

# BOARD UPDATE



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**LEGISLATIVE SUMMARY (as of Feb. 20, 2019):** This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2019 legislative session, as of Feb. 20, 2019. For additional information, contact Rich Mauro, senior legislative analyst, at 303-480-6778. The *DRCOG Policy Statement on State Legislative Issues*, 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
<b>AGING BILLS</b>				
<a href="#">HB18-1043</a>	<b>Life Care Institutions Post Surety Bond As Reserve</b>	<a href="#">Fiscal Note</a>		<b>Monitor</b>
Galindo	Current law requires life care institutions to maintain reserves through one or more of several options that all require liquidity. The bill allows a surety bond as a type of allowable reserve.	Senate Business, Labor and Technology	As the operator of the Long-Term Care Ombudsman Program for the region, DRCOG is an advocate for the rights of residents and quality of care for those in long-term care communities. DRCOG staff recognizes the importance of ensuring the financial responsibility of such communities. As this bill provides an additional financial arrangement for such communities to guarantee the performance of contractual obligations, it appears to support that requirement.	DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers and, in particular, legislation strengthening the role of the long-term care ombudsman and Program of All-Inclusive Care for the Elderly ombudsman as resident/consumer advocates. DRCOG urges the state, when making decisions regarding funding for these long-term care programs, to structure such funding to protect the quality of care for residents and participants, including funding for optimal ombudsman staffing.
<b>TRANSPORTATION BILLS</b>				
<a href="#">HB19-1157</a>	<b>Modify Specific Ownership Tax Rates</b>	<a href="#">Fiscal Note N/A</a>		<b>Oppose</b>
Liston	Beginning July 1, 2020, the bill modifies the rates of specific ownership tax (SOT) imposed on motor vehicles, commercial trailers, and special mobile machinery that is less than 25 years old, increasing the total amount of SOT revenue. The new revenue generated by the SOT rate modifications is transferred to the Highway Users Tax Fund (HUTF) for allocation to the state, counties and municipalities. The revenue may be expended only for construction, reconstruction, repairs, improvement, planning, supervision and maintenance of state highways, county roads and municipal streets, including acquisition of rights-of-way and access rights.	House Transportation and Local Government	Under current law, a significant portion of SOT is a local tax collected by counties and distributed to taxing jurisdictions within the county. There is concern the bill, in changing current law to have the SOT collected by the state and then shared between the state, counties and municipalities, usurps local control. Further, the bill limits the use of the new funds to highway maintenance and construction only – transit and multimodal projects are not eligible. Also, there is a contention the Colorado Constitution requires all revenue from SOT to be distributed to local governments.	DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.

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<a href="#">SB19-032</a> Scott/ McCluskie	<b>Hazardous Materials Transportation Routing</b>  The bill authorizes a public highway authority or a governmental partner in a public-private partnership to apply to the Colorado State Patrol (CSP) for a new or modified hazardous materials route designation for a road or highway that it directly or indirectly maintains. The bill also requires the Colorado Department of Transportation (CDOT) to conduct a study to assess the feasibility of allowing the transportation of hazardous materials through the Eisenhower-Edwin C. Johnson Memorial Tunnel and prepare a study report that includes findings and recommendations as to whether and under what conditions the transportation of hazardous materials through the tunnel should be allowed. CDOT must solicit input from representatives of specified counties, towns, communities, ski resorts, industries, organizations, emergency services providers and the CSP regarding the scope of the study and must consider specified information and criteria and conduct specified types of analysis when conducting the study.	<a href="#">Fiscal Note</a>  House Transportation and Local Government	DRCOG's board-adopted Metro Vision plan includes a safety performance measure to reduce the number of traffic fatalities to fewer than 100 annually by 2040. Additionally, the board will focus its investments in the next Transportation Improvement Program on improving the safety and security of the transportation system.	<b>Monitor</b>  DRCOG supports efforts to improve the safety of the traveling public – drivers, transit riders, pedestrians and bicyclists. DRCOG supports educational, enforcement and engineering approaches that enhance safety to reduce crashes, serious injuries and fatalities. These include approaches to optimize the multimodal transportation system to improve the safe and reliable flow of people and goods such as incident management, safety education and awareness, driver safety measures and other measures proven to enhance safety.
<a href="#">SB19-051</a> Scott & Cooke	<b>Increase General Fund Funding For Transportation</b>	<a href="#">Fiscal Note</a>  Senate Transportation and Energy	Staff calls to attention the Board's position on transportation funding bills last year: DRCOG will support or oppose Senate Bill 18-001, HB 18-1340, any other transportation funding bills, or any proposed amendments based on the following principles: no bonding without new revenue; substantial local share; substantial multimodal share; both for the whole period of the state contribution (one current proposal is for six years); and no restrictions on managed lanes. The DRCOG Board also in past sessions has opposed simply increasing General Fund transfers to transportation with consideration of the effect on such transfers on funding for other state priorities, especially aging services.	<b>Oppose</b>  DRCOG supports increased funding for transportation to preserve the system, address congestion and safety, and provide multimodal options for people of all ages, incomes and abilities. DRCOG supports increased funding for programs and exploration of programs providing services to older adults, persons with disabilities, veterans and their care-givers, especially services that support individuals continuing to live independently in their homes and communities.
<a href="#">SB19-101</a> Lundeen/ Carver	<b>Prerequisites for Managed Lanes</b>	<a href="#">Fiscal Note</a>  Senate Transportation and Energy	The bill creates new evaluation and reporting requirements on CDOT and the High-Performance Transportation Enterprise (HPTE) and mandates analyses that do not take into account specific corridor needs and local and regional (DRCOG) planning authority. Presumably, the mandate would apply to the following managed lanes currently under construction or planned: C-470 from I-25 to Wadsworth Boulevard; Central I-70 from I-25 to Chambers Road; North I-25 from 120th Avenue to Fort Collins; and South I-25 Gap from Castle Rock to Monument.	<b>Oppose</b>  DRCOG supports, where appropriate, the use of managed lanes, including tolled express lanes, to help drivers reliably anticipate travel time on major corridors in the Denver area; and the requirement that any road, highway or tolled lane within or affecting the Denver metro area be reviewed and approved by the DRCOG board for inclusion in the fiscally constrained regional transportation plan.

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<b>HOUSING BILLS</b>				
<a href="#">HB19-1085</a>	<b>Grants For Property Tax Rent And Heat</b>	<a href="#">Fiscal Note</a>		<b>Support</b>
Exum/ Zenzinger	A low-income senior or individual with a disability currently is eligible for two types of annual state assistance grants related to their housing: a grant for their property taxes or rent paid and a grant for heat or fuel expenses. Together these are commonly known as the property tax/rent/heat credit (PTC) rebate. The bill increases the two grant amounts and the qualifying income amounts. All of these amounts will be adjusted annually for inflation. The bill also expands the property tax and rent assistance grant by repealing the requirement that rent must be paid to a landlord that pays property tax.	House Appropriations	The grant amounts have not been increased since 2014. These grants help low-income seniors and individuals with disabilities to remain living in their homes or apartments in community settings. DRCOG supported a similar bill last year. That bill passed the House but failed in the Senate Finance Committee. This bill passed House Finance Committee on a 9-1 bipartisan vote.	DRCOG supports property tax relief to help reduce a tax liability that especially burdens low income seniors and 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.
<a href="#">HB19-1106</a>	<b>Rental Application Fees</b>	<a href="#">Fiscal Note</a>		<b>Support</b>
Titone and Gonzales- Gutierrez/ Petterson	States that a landlord may not charge a prospective tenant an application fee unless the landlord uses the entire fee to cover the costs in processing the application. The fee must not be a different amount than a fee charged to another prospective tenant for the same dwelling unit or any other dwelling unit offered at the same time. A landlord must provide a disclosure of the anticipated expenses for which the fee will be used or an itemized receipt of actual expenses incurred. Requires that, before collecting a rental application fee, a landlord shall give written notice of the tenant selection criteria and the grounds upon which a rental application may be denied. Limits use of rental or credit history as a criteria to seven years. The landlord must provide written notice stating reasons for the denial.	House Floor	This bill provides an important protection for renters seeking to find affordable housing options. This is especially important for older adults and persons 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. More than a dozen states have enacted policies that set boundaries on the collection and retention of rental application fees. The bill would improve the environment for affordable housing by establishing reasonable parameters to protect renters from excessive fees.	DRCOG supports the principle that renters and homeowners have appropriate protections from discrimination and displacement; policies should emphasize the rights of residents and minimize disparities in treatment under the law; and support an adequate supply of affordable rental and ownership options and provide a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes, and abilities.
<a href="#">HB19-1118</a>	<b>Time Period To Cure Lease Violation</b>	<a href="#">Fiscal Note</a>		<b>Support</b>
Jackson and Galindo/ A. Williams	Current law requires a landlord to provide a tenant three days to cure a violation for unpaid rent or any other condition or covenant of a lease agreement, other than a substantial violation, before the landlord can initiate eviction proceedings based on that unpaid rent or other violation. Current law also requires three days' notice prior to a tenancy being terminated for a subsequent violation of a condition or covenant of a lease agreement. The bill requires a landlord to provide a tenant 14 days' notice in both cases.	House Transportation and Local Government	Current law does not allow sufficient time to remedy a lease violation, such as overdue rent in the case of a financial emergency. This short timeframe also reduces the effectiveness of rental assistance programs and doesn't allow adequate time to find alternative housing. The bill does not change the eviction process when a tenant's behavior endangers the safety or property of the landlord or another tenant, or when a tenant is committing a criminal offense. A tenancy may still be terminated within three days' time based on a substantial violation. Twenty-nine states give more notice before eviction than Colorado in the case of unpaid rent, and 37 states provide more notice in the case of other lease violations.	DRCOG supports the principle that renters and homeowners have appropriate protections from discrimination and displacement; policies should emphasize the rights of residents and minimize disparities in treatment under the law; and 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.

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<a href="#">HB19-1170</a>	<p><b>Residential Tenants Health And Safety Act</b></p> <p>Under current law, a warranty of habitability (warranty) is implied in every rental agreement for a residential premises, and a landlord commits a breach of the warranty if they fail to meet certain provisions in state statute. The bill adds that a breach occurs if the premises is in a condition that is materially dangerous or hazardous to the tenant's life, health or safety and specifies timelines for remedial action. The bill adds lack of functioning appliances and presence of mold to the existing list of conditions that render a residential premises uninhabitable. The bill also provides conditions under which remedies to protect the tenant's safety and health, including alternative accommodations, withholding of rent and termination of the lease, are available.</p>	<p><a href="#">Fiscal Note</a></p> <p>House Human Services</p>	<p>Colorado's existing Warranty of Habitability law has a presumption in favor of landlords when it comes to retaliation, a presumption no other state has. The bill eliminates the presumption. Existing law does not provide sufficient remedies to hold landlords accountable when units are uninhabitable. The current statute requires a written notice to report uninhabitable conditions, which is an outdated and cumbersome standard for many renters throughout our state. The bill allows tenants to notify landlords through written and electronic means. It establishes what a "reasonable" timeframe is for repairs. It provides certain rights and remedies to tenants such as the option to withhold a portion of the rent in the event of an uninhabitable dwelling and the option to break a lease if uninhabitable conditions persist.</p>	<p><b>Support</b></p> <p>DRCOG supports the principle that renters and homeowners have appropriate protections from discrimination and displacement; policies should emphasize the rights of residents and minimize disparities in treatment under the law; and 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.</p>