

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0381.01 Bob Lackner x4350

HOUSE BILL 21-1009

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Senate Committees

Local Government

A BILL FOR AN ACT

101 **CONCERNING AN UPDATE TO STATUTORY PROVISIONS GOVERNING THE**
102 **FUNCTIONS OF THE DIVISION OF HOUSING IN THE DEPARTMENT**
103 **OF LOCAL AFFAIRS TO FACILITATE HOUSING THAT PROMOTES**
104 **STATE GOALS FOR LOCAL DEVELOPMENT, AND, IN CONNECTION**
105 **THEREWITH, ENABLING THE DIVISION OF HOUSING TO LEVERAGE**
106 **STATE HOUSING FUNDING TO PROMOTE THE STATE'S**
107 **AFFORDABLE HOUSING AND ENERGY PERFORMANCE**
108 **OBJECTIVES.**

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

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

SENATE
3rd Reading Unamended
April 26, 2021

SENATE
2nd Reading Unamended
April 23, 2021

HOUSE
3rd Reading Unamended
March 5, 2021

HOUSE
2nd Reading Unamended
March 4, 2021

<http://leg.colorado.gov>.)

The current statutory functions of the division of housing (division) within the department of local affairs include conducting research into new approaches to housing throughout the state. The bill expands the list of research subjects to include:

- Transit-oriented development that includes increased housing density near employment, education, and town centers; and
- Advanced energy performance standards that minimize the total building operational costs during the affordability period.

The bill also eliminates certain statutory functions of the division that are now outdated.

The bill expands the list of existing functions of the division to include collaborating with other state agencies to develop incentives that support:

- Local development near transit corridors;
- Increased housing density development within employment, education, and town centers; and
- Energy performance standards that minimize total building operational costs during the affordability period.

The bill also requires the division to collaborate with other state agencies in connection with the disposition of state-owned assets to be used for low- and moderate-income housing.

The bill requires the division to maintain the confidentiality of all names, addresses, and personal identifying information of applicants, recipients, and former recipients of housing assistance. The division is permitted to publish or provide aggregate or de-identified data concerning applicants, recipients, and former recipients of housing assistance to third parties and other governmental entities, and to enter into data-sharing agreements authorizing the transfer of such information subject to restrictions specified in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-32-705, **amend**
3 (1)(a); **repeal** (1)(e)(III), (1)(l), and (1)(m); and **add** (1)(e)(IV), (1)(e)(V),
4 (1)(v), (5), and (6) as follows:

5 **24-32-705. Functions of division.** (1) The division has the
6 following functions:

1 (a) To encourage private enterprise and all public and private
2 agencies engaged in the planning, construction, and acquisition of
3 adequate housing or the rehabilitation or weatherization of existing
4 housing in Colorado by providing research, advisory, and liaison services
5 and rehabilitation, construction, acquisition, and weatherization grants
6 and loans from appropriations made for this purpose by the general
7 assembly. For the purposes of this subsection (1)(a), "weatherization"
8 means the provision and installation of materials and devices that improve
9 the thermal performance of a residence so as to conserve energy and
10 reduce energy costs and includes those structural, heating, electrical, and
11 plumbing repairs and improvements ~~which~~ THAT are necessary to safely
12 and effectively improve thermal performance. All such grants and loans
13 to public and private agencies must be at least equally matched from a
14 nonstate source unless sufficient local sources are not available because
15 of other essential public functions and must be for providing
16 energy-efficient housing to ~~low-income~~ LOW- AND MODERATE-INCOME
17 households. ~~None of~~ These grants or loans shall NOT be used for
18 ~~development, planning, or~~ administration, which must be funded within
19 the administrative budget of the division.

20 (e) To conduct continuing research into new approaches to
21 housing throughout the state including, but not limited to, the following:

22 (III) ~~Programs for low-income housing throughout the state~~
23 ~~designed to discourage concentration in urban centers and particularly in~~
24 ~~urban center ghettos;~~

25 (IV) TRANSIT-ORIENTED DEVELOPMENT THAT INCLUDES
26 INCREASED HOUSING DENSITY NEAR EMPLOYMENT, EDUCATION, AND
27 TOWN CENTERS; AND

1 (V) ADVANCED ENERGY PERFORMANCE STANDARDS THAT
2 MINIMIZE THE TOTAL BUILDING OPERATIONAL COSTS DURING THE
3 AFFORDABILITY PERIOD AS DETERMINED BY THE DIVISION;

4 (l) ~~To provide in graphic illustrations and charts the information~~
5 ~~needed by a person who applies for or obtains a homeowner's permit to~~
6 ~~build his own home to correlate the R-values to the U-values of the more~~
7 ~~energy conserving performance standards as found in section 6-7-105 (2);~~
8 ~~C.R.S. This information shall be distributed to local building departments~~
9 ~~and building material supply outlets in the state and shall be given to~~
10 ~~builders and unlicensed persons who apply for or obtain homeowners'~~
11 ~~permits to build their own homes.~~

12 (m) ~~To provide technical assistance to building officials, who~~
13 ~~shall instruct persons who apply for or obtain homeowners' permits to~~
14 ~~build their own homes on the use of the information provided in~~
15 ~~paragraph (l) of this subsection (1);~~

16 (v) TO COLLABORATE WITH OTHER STATE AGENCIES TO DEVELOP
17 INCENTIVES THAT SUPPORT:

18 (I) LOCAL DEVELOPMENT NEAR TRANSIT CORRIDORS;

19 (II) INCREASED HOUSING DENSITY DEVELOPMENT WITHIN
20 EMPLOYMENT, EDUCATION, AND TOWN CENTERS; AND

21 (III) ENERGY PERFORMANCE STANDARDS THAT MINIMIZE TOTAL
22 BUILDING COSTS DURING THE AFFORDABILITY PERIOD, AS DETERMINED BY
23 THE DIVISION.

24 (5) THE DIVISION SHALL COLLABORATE WITH OTHER STATE
25 AGENCIES IN CONNECTION WITH THE DISPOSITION OF STATE-OWNED
26 ASSETS TO BE USED FOR LOW- AND MODERATE-INCOME HOUSING.

27 (6) (a) THE DIVISION SHALL MAINTAIN THE CONFIDENTIALITY OF

1 ALL NAMES, ADDRESSES, AND PERSONAL IDENTIFYING INFORMATION OF
2 APPLICANTS, RECIPIENTS, AND FORMER RECIPIENTS OF HOUSING
3 ASSISTANCE, WHICH FORMS OF HOUSING ASSISTANCE INCLUDE WITHOUT
4 LIMITATION HOUSING VOUCHERS, EMERGENCY HOUSING ASSISTANCE, AND
5 HOMELESS SERVICES.

6 (b) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (6),
7 THE DIVISION MAY PUBLISH OR PROVIDE AGGREGATE OR DE-IDENTIFIED
8 DATA CONCERNING APPLICANTS, RECIPIENTS, AND FORMER RECIPIENTS OF
9 HOUSING ASSISTANCE TO THIRD PARTIES AND OTHER GOVERNMENTAL
10 ENTITIES, AND MAY ENTER INTO DATA-SHARING AGREEMENTS
11 AUTHORIZING THE TRANSFER OF NAMES, ADDRESSES, AND PERSONAL
12 IDENTIFYING INFORMATION OF APPLICANTS, RECIPIENTS, AND FORMER
13 RECIPIENTS OF SUCH HOUSING ASSISTANCE.

14 (c) ANY THIRD PARTY OR GOVERNMENTAL ENTITY THAT RECEIVES
15 NAMES, ADDRESSES, AND PERSONAL IDENTIFYING INFORMATION OF
16 APPLICANTS, RECIPIENTS, AND FORMER RECIPIENTS OF HOUSING
17 ASSISTANCE IN ACCORDANCE WITH THIS SUBSECTION (6) FROM THE
18 DIVISION PURSUANT TO A DATA-SHARING AGREEMENT SHALL MAINTAIN
19 THE CONFIDENTIALITY OF ALL NAMES, ADDRESSES, AND PERSONAL
20 IDENTIFYING INFORMATION OBTAINED FROM SUCH AGREEMENTS.

21 (d) AS USED IN THIS SUBSECTION (6), "GOVERNMENTAL ENTITY"
22 AND "PERSONAL IDENTIFYING INFORMATION" HAVE THE SAME MEANINGS
23 AS SPECIFIED IN SECTION 24-73-101 (4).

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2022 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.