

CHAPTER 396

GOVERNMENT - STATE

HOUSE BILL 21-1028

BY REPRESENTATIVE(S) Bird and Rich, Bacon, Bernett, Boesenecker, Caraveo, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jodeh, Kipp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Ortiz, Titone, Young; also SENATOR(S) Story and Woodward, Buckner, Kolker, Pettersen, Rankin, Winter.

AN ACT

CONCERNING THE PREPARATION BY THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS OF AN ANNUAL PUBLIC REPORT THAT PROVIDES INFORMATION ON MONEY ADMINISTERED BY THE STATE TO PROMOTE THE PROVISION OF AFFORDABLE HOUSING, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-32-705.5 as follows:

24-32-705.5. Annual public report on funding of affordable housing preservation and production - definition. (1) COMMENCING IN 2021 AND EVERY YEAR THEREAFTER, AS PART OF THE DEPARTMENT'S PRESENTATION TO ITS JOINT COMMITTEES OF REFERENCE AT A HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", IN ACCORDANCE WITH THIS SECTION, THE DIVISION SHALL PREPARE A PUBLIC REPORT THAT SPECIFIES THE TOTAL AMOUNT OF MONEY THAT:

(a) THE DIVISION OR THE BOARD WAS APPROPRIATED, AWARDED, ALLOCATED, OR TRANSFERRED FROM ANY FEDERAL, STATE, OTHER PUBLIC, OR ANY PRIVATE SOURCE DURING THE PRIOR FISCAL YEAR THAT MAY BE USED FOR THE PRESERVATION OR PRODUCTION OF EMERGENCY OR AFFORDABLE HOUSING; AND

(b) THE DIVISION OR THE BOARD HAS AWARDED FROM ANY FEDERAL, STATE, OTHER PUBLIC, OR ANY PRIVATE SOURCE DURING THE PRIOR FISCAL YEAR IN THE FORM OF A GRANT, CONTRACT, OR LOAN TO PROMOTE THE PRESERVATION OR PRODUCTION OF EMERGENCY OR AFFORDABLE HOUSING.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(c) THE DIVISION EXPENDED DURING THE PRIOR FISCAL YEAR ON ADMINISTRATIVE COSTS ASSOCIATED WITH EACH FUNDING SOURCE IDENTIFIED IN SUBSECTION (1)(a) OF THIS SECTION AND THE NUMBER OF FULL-TIME EMPLOYEES SUPPORTED BY THE FUNDING SOURCE IDENTIFIED.

(2) WITH RESPECT TO ANY FUNDING AWARD MADE BY THE DIVISION OR THE BOARD TO PROMOTE THE PRESERVATION OR PRODUCTION OF EMERGENCY OR AFFORDABLE HOUSING IN THE FORM OF A GRANT OR LOAN, THE REPORT MUST IDENTIFY THE:

(a) APPLICANT FOR THE AWARD;

(b) NAME OF THE PROJECT BEING FUNDED BY THE AWARD;

(c) SOURCE OF THE AWARD FUNDING FOR THE PROJECT;

(d) AMOUNT OF AWARD FUNDING THAT WAS REQUESTED FOR THE PROJECT IDENTIFIED AT THE TIME THE FINAL APPLICATION WAS SUBMITTED;

(e) AMOUNT OF FUNDING AWARDED THROUGH THE GRANT OR LOAN;

(f) TOTAL COST OF THE ENTIRE PROJECT BEING FUNDED BY THE AWARD;

(g) MUNICIPALITY AND COUNTY IN WHICH THE PROJECT BEING FUNDED BY THE AWARD IS LOCATED;

(h) TYPE OF HOUSING SOLUTION BEING FUNDED BY THE AWARD, SUCH AS HOMEOWNERSHIP, RENTAL, EMERGENCY, OR AFFORDABLE HOUSING;

(i) PURPOSE OF THE AWARD, SUCH AS NEW CONSTRUCTION OF HOUSING, PRESERVATION OF EXISTING HOUSING, DOWN PAYMENT ASSISTANCE, LAND ACQUISITION, OR REPAIRS OF OWNER-OCCUPIED HOUSING; AND

(j) NUMBER OF HOUSING UNITS BUILT, ACQUIRED, REHABILITATED, OR PRESERVED BY THE AWARD.

(3) EACH REPORT MUST ALSO PROVIDE A SUMMARY DESCRIBING THE SOURCE AND AMOUNT OF ALL FUNDING APPROPRIATED, RE-APPROPRIATED, TRANSFERRED, OR OTHERWISE MADE AVAILABLE TO THE DIVISION OF HOUSING THAT MAY BE USED FOR THE PRESERVATION OR PRODUCTION OF EMERGENCY OR AFFORDABLE HOUSING.

(4) THE DIVISION SHALL POST THE MOST RECENT VERSION OF THE ANNUAL PUBLIC REPORT IT HAS PREPARED AS REQUIRED UNDER SUBSECTION (1) OF THIS SECTION IN A PROMINENT PLACE ON THE DIVISION'S WEBSITE. IN ADDITION, ON AN ANNUAL BASIS, THE DIVISION SHALL DELIVER A COPY OF THE MOST RECENT VERSION OF THE REPORT TO THE BOARD AS WELL AS TO THE JOINT COMMITTEES OF REFERENCE FOR PURPOSES OF THE HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT".

(5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO

SUBMIT THE REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION CONTINUES INDEFINITELY.

(6) AS USED IN THIS SECTION, "AFFORDABLE HOUSING" MEANS ANY CURRENT OR PROSPECTIVE STRUCTURE THAT HAS BENEFITTED FROM, OR THAT MAY BENEFIT FROM, THE AWARD OF A PLACE-BASED GRANT OR LOAN BY THE DIVISION. FOR PURPOSES OF THIS SECTION, "AFFORDABLE HOUSING" INCLUDES PERMANENT RESIDENCES, SUCH AS RENTAL OR FOR-SALE HOUSING INHABITED BY LOW-, MODERATE-, AND MIDDLE- INCOME HOUSEHOLDS, AS WELL AS TEMPORARY AND EMERGENCY HOUSING SUCH AS TRANSITIONAL HOUSING AND SHELTERS AND HOUSEHOLDS THAT WILL BENEFIT FROM DOWN PAYMENT ASSISTANCE.

SECTION 2. In Colorado Revised Statutes, 24-32-705, **add** (1)(w) as follows:

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

(w) TO PREPARE AN ANNUAL PUBLIC REPORT ON FUNDING OF AFFORDABLE HOUSING PRESERVATION AND PRODUCTION IN ACCORDANCE WITH SECTION 24-32-705.5 AND TO SATISFY OTHER REQUIREMENTS IN SECTION 24-32-705.5 PERTAINING TO THE PREPARATION AND DISSEMINATION OF THE REPORT. IN ITS PRESENTATION TO THE JOINT COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE DEPARTMENT SHALL SUMMARIZE THE INFORMATION CONTAINED IN THE REPORT CONCERNING AFFORDABLE HOUSING FUNDING ADMINISTERED BY THE DIVISION SINCE THE DEPARTMENT'S PRIOR PRESENTATION.

SECTION 3. In Colorado Revised Statutes, 24-32-721, **amend** (3)(b) as follows:

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for persons with behavioral, mental health, or substance use disorders - cash fund - appropriation - report to general assembly - rules - definitions - repeal. (3) (b) Notwithstanding any other provision of this section, the division, in its discretion, may transfer twenty percent of the balance of the money in the fund into the housing investment trust fund established in section 24-32-717 (1)(a), which balance is calculated as of July 1 of the state fiscal year in which the money is transferred. For any given state fiscal year, no more than three percent of the money appropriated OR TRANSFERRED to the fund may be expended for the administrative costs of the division in administering the fund.

SECTION 4. Appropriation. (1) For the 2021-22 state fiscal year, \$18,704 is appropriated to the department of local affairs for use by the division of housing. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

(a) \$17,804 for personal services, which amount is based on an assumption that the division will require an additional 0.3 FTE; and

(b) \$900 for operating expenses.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final

adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 30, 2021