

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 16-0917.02 Ed DeCecco x4216

HOUSE BILL 16-1411

HOUSE SPONSORSHIP

Rankin, Hamner, Young

SENATE SPONSORSHIP

Steadman, Grantham, Lambert

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SUPPORTIVE RESIDENTIAL COMMUNITY PROGRAM**
102 **OPERATED AT THE FORT LYON PROPERTY, AND, IN CONNECTION**
103 **THEREWITH, REQUIRING A LONGITUDINAL EVALUATION OF THE**
104 **PROGRAM; ■ AND MAKING AN APPROPRIATION.**

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/billsummaries>.)

Joint Budget Committee. In 2013, the general assembly enacted legislation to create a supportive residential community for individuals who are homeless that is operated at the Fort Lyon property (program).

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.

The bill repeals the program on July 1, 2019.

Prior to the repeal, the bill requires a longitudinal evaluation of the program (study) to be undertaken. The state auditor, with the concurrence of the division of housing in the department of local affairs (division), is required to contract with an independent, 3rd party to conduct the study. The state director of housing is required to appoint 3 members to a Fort Lyon study advisory committee (committee) who are experts in evaluating similar programs. The committee is required to make recommendations about the request for proposals process and the contractor selection process, and along with the division, assist the state auditor in evaluating the contractor's progress on the study.

The bill also specifies what the contractor is required to include in the study. The study will include pre- and post-evaluation of the program and, to the extent possible, utilize a matched-comparison group. A contractor may use various program and administrative data sources and comparable studies or reports for the study. The final report is due by August 1, 2018, and the contractor will also prepare a preliminary report.

The division is authorized to solicit, accept, and expend gifts, grants, and donations for the study, and the state auditor may use this money to pay the contractor.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) On September 12, 2002, the state of Colorado received the
5 Fort Lyon property, which is over five hundred acres and includes over
6 one hundred buildings;

7 (b) The department of corrections operated a correctional facility
8 on the property until it was decommissioned on March 1, 2012;

9 (c) In 2013, the general assembly enacted legislation to create a
10 supportive residential community for individuals who are homeless at the
11 property, which served two purposes: It provided ongoing preservation
12 and use of the Fort Lyon property and it addressed chronic homelessness
13 statewide;

14 (d) The department of local affairs has contracted with a private

1 contractor to establish the residential community to provide transitional
2 housing and recovery-oriented supportive services;

3 (e) The program requires nearly five million dollars a year to pay
4 for the ongoing operation and maintenance of the residential community,
5 including payments to the Colorado Coalition for the Homeless and Bent
6 County;

7 (f) The effectiveness of the program is unknown; and

8 (g) The full cost of the program, including the cost for long-term
9 maintenance of the historic facility, is uncertain.

10 (2) Now, therefore, it is the intent of the general assembly to
11 require a cost-benefit study of the program so that the general
12 assembly has sufficient information to determine whether the program
13 should be repealed by additional legislation.

14 **SECTION 2.** In Colorado Revised Statutes, 24-32-703, **add** (4.5)
15 as follows:

16 **24-32-703. Definitions.** As used in this part 7, unless the context
17 otherwise requires:

18 (4.5) "FORT LYON PROPERTY" MEANS THE REAL PROPERTY
19 DESCRIBED IN THE QUITCLAIM DEED OF SEPTEMBER 12, 2002, THAT THE
20 FEDERAL SECRETARY OF VETERANS AFFAIRS CONVEYED TO THE STATE OF
21 COLORADO FOR THE PURPOSE OF OPERATING A CORRECTIONAL FACILITY.

22 **SECTION 3.** In Colorado Revised Statutes, 24-32-724, **repeal**
23 **repeal** (1); and **add** (3) as follows:

24 **24-32-724. Fort Lyon property - supportive residential**
25 **community - definitions - repeal.** (1) ~~As used in this section, "Fort~~
26 ~~Lyon property" means the real property described in the quitclaim deed~~
27 ~~of September 12, 2002, that the federal secretary of veterans affairs~~

1 ~~conveyed to the state of Colorado for the purpose of operating a~~
2 ~~correctional facility.~~

3 (3) THE GENERAL ASSEMBLY MAY ENACT LEGISLATION TO REPEAL
4 THIS SECTION FOLLOWING ITS REVIEW OF THE STUDY PREPARED IN
5 ACCORDANCE WITH SECTION 24-32-725.

6 SECTION 4. In Colorado Revised Statutes, add 24-32-725 as
7 follows:

8 24-32-725. Fort Lyon supportive residential community -
9 study - advisory committee - creation - definitions - repeal. (1) AS
10 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "COMMITTEE" MEANS THE FORT LYON STUDY ADVISORY
12 COMMITTEE CREATED IN PARAGRAPH (a) OF SUBSECTION (6) OF THIS
13 SECTION.

14 (b) "CONTRACTOR" MEANS THE FIRM OR PUBLIC ENTITY THAT THE
15 STATE AUDITOR CONTRACTS WITH TO PERFORM THE STUDY UNDER THIS
16 SECTION.

17 (c) "PARTICIPANT" MEANS AN INDIVIDUAL WHO ENTERED INTO THE
18 PROGRAM, REGARDLESS OF WHETHER HE OR SHE COMPLETES IT.

19 (d) "PROGRAM" MEANS THE SUPPORTIVE RESIDENTIAL COMMUNITY
20 FOR INDIVIDUALS WHO ARE HOMELESS OPERATED UNDER SECTION
21 24-32-724 AT THE FORT LYON PROPERTY FOR THE PURPOSE OF PROVIDING
22 SUBSTANCE ABUSE SUPPORTIVE SERVICES, MEDICAL CARE, JOB TRAINING,
23 AND SKILL DEVELOPMENT FOR THE RESIDENTS.

24 (e) "STUDY" MEANS THE LONGITUDINAL EVALUATION FOR WHICH
25 THE STATE AUDITOR CONTRACTS IN ACCORDANCE WITH SUBSECTION (2)
26 OF THIS SECTION.

27 (2) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE

1 AUDITOR, WITH THE CONCURRENCE OF THE DIVISION, SHALL CONTRACT
2 WITH AN INDEPENDENT, THIRD PARTY TO CONDUCT A LONGITUDINAL
3 EVALUATION OF THE PROGRAM THAT COMPLIES WITH THE REQUIREMENTS
4 OF THIS SECTION. THE STATE AUDITOR SHALL ADMINISTER A REQUEST FOR
5 PROPOSALS PROCESS AND SOLICIT FIRMS OR PUBLIC ENTITIES WITH THE
6 NECESSARY CREDENTIALS TO BID ON PERFORMING THE STUDY. THE STATE
7 AUDITOR SHALL NOT ENTER INTO A CONTRACT WITH A FIRM OR PUBLIC
8 ENTITY THAT IS INVOLVED IN THE OPERATION OF THE PROGRAM.

9 (b) IF, FOLLOWING GOOD-FAITHEFFORTS, THE STATE AUDITOR AND
10 THE DIVISION DO NOT CONCUR REGARDING THE SELECTION OF THE FIRM OR
11 FIRMS BY OCTOBER 1, 2016, THE STATE AUDITOR SHALL CONTRACT WITH
12 THE FIRM OR FIRMS PREFERRED BY THE STATE AUDITOR. IN EITHER
13 CIRCUMSTANCE, THE STATE AUDITOR SHALL ENTER INTO A CONTRACT BY
14 OCTOBER 31, 2016.

15 (c) THE STATE AUDITOR SHALL NOTIFY THE JOINT BUDGET
16 COMMITTEE OF THE GENERAL ASSEMBLY IF HE OR SHE DETERMINES THAT
17 THE AMOUNT APPROPRIATED BY THE GENERAL ASSEMBLY TO CONDUCT
18 THE STUDY IS INSUFFICIENT TO PROCURE A VENDOR TO COMPLETE THE
19 SCOPE OF THE WORK REQUIRED. IF THIS OCCURS, THE STATE AUDITOR IS
20 NOT REQUIRED TO ENTER INTO A CONTRACT FOR THE STUDY.

21 (3) A CONTRACTOR SHALL DESIGN THE STUDY TO INCLUDE A PRE-
22 AND POST-EVALUATION OF THE PROGRAM, WITH ONE TO TWO YEARS PRIOR
23 TO AND AFTER THE PARTICIPANTS' TIME IN THE PROGRAM, AND TO THE
24 EXTENT POSSIBLE TO UTILIZE A MATCHED-COMPARISON GROUP. A
25 CONTRACTOR MAY USE VARIOUS PROGRAM AND ADMINISTRATIVE DATA
26 SOURCES AND COMPARABLE STUDIES OR REPORTS FOR THE STUDY.

27 (4) IN THE STUDY, THE CONTRACTOR SHALL:

1 (a) DESCRIBE THE ANNUAL DIRECT COST OF THE PROGRAM;

2 (b) DESCRIBE ANY INDIRECT COSTS ASSOCIATED WITH THE
3 PROGRAM, INCLUDING LIFE-CYCLE COSTS RELATED TO THE BUILDINGS AND
4 GROUNDS;

5 (c) IDENTIFY THE ANNUAL AMOUNT SPENT ON THE PROGRAM BY
6 THE DIVISION OR ANY OTHER STATE AGENCY; ANY MONEY SPENT ON THE
7 PROGRAM FROM THE FEDERAL GOVERNMENT OR ANY LOCAL
8 GOVERNMENT; ANY GIFTS, GRANTS, OR DONATIONS TO THE PROGRAM; AND
9 THE VALUE OF ANY FREE PROGRAMS, WHETHER AT THE FACILITY OR
10 OFF-SITE, PROVIDED FOR THE PROGRAM PARTICIPANTS;

11 (d) DESCRIBE ANY SAVINGS, INCLUDING COST AVOIDANCE, AND
12 BENEFITS TO THE STATE AS A RESULT OF THE PROGRAM, INCLUDING
13 REDUCTIONS FOR EXPENDITURES RELATED TO HEALTH CARE AND THE
14 CRIMINAL JUSTICE SYSTEM;

15 (e) DESCRIBE ANY SAVINGS, INCLUDING COST AVOIDANCE, AND
16 BENEFITS TO THE FEDERAL GOVERNMENT, ANY LOCAL GOVERNMENT, AND
17 ANY SERVICE PROVIDERS SUPPORTED WITH PUBLIC FUNDS THAT CAN BE
18 COMPARED WITH THE COSTS AND BENEFITS FROM OTHER PROGRAMS THAT
19 SERVE A SIMILAR POPULATION;

20 (f) ANALYZE OUTCOMES FOR PARTICIPANTS FROM THE PROGRAM;

21 (g) ANALYZE OUTCOMES BASED ON THE PARTICIPANTS' LENGTH OF
22 TIME IN THE PROGRAM OR SEVERITY OF SUBSTANCE ABUSE HISTORY;

23 (h) COMPARE OUTCOMES, COSTS, AND BENEFITS FOR THE PROGRAM
24 WITH A POPULATION THAT IS SIMILAR TO THE PARTICIPANTS AND THAT IS
25 NOT RECEIVING ANY CARE; AND

26 (i) COMPARE OUTCOMES, COSTS, AND BENEFITS FOR THE PROGRAM
27 WITH OTHER PROGRAMS THAT SERVE A SIMILAR CLIENT POPULATION AND

1 HAVE SIMILAR GOALS FOR IMPROVING CLIENT WELL-BEING AND REDUCING
2 CLIENT HOMELESSNESS OVER THE LONG-TERM. THIS REQUIREMENT MAY
3 INCLUDE A COMPARISON WITH ONE OR MORE RESIDENTIAL PROGRAMS.

4 (5) THE CONTRACTOR MAY INCLUDE INFORMATION FROM ANY
5 AVAILABLE ECONOMIC DEVELOPMENT STUDY RELATED TO THE PROGRAM
6 OR THE FORT LYON PROPERTY AS PART OF THE BENEFITS TO THE STATE
7 SPECIFIED IN PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION.

8 (6) (a) THE FORT LYON STUDY ADVISORY COMMITTEE IS CREATED
9 WITHIN THE DEPARTMENT OF LOCAL AFFAIRS. THE STATE DIRECTOR OF
10 HOUSING SHALL APPOINT AT LEAST THREE PEOPLE WHO ARE EXPERTS IN
11 EVALUATING PROGRAMS FOR INDIVIDUALS WHO ARE HOMELESS TO SERVE
12 ON THE COMMITTEE. MEMBERS SERVE AT THE PLEASURE OF THE STATE
13 DIRECTOR AND SERVE WITHOUT COMPENSATION AND WITHOUT
14 REIMBURSEMENT FOR EXPENSES. MEMBERS ARE NOT ELIGIBLE TO RESPOND
15 TO THE STATE AUDITOR'S REQUEST FOR PROPOSALS NOR BE AFFILIATED
16 WITH ANY CONTRACTOR RESPONDING TO THE REQUEST FOR PROPOSALS.

17 (b) THE COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE
18 STATE AUDITOR REGARDING THE REQUEST FOR PROPOSALS PROCESS AND
19 TO THE STATE AUDITOR AND DIVISION IN REVIEWING EVALUATOR
20 PROPOSALS. THE COMMITTEE AND THE DIVISION SHALL ASSIST THE STATE
21 AUDITOR IN EVALUATING THE CONTRACTOR'S PROGRESS ON THE STUDY.

22 (c) NOTWITHSTANDING SECTION 2-3-1203, C.R.S., THE
23 COMMITTEE IS NOT SUBJECT TO THE REVIEW REQUIRED IN SECTION
24 2-3-1203, C.R.S., PRIOR TO REPEAL.

25 (7) THE CONTRACTOR SHALL SUBMIT A PRELIMINARY FINDINGS
26 REPORT TO THE STATE AUDITOR ON OR BEFORE AUGUST 1, 2017, AND
27 SHALL SUBMIT A FINAL REPORT TO THE STATE AUDITOR ON OR BEFORE

1 AUGUST 1, 2018. AFTER REVIEW BY THE LEGISLATIVE AUDIT COMMITTEE
2 IN ACCORDANCE WITH SECTION 2-3-103 (2), C.R.S., THE STATE AUDITOR
3 SHALL PROVIDE COPIES OF THE REPORTS TO THE JOINT BUDGET
4 COMMITTEE, THE LOCAL GOVERNMENT COMMITTEES OF THE HOUSE OF
5 REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES,
6 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ITS
7 SUCCESSOR COMMITTEE, THE HEALTH, INSURANCE, AND ENVIRONMENT
8 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ITS SUCCESSOR
9 COMMITTEE, THE OFFICE OF STATE PLANNING AND BUDGETING, AND THE
10 DEPARTMENT OF LOCAL AFFAIRS.

11 (8) THE DIVISION MAY SOLICIT, ACCEPT, AND EXPEND GIFTS,
12 GRANTS, OR DONATIONS TO BE USED TO PAY FOR THE REQUIRED PART OF
13 THE STUDY AND MAY TRANSFER THIS MONEY TO THE STATE AUDITOR WHO
14 MAY USE IT TO PAY THE CONTRACTOR.

15 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2019.

16 **SECTION 5. Appropriation.** (1) For the 2016-17 state fiscal
17 year, \$200,000 is appropriated to the legislative department for use by the
18 office of the state auditor. This appropriation is from the general fund. To
19 implement this act, the office may use this appropriation to contract for
20 a study of the Fort Lyon supportive residential community. Any money
21 appropriated in this subsection (1) not expended prior to July 1, 2017, is
22 further appropriated to the legislative department for use by the office for
23 the 2017-18 state fiscal year for the same purpose.

24 (2) For the 2016-17 state fiscal year, \$11,875 is appropriated to
25 the department of corrections. This appropriation is from the general
26 fund. To implement this act, the department may use this appropriation
27 for contract services related to the parole subprogram. Any money

1 appropriated in this subsection (2) not expended prior to July 1, 2017, is
2 further appropriated to the department for the 2017-18 state fiscal year for
3 the same purpose.

4 **SECTION 6. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.