



November 8, 2022 General Election

Pros and Cons for

Referred Measures

- 2I** Denver Public Library Tax
- 2J** Lift TABOR Limits on Climate Tax
- 2K** Lift TABOR Limits on Homeless Resolution Tax
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Initiated Ordinances

- 305** No Eviction Without Representation for Denver
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Referred Measure 2I - Denver Public Library Tax

Title: Shall city and county of Denver taxes be increased by not more than \$36 million (approximately \$4.19 per month for the typical home) in 2023 and by whatever additional amounts are received annually thereafter by increasing the city's mill levy rate 1.5 mills, which will be used to fund the Denver public library in order to maintain existing services and meet the increased demand for additional services.

Background: The Denver Public Library (DPL) has been a cornerstone of the Denver community, playing an integral role in supporting the city's priorities. The library has 27 locations distributed in neighborhoods throughout Denver.

Under the proposal the new tax would generate \$31.6 million annually, based on 2021 property assessments. The average Denver homeowner would pay \$4.19 a month for a home with a value of \$469,000. The current library funding is almost entirely dependent on the city's general fund.

Major Provisions:

- Increases Property Taxes by 1.5 mills for the Denver Public Libraries to maintain current services as well as improving and expanding services.
- Funds may be used for the following:
 - Increased pay for staff making below market wages.
 - Increased technology to support patrons who lack internet access.
 - Enhanced programs and service for children, youth, communities of color and vulnerable groups such as immigrants and refugees.
 - Expanded resources for those in the job market and to help connect people to potential employers in the community.
 - Expanded hours and days for library branches.
 - Expanded collections of books, media, and other popular items.

Those in favor say:

- The library serves people from all backgrounds and life circumstances free of charge. It is a vital community resource.
- The DPL's strategic planning process established a plan for how to best support Denver's dynamic community. However, DPL, which is currently funded almost entirely through the city's general fund, does not have the financial resources needed to fully support current and future needs. This measure would provide a secure revenue stream and grow the library's budget.

Those opposed say:

Library funding should come through the general fund's annual budget process rather than property tax assessment. A property tax increase, after a year of record inflation, will be difficult for some to vote for.

Proponents: DPL Friends Foundation

Opponents: No organized opposition was found. Publicly available news sources were used to find opposing statements.

Referred Measure 2J - Lift TABOR Limits on Climate Tax

Title: For an ordinance referring a question to the ballot at the November 8, 2022 coordinated election concerning the retention and continuation of the 0.25% sales and use tax increase to provide funding for Climate Action, as originally approved by the voters at the November 3, 2020 election.

Background: In November 2020, almost 65% of Denver voters approved a 0.25% increase to the sales and use tax dedicated to the Climate Protection Fund Program. This measure sought to make Denver a leader in greenhouse gas reduction efforts and resiliency amid change. The 0.25% tax was projected to produce \$40 million dollars in the first year (2021) but, due to largely unanticipated economic conditions, actually produced \$41.3 million, an excess of \$1.3 million. The City is required by the TABOR amendment of the state constitution to refund excess taxes unless voters approve retaining and spending them.

The revenue from the sales tax increase was used to establish the Climate Protection Fund. In its first year of funding, the Climate Protection Fund committed to:

- \$18 million in community solar.

- Nearly 1,000 paid positions in workforce development programs.
- Planting more than 2,000 trees.
- Free shuttle to help Montbello residents access transit.
- Co-creating climate and environmental justice solutions with historically underrepresented communities.
- Retrofitting the Forum Apartments to an all-electric building.

Major Provisions: Authorizes the City and County of Denver to:

- retain and spend all 2021 revenues derived from the 0.25% Climate Action sales and use tax originally approved by the voters on November 3, 2020, and
- continue to collect the tax to the full extent of the 0.25% permitted by the original voter approval.

Proponents: No known organized support.

Opponents: No known organized opposition.

Referred Question 2K - Lift TABOR Limits on Homeless Resolution Tax

Title: A bill for an ordinance referring a question to the ballot at the November 8, 2022 coordinated election concerning the retention and continuation of the 0.25% sales and use tax increase to provide funding for Homelessness Resolution, as originally approved by the voters at the November 3, 2020 election.

Background: Homelessness continues to be at crisis levels nationally. In Denver, metro-wide, chronic homelessness is up 266% from 2007-2021; unsheltered homelessness is up about 30% from 2021-2022; and first-time homelessness doubled between 2020-2021. Since 2021, when collection began, the Fund has paid for:

- shelter services,
- housing,
- support services such as case management,
- and COVID emergency response-related housing and shelter services.

Due to unanticipated economic conditions the Fund collected an excess of \$1.3 million more than the original estimate of \$40 million. The City is required by the TABOR provision of the state constitution to refund excess revenues unless voters approve retaining and spending them.

Major Provisions:

Allow the City and County of Denver to:

- retain and spend all revenues raised by the Homelessness Sales and Use Tax approved by voters on November 3, 2020, and
- continue to collect the tax of 0.25% as permitted by the original voter approval.

Those in favor say:

- This funding is essential to making homelessness rare and brief.
- The Homelessness Resolution Fund provides critical financial resources to support the full spectrum of services for prevention, outreach, transition, retention, and aftercare for all people experiencing homelessness in Denver.
- Allowing the City to keep the revenue above the estimate and to reauthorize the tax will allow Denver's Office of Housing Stability (HOST) to continue their work to resolve homelessness in alignment with their approved plans.

Proponents: Colorado Coalition for Homeless

Opponents: There is no organized opposition to this issue.

Referred Charter Amendment 2L - Change to Election Procedures

Title: Shall the Charter of the City and County of Denver be amended to modernize procedures for access to the ballot in city-wide elections by: requiring initiatives to contain only one subject; updating deadlines for candidate nominations to match mail-in ballot procedures; requiring the clerk and recorder in consultation with city council staff and the city attorney, to set the titles for an initiative and removing unnecessary detail in the charter regarding the wording of ballot questions and allowing ballot question wording to be addressed by city ordinance in lieu of the Charter?

Background: This City Council referred ordinance is the result of several months of discussion by the Ballot Access Modernization Committee (BAM). The committee was convened by the Denver Clerk and Recorder and

City Council members to address issues of concern regarding the election process and how it might be improved for the benefit of both the voters and the Elections Division. The BAM Committee consisted of Elections Division staff, community members, Council members, and others from related city offices.

One of the key efforts was to bring election laws into compliance with federal election law, including the Uniformed and Overseas Citizens Absentee Voting Act, which required that ballots be mailed to overseas voters no later than 45 days before an election. Other changes are intended to clarify ballot initiatives for voters and to allow more time for the Elections Division to verify signatures.

The major provisions of this Charter Amendment are:

- Regarding a vacancy of a Council seat: A special election will be called by Council to be held not less than 75 days nor more than 89 days after Council declares such vacancy exists.
- Nomination of candidates: This measure changes the timeline for the name of a candidate for district councilmember as well as councilmember at large to be placed on the ballot from the current 55 days to at least 75 days before the day of the election.
- An ordinance initiated by petition shall not contain more than one subject, which must be clearly expressed in its title.
- Petitions for an initiated ordinance may be filed at any time, petitions for referendum by city council shall be filed within ninety days after final passage and publication of ordinance. A petition for recall shall be filed no less than 6 months after, nor less than one year before a regularly scheduled municipal election in which the office in question has been or will be filled.
- The Clerk and Recorder shall, in consultation with the City Attorney and City Council Staff, designate and fix a proper and fair title for each initiative, referendum, or recall as provided by ordinance. The title of an Initiative must correctly and fairly express the true intent and meaning of the measure and be brief.
- The Clerk and Recorder shall consider public confusion that might be caused by a misleading title and shall avoid a title for which the general understanding of the effect of an affirmative or negative vote will be unclear.
- There is right for appeal by the petitioner's committee if they are unsatisfied with the decision of the Clerk and Recorder regarding the title.

Those in favor say:

- Moving the deadlines for candidate filings will allow the Elections Division to validate signatures in time for printing ballots.
- To comply with national requirements for mailing overseas ballots, it is necessary to extend the timeline for candidate petitions and vacancy elections further out from election dates.
- Requiring a single subject for an initiated ballot measure will make it easier for voters to understand the issue and is consistent with the City Council requirement for a single subject for referred measures.
- Allowing the Clerk and Recorder to set the title with review by City Attorney and Council staff will more correctly express the true intent of the measure.

Proponents: City Council voted unanimously to move the issue forward to the voters.

Opponents: There is no organized opposition to this measure.

Initiated Ordinance 305 - No Eviction without Representation for Denver

Title: Shall the City of Denver's taxes be increased annually by \$11,986,875.00 (full Fiscal Year increase), and by whatever additional amounts are raised annually thereafter from an excise tax to be paid by landlords on each individual residential property held out for lease in the amount of \$75 per year per such property, with the tax rate increasing every year thereafter at a rate that does not exceed the Colorado Consumer Price Index;

And in connection therewith, shall all of the revenues collected to be used to fund:

- The administrative cost of the tax, and thereafter
- Establish, run and fully fund a program to provide legal representation to tenants who face the loss of housing in eviction and administrative proceedings;
- Provide a tenant's legal services and assistance coordinator to administer the program;
- Create a tenants' committee comprised of seven members paid a \$1000 per year stipend; and

Shall the full proceeds of such taxes at such rates and any earnings thereon be collected, retained, and spent as a voter approved revenue change without limitation or condition, and without limiting the collection, retention, or spending of any other revenues or funds by the City of Denver under Article X Section 20 of the Colorado Constitution or any other law?

Background: Eviction became a critical issue during the pandemic and the economic problems that have followed in Denver as in the rest of the United States. This ordinance would provide legal support to all renters and would be funded with tax dollars tied to the program. An ordinance passed in Denver in 2021 does offer some legal support for eviction defense for residents. That program, however, is only for those who make less than 80% of the area median income. It would give all tenants access to legal help when faced with eviction and was inspired by successful advocacy programs in Boulder, New York City, San Francisco and Philadelphia. Proponents found evidence that tenants who have legal representation in court are much less likely to lose their homes.

Major Provisions: All revenues collected from the excise tax would be used to fund the program as follows:

- Cover the administrative cost of the tax.
- Establish, run and fully fund a program to provide legal representation to tenants who face the loss of housing in eviction and administrative proceedings.
- Provide a tenant's legal services and assistance coordinator to administer the program.
- Create a tenants' committee comprised of seven members paid a \$1000 annual stipend.
- The full proceeds of the excise tax would be collected, retained, and spent as a voter approved revenue change without limitation or condition. No other revenues or funds would be spent by the City of Denver under article X Section 20 of the Colorado Constitution or any other law.

Those in Favor say:

- This ordinance would reduce homelessness, prevent unjust evictions, keep families in their homes and create an equitable system between renters and landlords.
- In approximately 9,000 yearly eviction filings in Denver, less than 1% of renters have access to an attorney, compared to 90% of landlords. This results in unjust outcomes and wrongful evictions that disproportionately affect vulnerable communities.
- Under NEWR, all renters would have free access to a lawyer to help them navigate the eviction process, learn their rights, and stop unjust evictions. Cities with similar programs providing simple access to legal representation have seen eviction rates drop by half.
- It seeks to make the system fair for renters while avoiding needless evictions that often lead to homelessness, damage to child development, and a vicious cycle of poverty.

Those Opposed say:

- Colorado's multifamily housing providers often try to avoid evicting tenants and work out arrangements with families struggling to make payments. The state's historically low eviction rate is evidence of this; in the first 6 months of 2022, evictions had fallen below the 20-year average for the metro area through the efforts of landlords.
- The fundamental issue with the proposal is that the money will fund lawsuits, not support residents in paying rent, and it comes from the rental-housing provider, not society as a whole. The amount of money to be collected is more than what is required for the purpose. The evictions filed in Denver Court are not major litigation but county court cases that take an hour of attorney time. The excise tax also adds to landlords' expenses and may inflate costs for tenants.
- Tenants receive many types of funding and resources from the federal, state, and local governments that landlords do not.
- Any money appropriated to help residents preserve housing should go to rental assistance programs that will help pay rent, not to fees for attorneys suing rental housing providers.

Proponents: No Eviction Without Representation

Opponents: Apartment Association of Metro Denver; Colorado Apartment Association

Initiated Ordinance 306 - Waste No More

Title: Shall the voters of the City and County of Denver adopt a measure requiring multifamily residential premises, non-residential premises, and food waste producers to offer recycling and/or organic material diversion, while also providing, in English and Spanish, proper education, information, signage and instructions.

Background: Colorado has a poor record of recycling, with only 16% of waste kept out of the landfill compared to an average of 35% in the rest of the nation. State law currently prohibits the city of Denver from collecting compost and recycling at large apartment buildings and commercial properties, so Denver now provides recycling and composting service only to private residences and small multifamily residences. Food and cement comprise

89% of Denver's solid waste, according to the Denver Climate Action Task Force, but there is no requirement that they be recycled.

The goal of this measure is to add much more to the recycling/composting stream rather than the landfill. Last year (2021) the Waste No More team collected over 11,000 valid signatures but chose to wait until November 2022 to put it on the ballot; it is likely, therefore, that the timeline in the proposal will change. It should be noted that this measure has nothing to do with the Council-passed Expanded Waste Services law under which there will be a charge for regular residential trash pickup in Denver.

Major Provisions:

- Multifamily residential premises will be required to offer recycling services.
- Non-residential premises and food waste producers will be required to provide recycling services/organic material diversion.
- Retail food mobile license holders will be required to provide for recycling services and organic material diversion and will be prohibited from improperly dispose of fats, oils or grease.
- Special events license holders will be required to provide recycling services and organic material diversion and to submit a waste management plan.
- Construction and demolition activities will be required to separate and recycle all readily recyclable materials and to submit a recycling and reuse plan.
- The Department of Transportation and Infrastructure will establish rules and penalties for noncompliance.

Those in favor say:

- This measure upgrades access to recycling and composting service to those living in apartment complexes as well as those who are patronizing businesses and special events.
- Apartment complexes with eight or more family units, businesses and construction sites generate 82% of Denver's waste, yet there is no policy mandating sustainable management.
- This measure will modernize practices of construction and demolition companies creating diversion plans that often create new construction materials, allowing for more ecological practices.
- Recycling and composting are energy efficient practices, creating long-term employment and a resilient local infrastructure and improving the economy while reducing our impact on the climate.

Those opposed say:

- Large apartment complexes will have to hire private recycling/composting services to accomplish the requirements of this measure, thereby increasing rent costs.
- Businesses and mobile retail food enterprises will have to hire private recycling/composting services to accomplish the requirements of this measure, thereby increasing the cost of their products.
- Construction and demolition companies will have to provide transportation of recyclable materials to appropriate sites thereby increasing costs.

Proponents: Waste No More Denver

Opponents: Apartment Association of Metro Denver, Karl Honegger

Initiated Ordinance 307 - Denver Deserves Sidewalks

Title: Shall the voters of the City and County of Denver adopt an ordinance to create a sidewalk master plan and to implement a sustainable program for the construction, reconstruction, and ongoing repairs of sidewalks citywide; to fund the program by charging a fee to property owners; to create a sidewalk enterprise within the definition of Section 20, Article X, of the Colorado Constitution, with the authority to issue revenue bonds payable solely from the fees collected under this program and without further voter approval; and to remove the adjacent property owner's current responsibility for sidewalk repair and reconstruction and place such responsibility on the City.

Background: Historically, property owners in Denver have been responsible for the maintenance of sidewalks on their property. However, many places in the city do not have sidewalks or have sidewalks that are narrow, in disrepair, and/or do not comply with legally mandated accessibility standards.

People with disabilities, older adults, and parents with children struggle to get around parts of Denver where the sidewalks are missing, too narrow, or in bad condition. Low-income neighborhoods are the most likely to have unsafe, poorly maintained sidewalks. Current policies that force adjacent property owners to shoulder the full cost

of sidewalk construction and repair can be a huge financial burden.

Major Provisions:

- Removes the responsibility for repairs from adjacent property owners and places this responsibility on the City.
- Property owners would pay an annual service charge that would fund construction and maintenance of sidewalks by the City.
- The service charge would be based on the length of sidewalk on/adjoining the owner's property with rates varying by property type (e.g., commercial, or industrial vs residential, arterial vs. collector or local). Discounts of 20% for low-income areas will be available.
- Local or undesignated streets and residential collector streets would have a rate of \$2.15 per linear foot of adjacent sidewalk. Commercial arterials would have the highest rate at \$3.58.
- Low-income areas are those neighborhoods identified through Denver's Neighborhood Equity & Stabilization (NEST) program.
- A sidewalk master plan will be developed by the Manager of Transportation and Infrastructure that will identify the location, width, and state of repair of all sidewalks in the city and the locations of properties with no sidewalks. Plan provisions will comply with ADA standards and Denver's Design guidelines.
- The fee is expected to generate \$41 Million per year and will enable the construction of a complete sidewalk network that serves every Denver neighborhood within 9 years.

Those in favor say:

- Safety – safe sidewalks are fundamental to making all other modes of transportation possible including transit and biking.
- Accessibility -30% of existing sidewalks do not meet criteria for the Americans with Disabilities act (e.g., width required for wheelchairs).
- Fairness – Denver residents have unequal access to safe and accessible sidewalks. 47% of low-income areas have missing or substandard sidewalks.

Those opposed say:

- A fee increase/property tax increase after a year of record inflation may be difficult for some to support.
- Sidewalks should be prioritized through general funds without the addition of new fees for city residents.
- Some property owners would be particularly burdened, e.g., those with large corner lots, or those with street on three sides of their property.
- Residents who have maintained their walks and whose walks do not require repair will still be charged the fee.

Proponents: The Denver Streets Partnership, a coalition of community organizations advocating for people-friendly streets in Denver.

Opponents: There is no organized opposition to this measure. Opposing statements are taken from publicly available news sources.

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