

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0257.02 Jane Ritter x4342

**HOUSE BILL 16-1397**

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**HOUSE SPONSORSHIP**

**Ryden,** Duran, Hullinghorst, Kagan, Melton, Pettersen, Salazar, Tyler, Williams

**SENATE SPONSORSHIP**

**Hodge,**

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE COMPLETION OF THE FITZSIMONS STATE VETERANS**  
102              **COMMUNITY LIVING CENTER TO PROVIDE A CONTINUUM OF**  
103              **RESIDENTIAL CARE OPTIONS.**

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**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://www.leg.state.co.us/bills summaries>.)*

The bill directs the department of human services (department) to continue to plan, design, and develop the Fitzsimons state veterans community living center in Aurora for its completion (Fitzsimons project). The department must work in compliance with the 1999 memorandum of agreement between the Fitzsimons Redevelopment

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

Authority, the city of Aurora, and the department, as well as collaborate and seek input, as appropriate, from those same groups, the state board of veterans affairs, the department of local affairs, and a statewide coalition of veterans organizations. If the department deems it is in the best interest of veterans and the state, and if it is consistent with the plan for the completion of the Fitzsimons project, the department may lease, with express provisions, portions of the property to another state or local governmental entity for development or operation to provide services to veterans who are homeless, veterans with disabilities, older or low income veterans, or qualifying family members of veterans.

The department will be the lead agency in the Fitzsimons project. The goal of the Fitzsimons project is to provide a continuum of residential care options, including domiciliary and assisted living, permanent supportive housing, transitional housing, and any other residential or supportive services as may be needed or beneficial exclusively for older veterans, veterans with disabilities, homeless veterans, and qualifying family members of veterans.

The department shall include updates on the Fitzsimons project in its annual report and shall provide a copy of such updates to the capital development committee, the joint budget committee, and the state, veterans, and military affairs committees of the house of representatives and the senate, or any successor committees. The department shall also prepare and submit written progress reports to the state, veterans, and military affairs committees of the house of representatives and the senate, or any successor committees, on or before December 31, 2016, and on or before June 30, 2017.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 26-12-201.5 as follows:

4           **26-12-201.5. Veterans state community living center at former**  
5 **Fitzsimons - legislative intent - continuum of residential care services**  
6 **and care for veterans and veterans' families - definitions.** (1) SUBJECT  
7 TO AVAILABLE APPROPRIATIONS, THIS SECTION AUTHORIZES AND  
8 ESTABLISHES A STATE VETERANS COMMUNITY LIVING CENTER ON THE SITE  
9 OF THE FORMER FITZSIMONS ARMY MEDICAL CENTER. IT IS THE INTENT OF  
10 THE GENERAL ASSEMBLY THAT THE PROPERTY ON THE SITE OF THE FORMER

1 FITZSIMONS ARMY MEDICAL CENTER IS FOR THE EXCLUSIVE USE OF  
2 VETERANS AND QUALIFYING FAMILY MEMBERS OF VETERANS. IT IS THE  
3 FURTHER INTENT OF THE GENERAL ASSEMBLY THAT ANY CONSTRUCTION  
4 ON THE PROPERTY ON THE SITE OF THE FORMER FITZSIMONS ARMY  
5 MEDICAL CENTER AFTER JANUARY 1, 2016, MUST BE COMPLETED  
6 CONSISTENT WITH THE ORIGINAL INTENT IN THE LANGUAGE OF THE 1999  
7 MEMORANDUM OF AGREEMENT BETWEEN THE FITZSIMONS  
8 REDEVELOPMENT AUTHORITY, THE CITY OF AURORA, AND THE STATE  
9 DEPARTMENT.

10 (2) THE COMPLETION OF THE FITZSIMONS PROJECT PURSUANT TO  
11 THIS SECTION, AFTER JANUARY 1, 2016, IS NOT SUBJECT TO THE AVERAGE  
12 OCCUPANCY REQUIREMENTS OF SECTION 26-12-111 (4) FOR NEW  
13 CONSTRUCTION.

14 (3) THE VACANT PARCELS OF LAND ON THE EXISTING SITE TO THE  
15 NORTH AND SOUTH OF THE FITZSIMONS VETERANS COMMUNITY LIVING  
16 CENTER AS OF JANUARY 1, 2016, MUST BE USED TO CONSTRUCT AND  
17 OPERATE FACILITIES THAT WILL PROVIDE A CONTINUUM OF RESIDENTIAL  
18 CARE OPTIONS, INCLUDING DOMICILIARY AND ASSISTED LIVING,  
19 TRANSITIONAL HOUSING, PERMANENT SUPPORTIVE HOUSING, AND SUCH  
20 OTHER RESIDENTIAL AND SUPPORTIVE SERVICES AS MAY BE NEEDED OR  
21 BENEFICIAL EXCLUSIVELY FOR OLDER VETERANS, VETERANS WITH  
22 DISABILITIES, HOMELESS VETERANS, OR QUALIFYING FAMILY MEMBERS OF  
23 VETERANS.

24 (4) (a) THE STATE DEPARTMENT IS THE LEAD AGENCY FOR THE  
25 PLANNING, DESIGN, COMPLETION, AND OPERATION OF THE NEW FACILITIES  
26 DEVELOPED PURSUANT TO THIS SECTION AND SHALL ENSURE THAT THE  
27 PROJECT COMPLIES WITH ALL FEDERAL AND STATE LAWS. THE STATE

1 DEPARTMENT IS AUTHORIZED TO ASSIGN OR CONTRACT OUT FOR SUCH  
2 SERVICES, PRODUCTS, OR OPERATIONS RELATED TO THE PROJECT AS  
3 DEEMED APPROPRIATE OR NECESSARY. THE STATE DEPARTMENT SHALL  
4 WORK COLLABORATIVELY WITH AND SEEK INPUT, AS APPROPRIATE, FROM  
5 STAKEHOLDERS INCLUDING THE DEPARTMENT OF LOCAL AFFAIRS, THE  
6 BOARD OF COMMISSIONERS OF VETERANS COMMUNITY LIVING CENTERS  
7 CREATED PURSUANT TO SECTION 26-12-402, THE FITZSIMONS  
8 REDEVELOPMENT AUTHORITY, THE CITY OF AURORA, THE STATE BOARD OF  
9 VETERANS AFFAIRS, AND A STATEWIDE COALITION OF VETERANS  
10 ORGANIZATIONS.

11 (b) THE STATE DEPARTMENT SHALL TAKE WHATEVER ACTIONS ARE  
12 NECESSARY TO EXPEDITIOUSLY PLAN, DESIGN, BUILD, AND OPERATE THE  
13 FACILITIES DEVELOPED PURSUANT TO THIS SECTION ON THE SITE OF THE  
14 FORMER FITZSIMONS ARMY MEDICAL CENTER.

15 (c) IF DEEMED IN THE BEST INTEREST OF VETERANS AND THE  
16 STATE, AND CONSISTENT WITH THE PLAN FOR THE COMPLETION OF THE  
17 PROJECT, THE STATE DEPARTMENT MAY LEASE PORTIONS OF THE PROPERTY  
18 TO ANOTHER STATE OR LOCAL GOVERNMENTAL ENTITY, INCLUDING A  
19 LOCAL HOUSING AUTHORITY, TO DEVELOP OR OPERATE ONE OR MORE OF  
20 THE BUILDING UNITS THAT PROVIDE HOUSING AND SERVICES TO VETERANS  
21 WHO ARE HOMELESS, VETERANS WITH DISABILITIES, OLDER OR LOW  
22 INCOME VETERANS, AND QUALIFYING FAMILY MEMBERS OF VETERANS. IF  
23 THE STATE DEPARTMENT DECIDES TO LEASE SUCH PORTIONS OF THE  
24 PROPERTY, THE STATE DEPARTMENT SHALL ENSURE, THROUGH  
25 CONTRACTUAL OR OTHER MEANS, THAT THE PROPERTY CONTINUES IN  
26 PERPETUITY TO BE OPERATED EXCLUSIVELY FOR VETERANS AND  
27 QUALIFYING FAMILY MEMBERS OF VETERANS.

1 (d) THE STATE DEPARTMENT MAY SEEK AND ACCEPT SUCH  
2 FUNDING AS MAY BE AVAILABLE FROM FEDERAL, STATE, OR LOCAL  
3 GOVERNMENTAL SOURCES, AS WELL AS ANY PRIVATE FUNDING THAT IS  
4 AVAILABLE, SO LONG AS RECEIPT OF THE FUNDING COMPLIES WITH  
5 FEDERAL AND STATE LAWS AND REGULATIONS, INCLUDING, AS  
6 APPROPRIATE AND NECESSARY, THOSE OF THE FEDERAL VETERANS  
7 ADMINISTRATION AND THE FEDERAL DEPARTMENT OF HOUSING AND  
8 URBAN DEVELOPMENT.

9 (5) (a) THE STATE DEPARTMENT SHALL INCLUDE PROGRESS  
10 UPDATES ON THE PROJECT IN ITS ANNUAL REPORT AND SHALL PROVIDE A  
11 COPY OF SUCH PROGRESS UPDATES TO THE MEMBERS OF THE CAPITAL  
12 DEVELOPMENT COMMITTEE, THE JOINT BUDGET COMMITTEE, AND THE  
13 STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE HOUSE OF  
14 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

15 (b) ON OR BEFORE SEPTEMBER 30, 2016, DECEMBER 31, 2016,  
16 MARCH 31, 2017, AND ON OR BEFORE JUNE 30, 2017, THE STATE  
17 DEPARTMENT SHALL PREPARE AND SUBMIT WRITTEN PROGRESS REPORTS  
18 ON ITS ACTIVITIES RELATED TO THE FITZSIMONS PROJECT TO THE STATE,  
19 VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE HOUSE OF  
20 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

21 (6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
22 REQUIRES:

23 (a) "DOMICILIARY CARE" MEANS THE PROVISION OF HOUSING,  
24 FOOD, AND NECESSARY MEDICAL CARE ON AN AMBULATORY SELF-CARE  
25 BASIS:

26 (I) TO ASSIST AN INDIVIDUAL WHO IS ELIGIBLE FOR OCCUPANCY IN  
27 A VETERANS COMMUNITY LIVING CENTER PURSUANT TO THIS ARTICLE AND

1 WHO IS EXPERIENCING THE EFFECTS OF AGING OR ADVANCED AGE OR HAS  
2 AN INCAPACITATING DISABILITY OR DISEASE THAT PREVENTS THE  
3 INDIVIDUAL FROM EARNING A LIVING, BUT THAT DOES NOT REQUIRE  
4 HOSPITALIZATION OR NURSING CARE SERVICES TO ATTAIN PHYSICAL,  
5 MENTAL, AND SOCIAL WELL-BEING; AND

6 (II) TO RESTORE THE INDIVIDUAL TO HIS OR HER HIGHEST LEVEL OF  
7 FUNCTIONING.

8 (b) "HOMELESS" MEANS A PERSON WHO:

9 (I) LACKS A FIXED, REGULAR, AND ADEQUATE RESIDENCE; OR

10 (II) HAS A PRIMARY RESIDENCE THAT IS:

11 (A) A SUPERVISED, PUBLICLY OR PRIVATELY OPERATED SHELTER  
12 DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

13 (B) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR, NOR  
14 ORDINARILY USED AS, A REGULAR SLEEPING ACCOMMODATION FOR  
15 HUMAN BEINGS.

16 (c) "PERMANENT SUPPORTIVE HOUSING" MEANS AN APPROACH TO  
17 SUBSIDIZED HOUSING DESIGNED FOR PEOPLE WITH VERY LOW INCOMES  
18 AND CHRONIC, DISABLING HEALTH CONDITIONS THAT PROVIDES  
19 VOLUNTARY ACCESS TO A FLEXIBLE AND COMPREHENSIVE ARRAY OF  
20 SUPPORTIVE SERVICES. PERMANENT SUPPORTIVE HOUSING DOES NOT  
21 PLACE LIMITS ON LENGTH OF TENANCY AS LONG AS THE TERMS AND  
22 CONDITIONS OF THE LEASE OR AGREEMENT ARE MET.

23 (d) "QUALIFYING FAMILY MEMBER OF A VETERAN" MEANS A  
24 FAMILY MEMBER OF A VETERAN WHO QUALIFIES FOR SERVICES PURSUANT  
25 TO THE REQUIREMENTS ESTABLISHED BY THE FEDERAL VETERANS  
26 ADMINISTRATION.

27 (e) "TRANSITIONAL HOUSING FACILITY" MEANS A FACILITY THAT

1 IS OPERATED AS A RESIDENTIAL FACILITY FOR INDIVIDUALS OR FAMILIES,  
2 OR BOTH, WHO ARE VETERANS OR QUALIFYING FAMILY MEMBERS OF  
3 VETERANS. THE PURPOSE OF A TRANSITIONAL HOUSING FACILITY IS TO  
4 FACILITATE INDEPENDENT LIVING FOR ITS RESIDENT VETERANS OR  
5 QUALIFYING FAMILY MEMBERS OF VETERANS BY PROVIDING COUNSELING,  
6 SUPPORT SERVICES, JOB TRAINING, HEALTH CARE, BEHAVIORAL HEALTH  
7 SERVICES, AND ANY OTHER SERVICES NEEDED OR BENEFICIAL TO THE  
8 RESIDENT VETERANS OR QUALIFYING FAMILY MEMBERS OF VETERANS.

9 (f) "VETERAN" MEANS A PERSON WHO SERVED IN THE ACTIVE  
10 MILITARY, NAVAL, OR AIR SERVICE OF THE UNITED STATES AND WHO WAS  
11 DISCHARGED OR RELEASED THEREFROM UNDER CONDITIONS OTHER THAN  
12 DISHONORABLE, IN ACCORDANCE WITH U.S.C. TITLE 38, AS AMENDED.

13 **SECTION 2.** In Colorado Revised Statutes, 26-12-402, **amend**  
14 (2) (a) as follows:

15 **26-12-402. Board of commissioners of veterans community**  
16 **living centers - creation - powers and duties.** (2) The functions of the  
17 board of commissioners are to:

18 (a) Advise the office, ~~and the~~ veterans centers, AND VETERANS  
19 COMMUNITY LIVING CENTERS located in Homelake, Florence, Rifle,  
20 Aurora, and Walsenburg, Colorado, INCLUDING THE COMPLETION OF THE  
21 FITZSIMONS VETERANS COMMUNITY LIVING CENTER IN AURORA;

22 **SECTION 3.** In Colorado Revised Statutes, 26-12-201, **amend**  
23 (2) (b) as follows:

24 **26-12-201. Veterans community living centers authorized.**  
25 (2) (b) Veterans centers must be located at or near the city of Florence,  
26 at or near the city of Walsenburg, at or near the city of Rifle, AT OR NEAR  
27 THE CITY OF AURORA, and in Homelake.

1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.