

# BOARD UPDATE



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**LEGISLATIVE SUMMARY (as of March. 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 March. 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<br>Bill Summary  | Status  | Staff Comments  | DRCOG Position<br>Legislative Policy   |
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| <b>AGING BILLS</b>                                      |  |   |   |  |
| <a href="#">HB19-1043</a><br>Galindo/Danielson          | <b>Life Care Institutions Post Surety Bond As Reserve</b><br>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.   | <a href="#">Fiscal Note</a><br>Passed Both Houses               | 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. | <b>Monitor</b><br>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. |
| <a href="#">SB19-172</a><br>Danielson and Ginal/ Singer | <b>Protect From Unlawful Abandonment and Confinement</b><br>The bill makes it a crime to unlawfully abandon or unlawfully confine an at-risk person. The purposeful desertion of an at-risk person in a manner that endangers the safety of that person constitutes unlawful abandonment. Tying, locking up, caging, chaining or otherwise unreasonably restricting an at-risk person's freedom of movement constitutes unlawful confinement. The bill reclassifies the at-risk adult crimes that are class 1 misdemeanors into class 6 felonies and makes unlawful abandonment and unlawful confinement class 6 felonies. | <a href="#">Fiscal Note</a><br>Senate Health and Human Services | The existing adult abuse statute lacks a clear definition of the crimes of unlawful abandonment and unlawful confinement, as distinguished from caretaker neglect, which makes it very difficult to prosecute certain cases. DRCOG was a strong supporter of the original "at-risk adult" statute and DRCOG staff has worked closely with the bill sponsors throughout the drafting of this bill.   | <b>Support</b><br>DRCOG supports increases in the quality of care and consumer protections for older adults and their caregivers.  |

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| <a href="#">SB19-173</a><br>Donovan and Petterson/ Kraft-Tharp | <b>Colorado Secure Savings Plan Board</b><br>The bill establishes the Colorado secure savings plan board (board) to study the feasibility of creating the Colorado secure savings plan and other appropriate approaches to increase the amount of retirement savings by Colorado's private sector workers. If after conducting the analyses, the board finds that there are approaches to increasing retirement savings for private sector employees in a convenient, low-cost and portable manner that are financially feasible and self-sustaining, the board is required to recommend a plan to implement its findings to the governor and the general assembly. | <a href="#">Fiscal Note</a><br>Senate Appropriations | Nearly half of Colorado's private sector workers have no retirement savings plan at work. Increasing retirement savings creates more independence for older Coloradans and saves tax dollars. National data shows that people do not save more as they get older and advance in their careers. Without easy access to retirement plans, many young workers put off saving until it's too late, then have little to live on in their retirement years. If you have a retirement savings contribution automatically deducted from your paycheck, you are 15 times more likely to save for your retirement. Ten states have already approved similar retirement programs. Those with the lowest retirement incomes generally receive the largest public assistance payments. Correspondingly, public assistance expenditures decline as retirement income increases. Even small improvements could make a big difference. A 2017 study at the University of Maine found an additional \$1,000 in annual retirement savings for every retiree would save \$3.9 billion nationally. In Maine, a smaller state than Colorado with lower costs of living, the savings would be \$15.6 million. | <b>Support</b><br>No specific policy |

#### TRANSPORTATION BILLS

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| <a href="#">HB19-1157</a><br>Liston | <b>Modify Specific Ownership Tax Rates</b><br>Beginning July 1, 2020, the bill modifies the rates of specific ownership tax 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 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. | <b>Fiscal Note N/A</b><br>Postponed Indefinitely<br>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. | <b>Oppose</b><br>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><br>Scott/ McCluskie | <b>Hazardous Materials Transportation Routing</b><br>The bill authorizes a public highway authority or a governmental partner in a public-private partnership to apply to the Colorado State Patrol 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 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><br>Passed Both Houses               | 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><br>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><br>Scott and Cooke  | <b>Increase General Fund Funding For Transportation</b><br>Current law, enacted in Senate Bill 18-001, requires the State Treasurer to transfer, on July 1, 2019, a total amount of \$150 million from the General Fund to fund transportation needs as follows: <ul style="list-style-type: none"> <li>• \$105 million (70 percent) to the State Highway Fund;</li> <li>• \$22.5 million (15 percent) to the Highway Users Tax Fund for allocation in equal shares to counties and municipalities;</li> <li>• \$22.5 million (15 percent) to the Multimodal Transportation Options Fund.</li> </ul> The bill increases the total amount of the transfer to \$340 million so that the amount of the individual transfer to the Multimodal Transportation Options Fund is unchanged and the individual transfers to the State Highway Fund and the Highway Users Tax Fund are increased to the following amounts: <ul style="list-style-type: none"> <li>• \$266.5 million (78.38 percent) to the State Highway Fund;</li> <li>• \$51 million (15 percent) to the Highway Users Tax Fund for allocation in equal shares to counties and municipalities; and</li> <li>• \$22.5 million (6.62 percent) to the Multimodal Transportation Options Fund.</li> </ul> | <a href="#">Fiscal Note</a><br>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><br>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. 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.   |

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| <a href="#">SB19-101</a><br>Lundeen/ Carver | <b>Prerequisites for Managed Lanes</b><br>Establishes guidelines CDOT must adhere to when considering implementation of a "managed lane" (toll lane, high-occupancy vehicle lane or high-occupant toll lane). The bill prohibits implementation of a managed lane unless a full cost, safety and efficiency evaluation has been conducted; detailed, written database findings have been published that clearly establish the lane to be the most feasible and safest option compared to all alternatives; and a final report of the findings has been made publicly available on its website and specific outreach efforts have been made relating to the managed lane plan under consideration. | <a href="#">Fiscal Note</a><br>Postponed Indefinitely<br>Senate Transportation and Energy | The bill creates new evaluation and reporting requirements on CDOT and the High-Performance Transportation Enterprise 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><br>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. |

#### HOUSING BILLS

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| <a href="#">HB19-1085</a><br>Exum/ Zenzinger                                | <b>Grants For Property Tax Rent And Heat</b><br>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 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.  | <a href="#">Fiscal Note</a><br>House Appropriations | The grant amounts have not been increased since 2014. These grants help low-income seniors and persons 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 nine to one bipartisan vote.  | <b>Support</b><br>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><br>Titone and<br>Gonzales-Gutierrez/<br>Petterson | <b>Rental Application Fees</b><br>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 up to seven years. The landlord must provide written notice stating reasons for the denial. | <a href="#">Fiscal Note</a><br>Senate 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. | <b>Support</b><br>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. |

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| <p><a href="#">HB19-1118</a></p> <p>Jackson and Galindo/ A. Williams</p>              | <p><b>Time Period To Cure Lease Violation</b></p> <p>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.</p>   | <p><a href="#">Fiscal Note</a></p> <p>Senate Business, Labor, Technology</p> | <p>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.</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>  |
| <p><a href="#">HB19-1170</a></p> <p>Jackson and Weismann/ A. Williams and Bridges</p> | <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 premise, 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 premise 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>Senate Floor</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> |

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| <a href="#">SB19-180</a><br>Winter/ McCluskie | <b>Eviction Legal Defense Fund</b><br>The bill creates the eviction legal defense fund (fund). The state court administrator will award up to a total of \$750,000 in grants from the fund to qualifying nonprofit organizations (organizations) that provide legal advice, counseling and representation for, and on behalf of, indigent clients who are experiencing an eviction or are at immediate risk of an eviction. The bill lists permissible uses of grant money awarded from the fund. Organizations that receive a grant from the fund are required to report to the state court administrator certain information about services provided by the organization. The state court administrator is required to evaluate the use of grants from the fund every five years and submit that evaluation to the general assembly. The bill includes a legislative declaration. | <a href="#">Fiscal Note</a><br>Senate Judiciary | According to the Legal Services Corporation, low-income Americans received inadequate or no legal help with 86 percent of their civil legal problems. This situation is similar in Colorado. A 2017 study by Colorado Coalition for the Homeless and Colorado Center on Law and Policy, shows that fewer than 1 percent of tenants in Denver County were represented by an attorney during an eviction proceeding, while 90 percent of landlords were represented. The very few tenants able to retain an attorney were much more likely to remain in their residences. Eviction is extremely destabilizing for individuals, families and communities, especially given the affordable housing crisis. Renters who are evicted are often pushed into substandard housing and experience poorer health outcomes and more poverty. In addition, housing instability for older adult tenants can lead to financial and health problems resulting in premature entry into long term care, putting more pressure on the Medicaid budget. | <b>Support</b><br>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. |

#### Other Bills

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| <a href="#">HB 19-1239</a><br>Tipper/ Caraveo | <b>Census Outreach Grant Program</b><br>In the division of local government (division) the bill creates the 2020 census outreach grant program (grant program) in the department of local affairs (department) to provide grants to local governments, intergovernmental agencies, councils of government, housing authorities, school districts and nonprofit organizations (eligible recipients) to support the accurate counting of the population of the state for the 2020 census. For the 2019-20 fiscal year, the bill directs the general assembly to appropriate \$12 million to the department to award grants to eligible recipients for the purposes of the grant program. In addition, the department may solicit, accept and expend gifts, grants or donations from private or public sources for the purposes of the grant program. Councils of government and Area Agencies on Aging would be eligible to receive grants. | <a href="#">N/A</a><br>Senate State Affairs | The 2020 Census will impact all of us for a whole decade. Colorado's future prosperity depends on an accurate count, as many federal programs rely on census data for their calculations. The 2020 Census will be the basis for over \$13 billion in federal funds allocated to Colorado annually. It will determine if Colorado gets an eighth Congressional district. There are reasons to be concerned that a complete, accurate count cannot be achieved without Colorado providing resources to ensure a complete count. The 2020 Census has been underfunded, under-tested, and behind schedule. The new internet-based application raises additional concerns. An incomplete census means fewer federal dollars for everything from health care to transportation to services for older adults. If Colorado does not have an accurate count, we give our funding to other states. The Colorado Fiscal Institute found 25 percent of Coloradans are part of "hard-to-count" groups. The bill provides for grants to local communities for outreach and education. DRCOG staff and lobbyists were successful in getting the sponsors to agree to add references to aging and older adults over 60 in as a hard-to-count group. | <b>Support</b><br>No specific policy |
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