

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 13, 2022

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB22-159 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend the Local Government Committee Report, dated April 5, 2022,
2 page 2, strike lines 8 through 17 and substitute:

3 "Page 5, strike lines 22 through 27.

4 Page 6, strike lines 1 through 6.

5 Reletter succeeding paragraphs accordingly.

6 Page 6, strike lines 24 through 27."

7 Page 3 of the report, line 5, after "WITH" insert "CONSTRUCTION COSTS,".

8 Page 3 of the report, after line 21 insert:

9 "Page 11, line 2, strike "**requirements.**" and substitute "**criteria.**".

10 Page 11, after line 5 insert:

11 "(I) INCREASE THE SUPPLY OF HOUSING IN COMMUNITIES ACROSS
12 THE STATE IN PROPORTION TO EACH COMMUNITY'S DEMONSTRATED
13 HOUSING NEEDS THROUGH:

14 (A) A PREFERENCE FOR MIXED-INCOME PROJECTS IN WHICH A
15 PERCENTAGE OF UNITS, PROPORTIONAL TO THE DEMONSTRATED HOUSING
16 NEEDS OF THE LOCAL COMMUNITY, WITHIN A PARTICULAR DEVELOPMENT
17 HAVE RESTRICTED AVAILABILITY TO HOUSEHOLDS AT AND BELOW THE
18 INCOME LEVELS SPECIFIED IN SUBSECTION (6)(b)(I) OF THIS SECTION. THE
19 PERCENTAGE OF RESTRICTED UNITS AND AFFORDABILITY LEVELS MUST

1 COMPLY WITH LAWS ENACTED BY LOCAL GOVERNMENTS PROMOTING THE
2 DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT TO
3 SECTION 29-20-104 (1).

4 (B) DEVELOPMENTS IN WHICH HOUSING UNITS ARE RESTRICTED AT
5 INCOME LEVELS DEMONSTRATED BY LOCAL COMMUNITY NEEDS AS
6 SPECIFIED IN SUBSECTION (6)(b)(I) OF THIS SECTION;"

7 Renumber succeeding subparagraphs accordingly.

8 Page 11, line 6, after "IN" insert "OR SERVE".

9 Page 3 of the report, strike line 23 and substitute:

10 "(V) ENSURE THE LONG-TERM AFFORDABILITY OF ANY
11 DEVELOPMENT OR PROJECTS FUNDED BY THE LOAN PROGRAM;

12 (VI) INCLUDE UNITS THAT ARE RESTRICTED FOR RENTAL USAGE
13 TO".

14 Page 3 of the report, after line 27 insert:

15 "Page 11, line 19, strike "(6)(a)(IV)." and substitute "(6)(a)(VII).

16 (b) (I) THE RENTAL AND HOME OWNERSHIP TARGETS APPLICABLE
17 TO LOCAL COMMUNITIES ACROSS THE STATE AS REQUIRED BY SUBSECTION
18 (6)(a)(I) OF THIS SECTION ARE SPECIFIED IN THIS SUBSECTION (6)(b)(I) IN
19 ACCORDANCE WITH THE FOLLOWING:

20 (A) FOR A HOUSEHOLD RESIDING IN HOUSING ON A RENTAL BASIS,
21 ANNUAL INCOME OF THE HOUSEHOLD IS AT OR BELOW ONE HUNDRED
22 TWENTY PERCENT OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT
23 SIZE IN THE COUNTY IN WHICH THE HOUSING IS LOCATED;

24 (B) FOR A HOUSEHOLD RESIDING IN HOUSING ON A
25 HOME-OWNERSHIP BASIS, ANNUAL INCOME OF THE HOUSEHOLD IS AT OR
26 BELOW ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME OF
27 HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH THE HOUSING IS
28 LOCATED;

29 (C) FOR A HOUSEHOLD RESIDING IN HOUSING ON A RENTAL BASIS
30 IN RURAL RESORT COUNTIES, ANNUAL INCOME OF THE HOUSEHOLD IS AT
31 OR BELOW ONE HUNDRED FORTY PERCENT OF THE AREA MEDIAN INCOME
32 OF HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH THE HOUSING IS
33 LOCATED; AND

34 (D) FOR A HOUSEHOLD RESIDING IN HOUSING ON A HOME
35 OWNERSHIP BASIS IN RURAL RESORT COUNTIES, ANNUAL INCOME OF THE
36 HOUSEHOLD IS AT OR BELOW ONE HUNDRED SIXTY PERCENT OF THE AREA
37 MEDIAN INCOME OF HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH

1 THE HOUSING IS LOCATED.

2 (II) AN APPLICANT SEEKING FUNDING FOR A PARTICULAR
3 DEVELOPMENT, PROJECT, OR PROGRAM THAT IS FUNDED BY THE LOAN
4 PROGRAM MAY, AT ANY TIME, REQUEST THAT THE DIVISION GRANT THE
5 APPLICANT AN EXCEPTION TO THE AREA MEDIAN INCOME LEVELS
6 SPECIFIED IN SUBSECTION (6)(b)(I) OF THIS SECTION BASED UPON
7 DEMONSTRATED UNIQUE ECONOMIC AND HOUSING COSTS ATTRIBUTES IN
8 THE LOCAL COMMUNITY IN WHICH THE DEVELOPMENT, PROJECT, OR
9 PROGRAM IS LOCATED.

10 (c) (I) NOT LATER THAN SEPTEMBER 1, 2022, THE DIVISION OF
11 HOUSING, CREATED IN SECTION 24-32-704 (1), SHALL CLASSIFY EACH
12 COUNTY IN THE STATE AS "URBAN", "RURAL", OR "RURAL RESORT" AS
13 USED IN SUBSECTION (6)(b)(I) OF THIS SECTION BASED UPON THE
14 DEFINITIONS OF THE TERMS AS SPECIFIED IN THE FINAL REPORT OF THE
15 COLORADO STRATEGIC HOUSING WORKING GROUP FINAL REPORT, DATED
16 JULY 6, 2021. THE DIVISION OF HOUSING SHALL REGULARLY UPDATE AND
17 PUBLISH MODIFICATIONS OF THE INITIAL CLASSIFICATION OF A PARTICULAR
18 COUNTY AS IT RECEIVES OR PRODUCES INFORMATION DOCUMENTING
19 CHANGES IN LOCAL ECONOMIC CIRCUMSTANCES AND HOUSING COST
20 FACTORS MATERIALLY AFFECTING SUCH CLASSIFICATIONS.

21 (II) NOTWITHSTANDING SUBSECTION (6)(c)(I) OF THIS SECTION,
22 ANY COUNTY MAY REQUEST FROM THE DIVISION OF HOUSING:

23 (A) A DETERMINATION THAT A DIFFERENT INCOME RESTRICTION
24 SHOULD APPLY TO THAT COUNTY FROM THE ONE MADE APPLICABLE TO THE
25 COUNTY IN ACCORDANCE WITH SUBSECTION (6)(c)(I) OF THIS SECTION
26 BASED UPON THE UNIQUE ECONOMIC AND HOUSING COST FACTORS
27 PRESENT IN THE COUNTY. NOT LATER THAN SEPTEMBER 1, 2022, THE
28 DIVISION OF HOUSING SHALL PUBLISH ANY SUCH MODIFIED INCOME
29 RESTRICTIONS AND THE BASIS FOR ANY MODIFICATION APPROVED.

30 (B) AT ANY TIME, A RECLASSIFICATION OF THE COUNTY FROM THE
31 CATEGORY IN WHICH THE COUNTY IS INITIALLY CLASSIFIED PURSUANT TO
32 SUBSECTION (6)(c)(I) OF THIS SECTION BASED UPON THE UNIQUE
33 ECONOMIC AND HOUSING COST FACTORS PRESENT IN THE COUNTY.

34 Reletter succeeding paragraph accordingly."

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