDED IN ACCORDANCE WITH THIS
24 SUBSECTION (3) AND IF THE REQUIREMENTS OF THIS SECTION HAVE BEEN
25 MET, A RESIDENTIAL SELLER HAS NO OBLIGATION TO PROVIDE ADDITIONAL
26 NOTICE TO THE LOCAL GOVERNMENT OR OTHERWISE REOFFER THE
27 QUALIFYING PROPERTY TO THE LOCAL GOVERNMENT PURSUANT TO ANY

1 PROVISIONS OF THIS SECTION UNLESS A TRANSACTION FOR THE SALE OF
2 THE QUALIFYING PROPERTY DOES NOT CLOSE WITHIN TWELVE MONTHS OF
3 EITHER REJECTION BY THE RESIDENTIAL SELLER OF THE LOCAL
4 GOVERNMENT'S OFFER MADE IN ACCORDANCE WITH SUBSECTION (4)(a)(I)
5 OF THIS SECTION OR TERMINATION OF NEGOTIATIONS BETWEEN THE
6 RESIDENTIAL SELLER AND THE LOCAL GOVERNMENT, WHICHEVER IS
7 EARLIER.

8 (4) **Notice by the local government.** (a) A LOCAL GOVERNMENT
9 HAS FOURTEEN CALENDAR DAYS FROM THE DATE OF RECEIVING THE
10 NOTICE REQUIRED BY SUBSECTION (3)(a) OF THIS SUBSECTION TO PROVIDE
11 A WRITTEN RESPONSE TO THE RESIDENTIAL SELLER THAT EITHER:

12 (I) MAKES AN OFFER TO PURCHASE THE QUALIFYING PROPERTY
13 SETTING FORTH THE PRICE, TERMS, AND CONDITIONS OF THE OFFER AND
14 STATING AN INTENT TO PERFORM DUE DILIGENCE AND ENTER INTO A
15 CONTRACT TO PURCHASE THE QUALIFYING PROPERTY WITHIN FORTY-FIVE
16 DAYS OF THE DATE THAT THE RESIDENTIAL SELLER PROVIDED THE NOTICE
17 REQUIRED BY SUBSECTION (3)(a) OF THIS SECTION TO THE LOCAL
18 GOVERNMENT; OR

19 (II) WAIVES ANY RIGHT OF THE LOCAL GOVERNMENT TO PURCHASE
20 THE QUALIFYING PROPERTY.

21 (b) IF THE LOCAL GOVERNMENT DOES NOT PROVIDE A RESPONSE OR
22 OTHERWISE DECLINES TO MAKE AN OFFER IN ACCORDANCE WITH
23 SUBSECTION (4)(a) OF THIS SECTION, THE LOCAL GOVERNMENT'S RIGHT OF
24 FIRST OFFER IS WAIVED AND THE SELLER MAY LIST THE QUALIFYING
25 PROPERTY FOR SALE AND PROCEED WITH SALE OF THE QUALIFYING
26 PROPERTY TO ANY THIRD-PARTY BUYER.

27 (5) **Process after offer is made.** (a) THE RESIDENTIAL SELLER HAS

1 FOURTEEN CALENDAR DAYS TO NOTIFY THE LOCAL GOVERNMENT THAT IT
2 EITHER ACCEPTS OR REJECTS THE LOCAL GOVERNMENT'S OFFER MADE
3 PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION. DURING THIS
4 PERIOD, THE RESIDENTIAL SELLER MAY INITIATE NEGOTIATIONS IN GOOD
5 FAITH WITH THE LOCAL GOVERNMENT WHICH MAY INCLUDE DISCUSSING
6 ALTERNATIVE PRICE, TERMS, OR CONDITIONS FOR THE PURCHASE OF THE
7 QUALIFYING PROPERTY.

8 (b) IF THE RESIDENTIAL SELLER ACCEPTS THE LOCAL
9 GOVERNMENT'S OFFER OR ACCEPTS AN OFFER NEGOTIATED WITH THE
10 LOCAL GOVERNMENT, THE LOCAL GOVERNMENT HAS THIRTY CALENDAR
11 DAYS AFTER THE DATE OF THE RESIDENTIAL SELLER'S ACCEPTANCE OF THE
12 OFFER TO CLOSE THE TRANSACTION.

13 (c) IF AT ANY TIME PRIOR TO THE RESIDENTIAL SELLER AND THE
14 LOCAL GOVERNMENT ENTERING INTO A CONTRACT FOR THE PURCHASE OF
15 THE QUALIFYING PROPERTY BY THE LOCAL GOVERNMENT, THE LOCAL
16 GOVERNMENT PROPOSES PRICE, TERMS, CONDITIONS, OR TIMING THAT ARE
17 UNACCEPTABLE FOR ANY REASON TO THE RESIDENTIAL SELLER OR IF THE
18 LOCAL GOVERNMENT MISSES ANY DEADLINES SET FORTH IN THIS SECTION,
19 THE RESIDENTIAL SELLER MAY REJECT THE LOCAL GOVERNMENT'S OFFER,
20 TERMINATE NEGOTIATIONS WITH THE LOCAL GOVERNMENT, AND PROCEED
21 TO LIST THE QUALIFYING PROPERTY FOR SALE AND PROCEED WITH SALE OF
22 THE QUALIFYING PROPERTY TO ANY THIRD-PARTY BUYER.

23 (6) **Notice by the local government to residents of the**
24 **qualifying property.** (a) (I) THE LOCAL GOVERNMENT SHALL PROVIDE
25 NOTICE TO THE RESIDENTS OF A QUALIFYING PROPERTY UPON THE
26 ACCEPTANCE BY A RESIDENTIAL SELLER OF THE LOCAL GOVERNMENT'S
27 OFFER TO PURCHASE THE QUALIFYING PROPERTY AND THE EXECUTION OF

1 THE NECESSARY AGREEMENTS IN CONNECTION WITH ACCEPTANCE OF THE
2 OFFER.

3 (II) THE LOCAL GOVERNMENT SHALL PROVIDE A SECOND NOTICE
4 TO THE RESIDENTS OF A QUALIFYING PROPERTY UPON CLOSING ON THE
5 QUALIFYING PROPERTY AND EXECUTING THE NECESSARY AGREEMENTS TO
6 FINALIZE THE SALE OF THE QUALIFYING PROPERTY TO THE LOCAL
7 GOVERNMENT. THE NOTICE MUST INCLUDE CONTACT INFORMATION FOR
8 THE ENTITY THAT WILL PROVIDE MANAGEMENT SERVICES TO THE
9 QUALIFYING PROPERTY.

10 (b) THE LOCAL GOVERNMENT SHALL MAIL THE NOTICES REQUIRED
11 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION TO THE RESIDENTS OF
12 A QUALIFYING PROPERTY USING THE MOST RECENT ADDRESS OF EACH
13 RESIDENT PROVIDED BY THE RESIDENTIAL SELLER UPON REQUEST BY THE
14 LOCAL GOVERNMENT. THE LOCAL GOVERNMENT SHALL ALSO POST A COPY
15 OF THE NOTICES IN A CONSPICUOUS PLACE IN THE QUALIFYING PROPERTY.
16 THE MAILED AND POSTED NOTICES MUST BE PROVIDED IN ENGLISH,
17 SPANISH, AND ANY OTHER LANGUAGE KNOWN TO BE SPOKEN BY
18 RESIDENTS AT THE QUALIFYING PROPERTY.

19 (7) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31,
20 2029.

21 **29-4-1204. General provisions applicable to a local**
22 **government's right of first refusal and right of first offer.**

23 (1) NOTHING IN THIS PART 12 REQUIRES A LOCAL GOVERNMENT TO
24 EXERCISE ITS RIGHT OF FIRST REFUSAL SET FORTH IN SECTION 29-4-1202
25 OR ITS RIGHT OF FIRST OFFER SET FORTH IN SECTION 29-4-1203 AND A
26 LOCAL GOVERNMENT MUST PROMPTLY NOTIFY A RESIDENTIAL SELLER OF
27 ITS INTENT NOT TO EXERCISE ITS RIGHT OF FIRST OFFICE AS SET FORTH IN

1 SECTION 29-4-1203 (4)(a)(II).

2 (2) ANY ACTION BY THE LOCAL GOVERNMENT REQUIRED OR
3 PERMITTED PURSUANT TO THIS PART 12 MAY BE PERFORMED, AS IS
4 APPLICABLE AND TO THE EXTENT PERMITTED BY LAW, BY THE COUNTY
5 MANAGER OF A COUNTY, THE MAYOR OR CITY MANAGER OF A CITY OR
6 TOWN, OR ANOTHER OFFICER DESIGNATED BY THE GOVERNING BODY OF
7 THE LOCAL GOVERNMENT.

8 (3) ANY ACTIONS OF AN AGENT WORKING ON BEHALF OF A
9 RESIDENTIAL SELLER FOR PURPOSES OF THIS PART 12 ARE ATTRIBUTABLE
10 TO THE RESIDENTIAL SELLER. NOTWITHSTANDING ANY OTHER PROVISION
11 OF THIS PART 12 TO THE CONTRARY, A POLITICAL SUBDIVISION OR A
12 HOUSING AUTHORITY IN THE STATE THAT ENGAGES IN ACTIVITIES TO
13 CREATE OR PRESERVE LONG-TERM AFFORDABLE HOUSING FOR AN
14 APPLICABLE QUALIFYING PROPERTY IS NOT CONSIDERED AN AGENT
15 WORKING ON BEHALF OF A RESIDENTIAL SELLER FOR PURPOSES OF THIS
16 PART 12.

17 (4) NOTHING WITHIN THIS PART 12 LIMITS THE LOCAL
18 GOVERNMENT'S ABILITY TO CONDEMN AN APPLICABLE QUALIFYING
19 PROPERTY ACQUIRED PURSUANT TO THIS PART 12 TO THE EXTENT
20 PERMITTED BY APPLICABLE LAW.

21 (5) IF A LOCAL GOVERNMENT HAS ADOPTED LONG-TERM
22 AFFORDABILITY REQUIREMENTS THAT ARE GREATER THAN THE
23 REQUIREMENTS SET FORTH IN THIS PART 12, THE LOCAL GOVERNMENT'S
24 REQUIREMENTS APPLY TO THIS PART 12.

25 **29-4-1205. Exemptions - repeal.** (1) THIS PART 12 DOES NOT
26 APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF AN APPLICABLE
27 QUALIFYING PROPERTY BY A RESIDENTIAL SELLER:

1 (a) MADE TO, IF WHOLLY OWNED BY THE RESIDENTIAL SELLER, A
2 PARTNERSHIP, LIMITED LIABILITY COMPANY, OR CORPORATION, OR MADE
3 FOR TAX OR ESTATE PURPOSES BETWEEN CLOSELY HELD PARTNERS,
4 MEMBERS OF A LIMITED LIABILITY COMPANY, OR MEMBERS OF A
5 CORPORATION;

6 (b) MADE TO THE STATE, A LOCAL GOVERNMENT, THE COLORADO
7 HOUSING AND FINANCE AUTHORITY, ANY PUBLIC HOUSING AUTHORITY,
8 AND ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

9 (c) MADE TO A NOT-FOR-PROFIT, MISSION-DRIVEN AFFORDABLE
10 HOUSING PROVIDER THAT HAS PROVIDED NOTICE OF INTENT TO PURCHASE
11 THE APPLICABLE QUALIFYING PROPERTY, HAS A HISTORY OF DEVELOPING
12 AFFORDABLE HOUSING, AND COMMITS TO PROVIDING TO TENANTS A
13 MAJORITY OF UNITS THAT SATISFY THE AFFORDABILITY REQUIREMENTS
14 FOR LONG-TERM AFFORDABLE HOUSING; OR

15 (d) IF THE APPLICABLE QUALIFYING PROPERTY IS SOLD,
16 TRANSFERRED, OR CONVEYED IN A FORECLOSURE ACTION OR BY A DEED IN
17 LIEU OF FORECLOSURE OR IF THE APPLICABLE QUALIFYING PROPERTY IS
18 SOLD, TRANSFERRED, OR CONVEYED BY A PARTY THAT ACQUIRES THE
19 APPLICABLE QUALIFYING PROPERTY IN A FORECLOSURE ACTION OR BY A
20 DEED IN LIEU OF FORECLOSURE.

21 (2) THE RIGHT OF FIRST REFUSAL SET FORTH IN SECTION 29-4-1202
22 DOES NOT APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF A
23 QUALIFYING PROPERTY, AS DEFINED IN SECTION 29-4-1202 (1), BY A
24 RESIDENTIAL SELLER:

25 (a) IF, AT THE TIME OF THE EFFECTIVE DATE OF THIS PART 12, THE
26 QUALIFYING PROPERTY HAS A PREEXISTING AGREEMENT THAT BESTOWS
27 A RIGHT OF FIRST REFUSAL OR OTHER CONTINGENT PROPERTY RIGHT

1 REGARDING THE QUALIFYING PROPERTY TO A THIRD PARTY; EXCEPT THAT,
2 UPON EXPIRATION OF THE AGREEMENT, THE PROVISIONS OF THIS PART 12
3 APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF THE QUALIFYING
4 PROPERTY BY THE RESIDENTIAL SELLER; OR

5 (b) IF THE RESIDENTIAL SELLER IS IN THE PROCESS OF OR HAS
6 SUCCESSFULLY RESYNDICATED OR RECAPITALIZED THE QUALIFYING
7 PROPERTY IN CONNECTION WITH FEDERAL OR LOCAL FINANCIAL
8 ASSISTANCE, ENSURING THAT THE QUALIFYING PROPERTY WILL CONTINUE
9 AS EXISTING AFFORDABLE HOUSING DELIVERING EQUAL OR GREATER
10 AFFORDABILITY TO RESIDENTS, BOTH IN NUMBER OF AFFORDABLE UNITS
11 AND RENTS, AND THE RESIDENTIAL SELLER PROVIDES NOTICE AND
12 DEMONSTRABLE EVIDENCE OF THIS TO THE LOCAL GOVERNMENT.

13 (3) (a) THE RIGHT OF FIRST OFFER SET FORTH IN SECTION
14 29-4-1203 DOES NOT APPLY TO ANY SALE, TRANSFER, OR CONVEYANCE OF
15 A QUALIFYING PROPERTY, AS DEFINED IN SECTION 29-4-1203 (1), BY A
16 RESIDENTIAL SELLER:

17 (I) MADE TO A FAMILY MEMBER, AS DEFINED IN SECTION
18 8-13.3-503 (11), OF THE RESIDENTIAL SELLER;

19 (II) MADE TO A TRUST IF THE BENEFICIARY OF THE TRUST IS THE
20 SPOUSE, PARTNER IN A CIVIL UNION, LEGALLY RECOGNIZED CHILD, OR
21 OTHER FAMILY MEMBER OF THE RESIDENTIAL SELLER;

22 (III) MADE PURSUANT TO A WILL, DESCENT, OR INTESTATE
23 DISTRIBUTION;

24 (IV) MADE PURSUANT TO AN ACTION IN EMINENT DOMAIN;

25 (V) MADE PURSUANT TO A COURT ORDER;

26 (VI) MADE BETWEEN JOINT TENANTS OR TENANTS IN COMMON; OR

27 (VII) IF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE

1 QUALIFYING PROPERTY WAS ISSUED WITHIN TWENTY YEARS PRECEDING
2 THE DATE THAT THE RESIDENTIAL SELLER WILL LIST THE QUALIFYING
3 PROPERTY FOR SALE.

4 (b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE DECEMBER 31,
5 2029.

6 **29-4-1206. Remedies for noncompliance.**

7 (1) (a) NOTWITHSTANDING SUBSECTION (1)(c) OF THIS SECTION AND
8 SUBJECT TO THE AVAILABILITY OF RESOURCES, IT IS THE RESPONSIBILITY
9 OF THE ATTORNEY GENERAL'S OFFICE TO ENFORCE THE PROVISIONS OF THIS
10 PART 12, AND THE ATTORNEY GENERAL MAY INTERVENE IN ANY ACTION
11 BROUGHT PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION.

12 (b) THE APPLICABLE RIGHT ACCORDED BY THIS PART 12 TO THE
13 LOCAL GOVERNMENT WITH RESPECT TO AN APPLICABLE QUALIFYING
14 PROPERTY IS A PROPERTY INTEREST.

15 (c) THE ATTORNEY GENERAL'S OFFICE, THE LOCAL GOVERNMENT,
16 THE LOCAL GOVERNMENT'S ASSIGNEE, OR A MISSION-DRIVEN
17 ORGANIZATION ON BEHALF OF THE STATE MAY BRING A CIVIL ACTION
18 AGAINST A RESIDENTIAL SELLER OR A PERSON CLAIMING AN INTEREST IN
19 AN APPLICABLE QUALIFYING PROPERTY THROUGH A RESIDENTIAL SELLER
20 FOR ANY VIOLATION OF THIS PART 12.

21 (2) A COURT MAY GRANT INJUNCTIVE RELIEF FOR ANY VIOLATIONS
22 OF THIS PART 12 BY A RESIDENTIAL SELLER OR A PERSON CLAIMING AN
23 INTEREST IN AN APPLICABLE QUALIFYING PROPERTY THROUGH A
24 RESIDENTIAL SELLER OCCURRING AFTER A TRIGGERING EVENT PURSUANT
25 TO SECTION 29-4-1202 (3)(b)(I) OR AFTER A RESIDENTIAL SELLER LISTS AN
26 APPLICABLE QUALIFYING PROPERTY FOR SALE OR TAKES ANY OTHER
27 ACTION TO SELL AN APPLICABLE QUALIFYING PROPERTY WITHOUT

1 COMPLYING WITH THE REQUIREMENTS OF SECTION 29-4-1203.

2 (3) IF A COURT FINDS THAT A RESIDENTIAL SELLER IS IN MATERIAL
3 VIOLATION OF THIS PART 12, IN ADDITION TO ANY OTHER AVAILABLE
4 REMEDY, THE COURT SHALL AWARD A STATUTORY PENALTY OF NOT LESS
5 THAN THIRTY THOUSAND DOLLARS.

6 (4) A COURT MAY ALSO AWARD DAMAGES, REASONABLE
7 ATTORNEY FEES, AND COSTS TO A PREVAILING PARTY; EXCEPT THAT,
8 NOTWITHSTANDING ANY AGREEMENT TO THE CONTRARY, IN AN ACTION
9 BROUGHT OR JOINED BY THE ATTORNEY GENERAL'S OFFICE, THE LOCAL
10 GOVERNMENT, THE LOCAL GOVERNMENT'S ASSIGNEE, OR A
11 MISSION-DRIVEN ORGANIZATION, A COURT SHALL NOT AWARD ATTORNEY
12 FEES TO A RESIDENTIAL SELLER OR PERSON CLAIMING AN INTEREST IN AN
13 APPLICABLE QUALIFYING PROPERTY THROUGH A RESIDENTIAL SELLER
14 UNLESS THE COURT FINDS THAT THE COMPLAINT FILED BY THE ATTORNEY
15 GENERAL'S OFFICE, THE LOCAL GOVERNMENT, THE LOCAL GOVERNMENT'S
16 ASSIGNEE, OR A MISSION-DRIVEN ORGANIZATION IS FRIVOLOUS.

17 (5) THE REMEDIES PROVIDED IN THIS SECTION ARE INDEPENDENT
18 OF AND DO NOT AFFECT ANY OTHER REMEDIES THAT MAY BE AVAILABLE
19 PURSUANT TO A CIVIL ACTION OR THE RIGHTS OF ANY PARTY TO ANY
20 TRANSACTION CONTEMPLATED PURSUANT TO THIS PART 12.

21 **29-4-1207. Termination of right of first offer.** THE RIGHT OF
22 FIRST OFFER ESTABLISHED IN THIS PART 12 TERMINATES ON DECEMBER 31,
23 2029.

24 **SECTION 2.** In Colorado Revised Statutes, 24-31-101, **amend**
25 (1)(i)(XVII) and (1)(i)(XVIII); and **add** (1)(i)(XIX) as follows:

26 **24-31-101. Powers and duties of attorney general.** (1) The
27 attorney general:

1 (i) May independently initiate and bring civil and criminal actions
2 to enforce state laws, including actions brought pursuant to:

3 (XVII) The "Rental Application Fairness Act", part 9 of article 12
4 of title 38; and

5 (XVIII) The "Reproductive Health Equity Act", part 4 of article
6 of title 25; AND

7 (XIX) PART 12 OF ARTICLE 4 OF TITLE 29.

8 **SECTION 3. Act subject to petition - effective date -**

9 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
10 the expiration of the ninety-day period after final adjournment of the
11 general assembly; except that, if a referendum petition is filed pursuant
12 to section 1 (3) of article V of the state constitution against this act or an
13 item, section, or part of this act within such period, then the act, item,
14 section, or part will not take effect unless approved by the people at the
15 general election to be held in November 2024 and, in such case, will take
16 effect on the date of the official declaration of the vote thereon by the
17 governor.

18 (2) This act applies to all qualifying properties for the right of first
19 refusal that are listed for sale on or after the effective date of this act but
20 for which a residential seller has not accepted an offer to purchase the
21 qualifying property and executed the necessary agreements in connection
22 with accepting the offer and to all qualifying properties for the right of
23 first offer on or after the effective date of this act that do not have active
24 listings as of the effective date of this act.