

BOARDUPDATE



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LEGISLATIVE SUMMARY (as of Feb. 21, 2018)

This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2018 legislative session, as of Feb. 21, 2018. For additional information, contact Rich Mauro, senior legislative analyst, at 303-480-6778. The DRCOG Legislative Policy Statement as adopted by the Board of Directors states, in part:

DRCOG's legislative activity will be generally focused on the following types of issues:

- (1) Proposals of special significance to the Denver region, or which would have a unique effect upon local governments in this region;
- (2) Proposals that affect DRCOG as an agency or would affect one or more of its programs; and
- (3) Legislation to implement DRCOG special task force recommendations. Support for or opposition to a bill or legislative funding measure will be given, and be subject to reassessment, according to a bill's or measure's consistency with DRCOG's adopted principles and plans.

Bill No. / Sponsor	Short Title Bill Summary	Status	Staff Comments	DRCOG Position Legislative Policy
AGING BILLS				
SB18-054	Cap Fee Increases Assisted Living Residences	Fiscal Note		Monitor
Crowder/ Liston	Under current law, the state Board of Health is authorized to establish a schedule of fees for health facilities, including assisted living residences, which fees must be sufficient to meet the Department of Public Health and Environment's direct and indirect costs in regulating health facilities. With regard to most department-regulated health facilities, the board cannot increase fees by more than the inflation rate. The bill imposes the inflation rate limitation on fees assessed against assisted living residences. <i>As introduced, the bill imposed the inflation rate limitation on fees assessed against assisted living residences, effective immediately.</i> <i>As amended, the effective date of the bill is Aug. 1, 2019. This will give the department time to implement a round of fee increases before the inflation limitation takes effect.</i>	Passed both houses	Staff was concerned the bill as introduced would inhibit the department's ability to implement Colorado's assisted living regulations. Recently updated regulations are tied to an increase in fees to fund the additional oversight the regulations will require, including hiring additional surveyors to inspect facilities. Based on that concern, DRCOG opposed this bill as introduced. With the amendment to the bill, DRCOG has moved to a monitor position.	With regard to long-term care facilities, DRCOG supports increases in the quality of care and consumer protections for older adults...DRCOG urges the state, when making decisions regarding funding for these programs, to structure such funding to protect the quality of care for residents and participants.

TRANSPORTATION BILLS

<u>SB18-001</u>	Transportation Infrastructure Funding	<u>Fiscal Note</u>	Monitor
Cooke & Baumgardner/Carver & Buck	Requires the Transportation Commission to submit a ballot question at the November 2018 general election. It would authorize the state to issue additional transportation revenue anticipation notes (TRANS) for priority projects; repeal the SB 17-267 requirement for lease-purchase agreements to fund projects; and require 10 percent of state sales and use tax to be credited to the State Highway Fund to repay TRANS and fund projects. Authorizes TRANS in a maximum of \$3.5 billion with a maximum repayment of \$5 billion. Beginning July 1, 2018, after repaying TRANS, the rest must be used only for qualified federal aid transportation projects that are included in the Colorado Department of Transportation's strategic transportation project investment program and designated for Tier 1 projects on CDOT's 10-year development program project list. At least 25 percent of the TRANS net proceeds must be used for projects in counties with populations of 50,000 or less and at least 10 percent of the TRANS net proceeds must be used for transit purposes or transit-related capital improvements.	Senate Finance	DRCOG supported HB 17-1242 last session, which included bonding but also a sales tax increase. It also provided a local share, local flexibility and funding for an extensive list of locally determined mobility improvements. This bill only includes bonding for statewide projects. Also, 10 percent of sales and use tax equals translates to more than \$300 million per year that would be diverted from the General Fund. This is a significant amount of money that will be taken from other state programs, including education, health care, human services, and of particular concern to DRCOG, services to seniors.
<u>SB18-053</u>	Primary Offense For No Safety Belt	<u>Fiscal Note</u>	Support
Court & Young	Current law requires every driver of and every front-seat passenger in a motor vehicle equipped with a safety belt system to wear a fastened safety belt while the motor vehicle is operated. The bill extends this requirement to every passenger in a motor vehicle. Current law provides that a law enforcement officer may not cite a driver of a motor vehicle for a failure to wear a safety belt unless the driver was stopped for a different alleged traffic violation. The bill repeals this limitation, allowing a law enforcement officer to stop and cite a driver solely for a failure to wear a safety belt.	Postponed Indefinitely Senate State Affairs	Colorado is one of only 16 states without a primary seat belt law. Experience in those states shows primary seat belt laws cause seat belt use to increase and unrestrained traffic fatalities to decrease. Any unbuckled passenger can become a dangerous projectile in a crash. Making not wearing a seat belt a primary offense would make driving safer for all passengers in a car. A primary seat belt law would be expected to reduce medical and work-loss costs in the state.

HOUSING BILLS

<u>HB18-1054</u>	Affordable Housing Plastic Shopping Bag Tax	<u>Fiscal Note</u>	Monitor
Rosenthal & Court	The bill submits a ballot question to the voters at the November 2018 election to establish a plastic shopping bag tax, which would be imposed beginning Jan. 1, 2019. Stores meeting certain criteria are required to collect a 25-cent tax from the customer, unless the customer is enrolled in the federal Supplemental Nutrition Assistance Program. Net tax revenue is deposited in the Housing Development Grant Fund. The Division of Housing in the Department of Local Affairs is required to use the money for the existing purposes of the fund, which are to improve, preserve or expand the supply of affordable housing in Colorado.	Postponed Indefinitely House Local Government	DRCOG supports: Policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes and abilities.

HB18-1125	Tax Credit Employer-Assisted Housing Pilot Program	Fiscal Note: N/A	Monitor
J. Wilson	As a pilot program to promote employer-assisted housing projects in rural areas, for income tax years commencing on or after Jan. 1, 2018, but prior to Jan. 1, 2022, the bill creates a state income tax credit for a donation a taxpayer makes to a sponsor that is used solely for the costs associated with an employer-assisted eligible activity in a rural area. The bill defines "sponsor" to mean the Colorado Housing and Finance Authority, a housing authority operated by a county or municipality, or a nonprofit corporation that has been designated as a community development corporation under the federal tax code. The amount of the credit allowed by the bill is 20 percent of the approved amount of the donation as documented in a form and manner acceptable to the Department of Revenue (department); except that the aggregate amount of the credit awarded to any one taxpayer is limited to \$400 in any one income tax year.	House Finance & House Appropriations	With the lack of affordable housing such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs. While the bill applies statewide, it has its origins in the housing issues faced by mountain communities.
HB 18-1127	Residential Landlord Rental Application	Fiscal Note	Support
Jackson & Kennedy	The bill limits the fee to cover a landlord's costs for a personal reference check or for obtaining a consumer credit report or tenant screening report; requires a landlord to provide each prospective tenant with written notice of the landlord's tenant selection criteria and the grounds upon which a rental application may be denied before accepting an application or collecting an application fee; and requires a landlord to provide a prospective tenant with an adverse action notice if the landlord takes adverse action on a prospective tenant after reviewing the prospective tenant's rental application.	House Floor	This is another in a series of bills being introduced this year attempting to provide protections for renters to better enable them to remain in housing they can afford. This is especially important for older adults and individuals with disabilities, particularly those on fixed incomes. Keeping these people living in the community is a core principle of DRCOG's Area Agency on Aging and is reflected in Metro Vision.
HB 18-1195	Tax Credit Contributions Organizations Affordable Housing	Fiscal Note: N/A	Monitor
D. Pabon/ Tate	For income tax years commencing on or after Jan. 1, 2019, but prior to Jan. 1, 2030, the bill creates a state income tax credit for a donation of cash or securities a taxpayer makes to an eligible developer to be used solely for the costs associated with an eligible project.	House Finance	With the lack of affordable housing such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs.
SB18-006	Recording Fee to Fund Attainable Housing	Fiscal Note	Monitor
Zenzinger/ Winter	The bill allows counties to impose an increased surcharge in the amount of \$5 for documents received for recording or filing on or after Jan. 1, 2019. The county is required to retain \$1 to be used to defray the costs of an electronic or core filing system and transmit the other \$4 for the new Statewide Attainable Housing Investment Fund. The Colorado Housing and Finance Authority is to administer the fund. Of the money transmitted to the fund, not less than 25 percent must be expended to support new or existing programs that provide financial assistance to persons in households with 80% of the area median income to finance, purchase, or rehabilitate single family residential homes, as well as to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons to finance, purchase, or rehabilitate single family residential homes.	Postponed Indefinitely Senate State Affairs	Currently, each county clerk and recorder collects a surcharge of \$1 for each document received for recording or filing in his or her office. The surcharge is in addition to any other fees permitted by statute. With the lack affordable housing being such a major challenge throughout the state, legislators are looking for funding sources for existing and new affordable housing programs. Using new sources avoids the problem of taking funding away from other existing programs.

DRCOG supports: Policies, programs and services that preserve existing affordable housing stock, promote access to diverse housing options in diverse geographic locations and provide consumer protections that enable older adults and persons with disabilities to age in place.

DRCOG supports: The principle that renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.

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<u>SB18-007</u>	Affordable Housing Tax Credit	<u>Fiscal Note</u>		Support
Guzman & Tate/ J. Becker & Duran	The bill changes the name of the existing Low-Income Housing Tax Credit to the Affordable Housing Tax Credit. It also extends the period during which the Colorado Housing and Finance Authority may allocate affordable housing tax credits from Dec. 31, 2019, to Dec. 31, 2024.	Senate Floor	This is an existing tax credit for developers of affordable housing. It has an expiration date of Dec. 31, 2019. This bill extends the credit another five years.	DRCOG supports: Policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes, and abilities.
<u>SB18-010</u>	Residential Lease Copy And Rent Receipt	<u>Fiscal Note</u>		Support
A. Williams & Martinez Humenik/ Exum	The bill requires a residential landlord to provide each tenant with a copy of a written rental agreement signed by the parties and to give a tenant a contemporaneous receipt for any payment made in person with cash or a money order. For payments not made in person with cash or a money order, the landlord must provide a receipt if requested by the tenant. The landlord may provide the tenant with an electronic copy of the agreement or the receipt unless the tenant requests a paper copy.	House Finance	This is the first in a series of bills we expect to be introduced this year attempting to provide protections for renters to better enable them to remain in housing they can afford. This is especially important for older adults and persons with disabilities, particularly those on fixed incomes. Keeping these people living in the community is core principle of DRCOG's Area Agency on Aging and is reflected in Metro Vision.	DRCOG supports: The principle that renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.
<u>SB18-057</u>	Use Of Criminal Records With Respect To Housing	<u>Fiscal Note</u>		Monitor
Kagan	The bill: 1) adds to the definition of "restrictive covenant" limitations on the transfer, rental or lease of housing based on records of any arrest or charge that did not result in a conviction and for which a criminal case is not actively pending (arrest records) or criminal justice records that have been sealed or expunged; 2) makes it an unfair housing practice to inquire about or take an adverse action based on arrest records or sealed or expunged criminal justice records; 3) prohibits landlords from requiring an applicant to disclose any information contained in sealed criminal records; 4) prohibits housing authorities from denying or terminating dwelling accommodations, or taking adverse action against a person, on the basis of arrest records or certain conviction records; 5) requires a landlord to provide applicants with access to records that are used as the basis for denying a rental application; 6) prevents certain tenant criminal records from being admitted as evidence in a civil case against a landlord that is based on the tenant's conduct.	Postponed Indefinitely Senate State Affairs	Under current law it is an unfair housing practice to honor or exercise, or attempt to honor or exercise, any "restrictive covenant" pertaining to housing. The bill is intended to prohibit housing discrimination based on arrest or sealed records or a case that is otherwise inactive. Under current law, the definition of "restrictive covenant" means any specification limiting the transfer, rental or lease of any housing because of disability, race, creed, color, religion, sex, sexual orientation, marital status, familial status, national origin or ancestry. This bill adds to existing law any record of arrest or charge that did not result in a conviction. It also adds landlords to the law that prohibits employers, educational institutions, state and local government agencies, officials, and employees, in any application or interview or in any other way, from requiring an applicant to disclose any information contained in sealed records.	DRCOG supports: The principle that renters and homeowners (including manufactured home owners) have appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law.