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Final Fiscal Note

Drafting Number:	LLS 22-0811	Date:	August 8, 2022
Prime Sponsors:	Rep. Roberts; Bradfield Sen. Coleman; Gonzales	Bill Status:	Signed into Law
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Bill Topic: STATE GRANTS INVESTMENTS LOCAL AFFORDABLE HOUSING

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates two grant programs to support affordable housing. It may increase state revenue, increases state expenditures, and increases local revenue and expenditures beginning in FY 2022-23.

Appropriation Summary: The bill does not require an appropriation to DOLA, but requires and includes reappropriations to other agencies totaling \$431,985.

Fiscal Note Status: The fiscal note reflects the enacted bill.

**Table 1
State Fiscal Impacts Under HB 22-1304**

		Budget Year FY 2022-23	Out Year FY 2023-24
Revenue		-	-
Expenditures	Cash Funds	\$81.6 million	\$80.7 million
	Centrally Appropriated	\$0.7 million	\$0.6 million
	Total Expenditures	\$82.3 million	\$81.4 million
	Total FTE	22.4 FTE	19.9 FTE
Transfers	Affordable Housing & Home Ownership CF	(\$178.0 million)	-
	Local Invest. in Affordable Housing Fund	\$138.0 million	-
	Infrastructure & Strong Communities Prog. Fund	\$40.0 million	-
	Net Transfer	\$0	-
Other Budget Impacts		-	-

* Totals may not sum due to rounding.

Summary of Legislation

The bill creates two housing-related grant programs in the Department of Local Affairs (DOLA).

Local Investments in Transformational Affordable Housing Grant Program. This program provides grants to certain governmental entities or nonprofit organizations for affordable housing initiatives, including developing housing infrastructure, providing gap financing, maintaining existing and building new affordable housing stock, and land banking. DOLA must establish policies and procedures for the program by September 1, 2022. The bill specifies preferences for grant recipients, including how grants must be distributed across the state, and requires DOLA to annually report on the program.

The bill transfers \$138 million of federal coronavirus recovery money from the Affordable Housing and Home Ownership Cash Fund to the newly created Local Investments in Transformational Affordable Housing Fund, continuously appropriates money in the fund to DOLA until July 1, 2024, and authorizes the department to use up to six percent of the money for administrative purposes. Any remaining money in the fund reverts to the “American Rescue Plan Act of 2021” Cash Fund on December 30, 2024.

Infrastructure and Strong Communities Grant Program. The bill requires that the Division of Local Government in DOLA, the Colorado Energy Office, and the Department of Transportation (CDOT) develop a list of sustainable land use best practices, and administer a grant program to provide grants to local governments for investments in infill infrastructure projects that support affordable housing. DOLA must report on the program to the legislature by October 1 of each year, beginning in 2023.

The bill transfers \$40 million from the Affordable Housing and Home Ownership Cash Fund to the newly created Infrastructure and Strong Communities Grant Program Fund, continuously appropriates the money in the fund to DOLA, and authorizes DOLA to use money in the fund for administrative purposes, education, or technical assistance.

For both grant programs, DOLA is authorized to seek and spend gifts, grants, and donations.

State Revenue

The bill potentially increases state revenue to the Local Investments in Transformational Affordable Housing Fund and the Infrastructure and Strong Communities Grant Program Fund from gifts, grants, or donations; however, no sources have been identified at this time. Gifts, grants, and donations are exempt from TABOR revenue limits.

State Transfers

The bill directs the State Treasurer to make two transfers on the bill’s effective date, or as soon as practicable thereafter. The fiscal note assumes these transfers will occur in FY 2022-23. The transfers are:

- \$138.0 million from the Affordable Housing and Home Ownership Cash Fund to the Local Investments in Transformational Affordable Housing Fund; and
- \$40.0 million from the General Fund to the Infrastructure and Strong Communities Grant Program Fund.

State Expenditures

The bill increases state expenditures in various department, primarily DOLA, by \$82.1 million in FY 2022-23 and \$81.4 million in FY 2023-24 from the Investments in Transformational Affordable Housing Fund and the Infrastructure and Strong Communities Grant Program Fund. Expenditures are shown in Table 2 and detailed below. The fiscal note assumes the funds transferred for the program will be spent over multiple years.

**Table 2
Expenditures Under HB 22-1304**

Cost Components	FY 2022-23	FY 2023-24
Department of Local Affairs		
Personal Services	\$1,164,257	\$1,275,176
Operating Expenses	\$54,283	\$37,096
Capital Outlay Costs	\$132,054	-
Grants	\$79,000,000	\$79,000,000
Consultants	\$516,666	\$241,666
Software Licenses	\$318,267	\$141,204
Centrally Appropriated Costs ¹	\$580,840	\$638,222
FTE – Personal Services	17.6 FTE	19.4 FTE
DOLA Subtotal	\$81,766,367	\$81,333,364

Table 2
Expenditures Under HB 22-1304 (Cont.)

Cost Components	FY 2022-23	FY 2023-24
Office of Information Technology		
Personal Services	\$348,476	-
Operating Expenses	\$5,805	-
Capital Outlay Costs	\$24,800	-
Centrally Appropriated Costs ¹	\$74,346	-
FTE – Personal Services	4.3 FTE	-
OIT Subtotal	\$453,427	-
Colorado Energy Office		
Personal Services	\$46,029	\$46,029
Operating Expenses	\$675	\$675
Capital Outlay Costs	\$6,200	-
Centrally Appropriated Costs ¹	\$9,140	\$9,140
FTE – Personal Services	0.5 FTE	0.5 FTE
CEO Subtotal	\$62,044	\$55,844
Total	\$82,281,838	\$81,389,208
Total FTE	22.4 FTE	19.9 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Local Affairs. Costs will increase in the Division of Housing and the Division of Local Government to establish the new grant programs, including setting program policies, reviewing applications, monitoring grants, and reporting on the programs.

- *Administrative costs.* Administrative costs are estimated at \$1.9 million and 17.1 FTE for the Local Investments in Transformational Affordable Housing Grant Program and \$0.7 million and 2.5 FTE for the Infrastructure and Strong Communities Grant Program. Personal services costs have been prorated for various start dates as the programs are implemented. Operating and capital outlay costs include standard costs for the new staff, vehicle mileage, and specialized software licenses for grants management. DOLA requires consultants to provide technical assistance with federal requirements. Administrative expenses are assumed to continue into future years, which may require General Fund support.
- *Grants.* The fiscal note assumes that the grants will be spent over multiple years. Table 2 assumes \$79.0 million per year will be distributed as grants, of which \$65.0 million will be distributed to the Affordable Housing Grant Program and \$14.0 million will be distributed for the Infrastructure Grant Program. This is for illustrative purposes only; the amount of money awarded in each fiscal year will depend on the size and number of grants awarded, as determined by DOLA.

Office of Information Technology. The office requires 4.3 FTE to modify existing systems to support the grant programs. Costs have been estimated assuming that the same system enhancements will also support the programs created by Senate Bill 22-159 and Senate Bill 22-160, resulting in some cost savings. The costs shown in Table 2 reflect one-third of the required costs for all three bills; should either of those bills not pass, IT development costs for this bill may increase. Standard operating and capital outlay costs are included. Costs are paid from the cash funds via a reappropriation from DOLA.

Colorado Energy Office. The office requires 0.5 FTE to participate in the multi-agency group, conduct educational programming, and provide technical assistance to local governments. Standard operating and capital outlay costs are included. Costs are paid from the Infrastructure and Strong Communities Grant Program Fund via a reappropriation from DOLA.

Department of Transportation. Workload will increase to participate in the multi-agency group, to conduct educational programming, and to provide technical assistance to local governments. This work can be accomplished within existing appropriations. If additional resources are required, the department will seek them through the annual budget process.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Local Government

Revenue and expenditures may increase in local governments to the extent that they adopt land use best practices, apply for grants, receive grant awards, and leverage existing resources as part of a grant project.

Effective Date

This bill was signed into law by the Governor and took effect on June 1, 2022.

State Appropriations

As the Investments in Transformational Affordable Housing Fund and the Infrastructure and Strong Communities Grant Program Fund are continuously appropriated, no appropriation to DOLA is required.

For FY 2022-23, the bill requires and includes the following reappropriations from the Department of Local Affairs:

- \$319,450 from the Investments in Transformational Affordable Housing Fund to the Office of Information Technology, and 4.3 FTE;
- \$59,631 from the Infrastructure and Strong Communities Grant Program Fund to the Office of Information Technology; and
- \$52,904 from the Infrastructure and Strong Communities Grant Program Fund to the Colorado Energy Office, and 0.5 FTE.

State and Local Government Contacts

Colorado Energy Office
Legislative Council Staff
Personnel
Treasury

Counties
Local Affairs
Revenue

Information Technology
Municipalities
Transportation