

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
Date

March 29, 2022

Committee on Transportation & Local Government.

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

HB22-1304 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 8, after line 4 insert:
- 2           "(8) The general assembly further declares that the programs and
- 3 services described in this act are important government services."
- 4 Page 8, strike lines 11 through 21.
- 5 Reletter succeeding paragraphs accordingly.
- 6 Page 9, line 10, after "AUTHORITY," insert "COUNCIL OF GOVERNMENTS,
- 7 A REGIONAL PLANNING COMMISSION ORGANIZED UNDER TITLE 30,".
- 8 Page 9, strike lines 14 through 20.
- 9 Page 10, after line 16 insert:
- 10           "(III) INCREASE NEW AFFORDABLE FOR-SALE HOUSING STOCK BY
- 11 PROVIDING FUNDING TO ASSIST WITH THE COSTS OF CONSTRUCTION,
- 12 INCLUDING BUT NOT LIMITED TO CONSTRUCTION COSTS, LAND
- 13 ACQUISITION COSTS, TAP FEES, BUILDING PERMITS, AND IMPACT FEES;".
- 14 Renumber succeeding subparagraphs accordingly.
- 15 Page 11, line 1, after "HOUSING" insert "UNITS THAT ARE INTEGRATED
- 16 INTO NONSEGREGATED HOUSING UNITS THAT ARE".
- 17 Page 11, line 5, after "BASIS;" add "AND".

- 1 Page 11, line 10, strike "SERVICES; AND" and substitute "SERVICES."
- 2 Page 11, line 11, strike "(F) FINANCING" and substitute "(V) FINANCE".
- 3 Renumber succeeding subparagraphs accordingly.
- 4 Page 11, line 16, strike "PROPERTY" and substitute "PROVIDE OR  
5 MAINTAIN PROPERTY".
- 6 Page 11, line 18, strike "PERMANENT" and substitute "PROVIDE OR  
7 MAINTAIN PERMANENT".
- 8 Page 11, line 19, strike "LAND" and substitute "PROVIDE OR MAINTAIN  
9 LAND".
- 10 Page 11, line 21, strike "FUNDING" and substitute "PROVIDE OR MAINTAIN  
11 FUNDING".
- 12 Page 12, lines 8 and 9, strike "GIVE PREFERENCE TO" and substitute  
13 "PRIORITIZE".
- 14 Page 12, strike lines 12 through 16 and substitute the following:
- 15 "(I) INCREASE THE SUPPLY OF HOUSING IN URBAN, RURAL, AND  
16 RURAL RESORT COMMUNITIES ACROSS THE STATE THAT IS PROPORTIONAL  
17 TO EACH COMMUNITY'S DEMONSTRATED NEED THROUGH:
- 18 (A) A PREFERENCE FOR MIXED-INCOME PROJECTS IN WHICH A  
19 PERCENTAGE OF UNITS, PROPORTIONAL TO THE DEMONSTRATED HOUSING  
20 NEEDS OF THE LOCAL COMMUNITY, WITHIN A PARTICULAR DEVELOPMENT  
21 HAVE RESTRICTED AVAILABILITY TO HOUSEHOLDS AT AND BELOW THE  
22 INCOME LEVELS SPECIFIED IN SUBSECTION (3)(c) OF THIS SECTION. THE  
23 PERCENTAGE OF RESTRICTED UNITS AND AFFORDABILITY LEVELS MUST  
24 COMPLY WITH LAWS ENACTED BY LOCAL GOVERNMENTS PROMOTING THE  
25 DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT TO  
26 SECTION 29-20-104 (1);
- 27 (B) DEVELOPMENTS IN WHICH HOUSING UNITS ARE RESTRICTED AT  
28 INCOME LEVELS DEMONSTRATED BY LOCAL COMMUNITY NEEDS AS  
29 SPECIFIED IN SUBSECTION (3)(c)(I) OF THIS SECTION;
- 30 (C) TRANSIT ORIENTED DEVELOPMENT;
- 31 (D) THE INCLUSION OF HOUSING UNITS THAT ARE RESTRICTED FOR  
32 RENTAL USAGE TO PERSONS WITH DISABILITIES OR THAT INCLUDE  
33 UNIVERSAL DESIGN FEATURES THAT ALLOW INDIVIDUALS TO CONTINUE TO  
34 RESIDE IN THEIR DWELLING UNITS AS THEY AGE; OR

1 (E) HOUSING THAT IS RESTRICTED TO THE VICTIMS OF DOMESTIC  
2 VIOLENCE OR SEXUAL ASSAULT;".

3 Page 12, after line 18 insert:

4 "(III) CREATE OPPORTUNITIES TO BUILD INTERGENERATIONAL  
5 WEALTH FOR FAMILIES;

6 (IV) PROMOTE THE LONG-TERM AFFORDABILITY OF ANY  
7 DEVELOPMENTS OR PROJECTS THAT ARE FUNDED BY THE GRANT  
8 PROGRAM;".

9 Renumber succeeding subparagraphs accordingly.

10 Page 12, line 22, strikes "OBLIGATIONS." and substitute "OBLIGATIONS  
11 AND CONTRIBUTE TO THE OVERALL WELL-BEING AND PROFESSIONAL AND  
12 RECREATIONAL NEEDS OF THE LOCAL WORKFORCE AND POPULATION.

13 (c) THE RENTAL AND HOME OWNERSHIP TARGETS APPLICABLE TO  
14 LOCAL COMMUNITIES ACROSS THE STATE AS REQUIRED BY SUBSECTION  
15 (3)(b)(I) OF THIS SECTION ARE SPECIFIED IN SUBSECTION (3)(c)(I) OF THIS  
16 SECTION IN ACCORDANCE WITH THE FOLLOWING:

17 (I) (A) FOR RENTAL HOUSING IN URBAN COUNTIES, HOUSING MUST  
18 BE TARGETED TO HOUSEHOLDS WITH AN ANNUAL INCOME THAT IS AT OR  
19 BELOW EIGHTY PERCENT OF THE AREA MEDIAN INCOME OF HOUSEHOLDS  
20 OF THAT SIZE IN THE COUNTY IN WHICH THE HOUSING IS LOCATED.

21 (B) FOR RENTAL HOUSING IN RURAL COUNTIES, HOUSING MUST BE  
22 TARGETED TO HOUSEHOLDS WITH AN ANNUAL INCOME THAT IS AT OR  
23 BELOW ONE HUNDRED FORTY PERCENT OF THE AREA MEDIAN INCOME OF  
24 HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH THE HOUSING IS  
25 LOCATED.

26 (C) FOR RENTAL HOUSING IN RURAL RESORT COUNTIES, HOUSING  
27 MUST BE TARGETED TO HOUSEHOLDS WITH AN ANNUAL INCOME THAT IS AT  
28 OR BELOW ONE HUNDRED SEVENTY PERCENT OF THE AREA MEDIAN INCOME  
29 OF HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH THE HOUSING IS  
30 LOCATED.

31 (D) FOR HOME OWNERSHIP HOUSING IN ANY AREA OF THE STATE,  
32 HOUSING MUST BE TARGETED TO HOUSEHOLDS WITH AN ANNUAL INCOME  
33 THAT IS AT OR BELOW ONE HUNDRED FORTY PERCENT OF THE AREA  
34 MEDIAN INCOME OF HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH  
35 THE HOUSING IS LOCATED.

36 (II) NOT LATER THAN SEPTEMBER 1, 2022, THE DIVISION SHALL  
37 CLASSIFY EACH COUNTY IN THE STATE AS "URBAN", "RURAL", OR "RURAL  
38 RESORT" BASED UPON DEFINITIONS OF THE TERMS AS SPECIFIED IN THE  
39 FINAL REPORT OF THE COLORADO STRATEGIC HOUSING WORKING GROUP

1 FINAL REPORT DATED JULY 6, 2021. THE DIVISION SHALL REGULARLY  
2 UPDATE AND PUBLISH MODIFICATION OF THE INITIAL CLASSIFICATION OF  
3 A PARTICULAR COUNTY AS IT RECEIVES INFORMATION DOCUMENTING  
4 CHANGES IN LOCAL ECONOMIC CIRCUMSTANCES AND HOUSING COST  
5 FACTORS MATERIALLY AFFECTING SUCH CLASSIFICATIONS.

6 (III) NOTWITHSTANDING SUBSECTION (3)(c)(I) OF THIS SECTION,  
7 ANY COUNTY MAY REQUEST FROM THE DIVISION:

8 (A) A DETERMINATION THAT A DIFFERENT INCOME RESTRICTION  
9 SHOULD APPLY TO THAT COUNTY FROM THE ONE MADE APPLICABLE TO THE  
10 COUNTY IN ACCORDANCE WITH SUBSECTION (3)(c)(I) OF THIS SECTION  
11 BASED UPON THE UNIQUE ECONOMIC AND HOUSING COST FACTORS  
12 PRESENT IN THE COUNTY. NOT LATER THAN SEPTEMBER 1, 2022, THE  
13 DIVISION SHALL PUBLISH ANY SUCH MODIFIED INCOME RESTRICTIONS AND  
14 THE BASIS FOR ANY MODIFICATION APPROVED.

15 (B) AT ANY TIME, A RECLASSIFICATION OF THE COUNTY FROM THE  
16 CATEGORY IN WHICH THE COUNTY IS INITIALLY CLASSIFIED PURSUANT TO  
17 SUBSECTION (3)(c)(II) BASED UPON THE UNIQUE ECONOMIC AND HOUSING  
18 COST FACTORS PRESENT IN THE COUNTY."

19 Reletter succeeding paragraphs accordingly.

20 Page 12, after line 26 insert:

21 "(e) IN DETERMINING GRANT AMOUNTS, THE DIVISION SHALL SEEK  
22 TO INCREASE INVESTMENTS IN FOR-SALE HOUSING STOCK. THE OBJECTIVE  
23 DESCRIBED IN THIS SUBSECTION (3)(e) MAY BE ACHIEVED BY PROVIDING  
24 GRANTS UNDER THE GRANT PROGRAM THAT ARE LAYERED WITH AWARDS  
25 UNDER EXISTING STATE GRANT PROGRAMS TO INCREASE SUBSIDIES ON A  
26 PER-UNIT BASIS.

27 (f) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

28 (I) THROUGH DECEMBER 31, 2023, THE DIVISION SHALL MAKE  
29 NOT MORE THAN FIFTY PERCENT OF THE MONEY AVAILABLE UNDER THE  
30 GRANT PROGRAM FOR GRANT APPLICATIONS, DEVELOPMENTS, OR  
31 PROGRAMS THAT ARE PROPOSED FOR RURAL OR RURAL RESORT COUNTIES  
32 ACROSS THE STATE AND SHALL MAKE NOT MORE THAN FIFTY PERCENT OF  
33 THE FUNDS AVAILABLE UNDER THE GRANT PROGRAM FOR GRANT  
34 APPLICATIONS, DEVELOPMENTS, OR PROGRAMS THAT ARE PROPOSED FOR  
35 URBAN COUNTIES ACROSS THE STATE.

36 (II) AFTER DECEMBER 31, 2023, ALL UNENCUMBERED MONEY  
37 AVAILABLE UNDER THE GRANT PROGRAM MAY BE EXPENDED IN  
38 ACCORDANCE WITH THIS SECTION IN ANY AREA OF THE STATE WITHOUT  
39 REGARD TO THE RESTRICTIONS SPECIFIED IN THIS SUBSECTION (3)(e).

40 (III) NOT LATER THAN JULY 15, 2023, THE DIVISION SHALL SUBMIT

1 A REPORT TO THE GENERAL ASSEMBLY SPECIFYING THE STATE OF  
2 ENCUMBERED MONEY UNDER THE GRANT PROGRAM AS OF JUNE 30, 2023,  
3 AND A LIST OF PROJECTS THAT HAVE BEEN APPROVED BUT THAT ARE  
4 AWAITING FUNDING AS OF JUNE 30, 2023.

5 (g) IN LIGHT OF DIFFERING NEEDS FOR PER HOUSING UNIT  
6 SUBSIDIES ACROSS DIFFERENT AREAS OF THE STATE, THE DIVISION MAY  
7 WAIVE PER UNIT SUBSIDY AMOUNTS THAT HAVE BEEN INITIALLY SET FOR  
8 PARTICULAR PROJECTS OR PROGRAMS TO ADJUST FOR MARKET FACTORS IF  
9 THE PURPOSE OF THE PROJECT HAS BEEN ACCOMPLISHED OR TO SATISFY  
10 THE INTENT OF THE GRANT AWARD."

11 Reletter succeeding paragraph accordingly.

12 Page 14, line 16, after "**Reporting.**" insert "(a)".

13 Page 15, after line 6 insert:

14 "(b) THE DIVISION AND ANY PERSON THAT RECEIVES MONEY FROM  
15 THE DIVISION PURSUANT TO THE GRANT PROGRAM SHALL COMPLY WITH  
16 THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM  
17 EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE  
18 PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE  
19 WITH SECTION 24-75-226 (5)."

20 Page 16, line 16, after "PLANNING," insert "ENGINEERING,".

21 Page 18, line 25, strike "PROGRAM" and substitute "PROGRAM, IN  
22 CONSULTATION WITH THE COLORADO ENERGY OFFICE, CREATED IN  
23 SECTION 24-38.5-101 (1), AND THE DEPARTMENT OF TRANSPORTATION,  
24 CREATED IN SECTION 43-1-103 (1),".

25 Page 19, strike lines 19 through 23 and substitute "REQUIRE THAT A  
26 GRANT AWARD BE USED, AT LEAST IN PART, TO FUND INFRASTRUCTURE  
27 PROJECTS THAT INCREASE THE SUPPLY OF AFFORDABLE HOUSING AND  
28 THAT ARE WITHIN OR ADJACENT TO EITHER A DOWNTOWN AREA, A CORE  
29 BUSINESS DISTRICT OF A MUNICIPALITY, OR A TRANSIT-ORIENTED  
30 DEVELOPMENT."

31 Page 20, strike lines 11 through 13.

32 Page 21, line 8, strike "AND".

33 Page 21, line 12, strike "DEVELOPMENT." and substitute "DEVELOPMENT;

1 AND  
2 (C) FINANCING INFRASTRUCTURE IMPROVEMENTS."

3 Page 21, line 18, strike "TRANSPORTATION" and substitute  
4 TRANSPORTATION, CREATED IN SECTION 43-1-103 (1),".

5 Page 22, after line 25 insert:

6 "(c) THE DIVISION AND ANY PERSON THAT RECEIVES MONEY FROM  
7 THE DIVISION PURSUANT TO THE GRANT PROGRAM SHALL COMPLY WITH  
8 THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM  
9 EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE  
10 PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE  
11 WITH SECTION 24-75-226 (5).".

\*\* \*\* \*\* \*\* \*\*