

BOARD UPDATE



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LEGISLATIVE SUMMARY (as of Feb. 20, 2020): This legislative summary lists the status of all legislation that the Denver Regional Council of Governments (DRCOG) supports, opposes or monitors during the 2020 legislative session, as of Feb. 20, 2020. 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	Fiscal Note/ Status	Staff Comments	DRCOG Position/ Legislative Policy
AGING BILLS				
SB20-022	Increase Medical Providers For Senior Citizens	Fiscal Note		Support
Danielson/ Titone & Duran	Modifies the Colorado Health Service Corps program administered by the Primary Care Office in the Department of Public Health and Environment, which includes a loan repayment program. The bill would allow geriatric advanced practice providers, which include advanced practice nurses and physician assistants, to participate in the loan repayment program on the condition of committing to provide geriatric care to older adults in health professional shortage areas for at least two years.	Senate Appropriations	As an Area Agency on Aging, DRCOG staff has observed the value of older adults being treated by providers specifically trained to consider the entire patient. Geriatric practitioners spend more time with patients to understand the social factors that affect older persons and are more likely to consider the need for community services, economic security, risk for fraud and abuse, isolation, and depression. The bill requires an appropriation of \$265,021 for Fiscal Year 2020-21 and a total of \$2 million through Fiscal Year 2024-25 to help repay loans.	As an advocate for older adults, individuals with disabilities, veterans and their caregivers, DRCOG works with various agencies, groups and individuals to support state legislation, regulations and programs to meet their needs. DRCOG supports increased funding for programs and exploration of programs providing services to older adults, individuals with disabilities, veterans and their caregivers, especially services that support individuals continuing to live independently in their homes and communities.
SB20-030	Consumer Protections For Utility Customers	Fiscal Note		Monitor
Garcia/Esgar	The bill requires the Public Utilities Commission to collect information from utilities on medical exemptions from tiered electricity rates; to adopt standard practices for gas and electric utilities to follow when disconnecting service due to nonpayment; and to evaluate a policy of requiring public utilities to report positive information to credit reporting agencies. The bill also prohibits public utilities from employing certain rate structures without obtaining opt-in from customers. The bill will increase state expenditures in fiscal year 2020-2021 only.	Senate Appropriations	This bill amends an existing statute that was enacted to create a medical exemption from tiered electricity rates. Many older adults on low or fixed incomes also rely on medical equipment, such as respirators, for their health. DRCOG worked on this issue several years ago to support the medical exemption.	DRCOG supports consumer protections that enable older adults and individuals with disabilities to age in place.
SB20-033	Allow Medicaid Buy-in Program After Age 65	Fiscal Note		Support

Tate/Lontine	<p>Authorizes working adults with disabilities who are over 65 to continue participating in the existing Medicaid buy-in program as a state-funded program, without federal matching money, if, in part, the working adult:</p> <ul style="list-style-type: none"> • is enrolled in or has applied for Medicare; • is eligible for and receiving long-term care home- and community-based services or durable medical equipment as part of complex rehabilitative services or has extraordinary medical expenses, as determined by rule of the state board, that are not covered by Medicare; • except as specified in the bill, was continuously enrolled in and receiving services through the Medicaid buy-in program for at least one year immediately prior to attaining 65 years of age; and • continues to meet the work requirements for the Medicaid buy-in program. 	Senate Finance	<p>Since 2014, the Medicaid Buy-In for Working Adults with Disabilities has been a path out of poverty for people with disabilities. It allows people who have a disability and a job to buy into Medicaid and if needed long-term services and supports. It allows people to earn up to 450% federal poverty level but only 50% of earned income counts and there is no asset test. All other disability paths into Medicaid carry a \$2,000 asset limit and strict earnings limits. However, under federal law it is only available to people between the ages of 16-65. If someone lives past age 65 they have to impoverish themselves to keep Medicaid. They have to get rid any assets saved during working years, stop or dramatically reduce work, forgoing any retirement savings.</p>	DRCOG supports consumer protections that enable older adults and individuals with disabilities to age in place.
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TRANSPORTATION BILLS

SB20-017	Transportation Public-Private Partnership Reporting	Fiscal Note		Monitor
Winter/Gray	<p>Under current law, the High-Performance Transportation Enterprise is annually required by Feb. 15 to present a report of the enterprise's activities to the House Transportation and Local Government Committee and the Senate Transportation and Energy Committee. By Feb. 15, 2021, this bill requires the High-Performance Transportation Enterprise to include the following information for each executed or proposed public-private partnerships in its report:</p> <ul style="list-style-type: none"> • a summary of High-Performance Transportation Enterprise's processes and activities leading up to the public-private partnership, including information on the public comment and selection processes; and • a summary of the major financial, performance, and length-of-term provisions in actual or anticipated public-private partnership agreements. 	House Floor	<p>This bill is intended to improve transparency of High-Performance Transportation Enterprise operation by increasing its reporting requirements. As amended, the bill also requires the annual report to address the processes for keeping the state legislators and local elected officials who represent any area in which a surface transportation infrastructure project of the public-private partnership will be located informed and updated about the project and the public-private partnership.</p>	no specific policy
SB20-044	Sales And Use Tax Revenue For Transportation	Fiscal Note		Monitor
Lundeen/Carver	<p>For state fiscal year beginning July 1, 2020, the bill requires 10% of net revenue from sales and use tax, as a portion of the taxes attributable to sales or use of vehicles and related items, to be credited to the Highway Users Tax Fund and thereafter allocated for state, county, and municipal highway system projects in accordance with the existing second stream formula for the allocation of Highway Users Tax Fund money as follows: 60% to the state highway fund; 22% to counties; and 18% to municipalities.</p>	Senate State Affairs Postponed Indefinitely	<p>This bill is similar to SB97-001 that was repealed when SB09-225 was enacted. The fiscal note for the bill is not yet available. In past sessions, the DRCOG Board has opposed simply increasing General Fund transfers to transportation with consideration of the affect the transfers could have on other state priorities, especially aging services.</p>	DRCOG transportation funding legislative policy speaks to the need for a revenue system that is reliable and sufficient through enhancements to existing revenue sources and the enactment of new revenue sources. Within this policy framework, DRCOG supports increases in funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities.
SB20-061	Yield To Bicycles in Bicycle Lanes	Fiscal Note		Support
Foote/Becker	<p>Creates a new traffic offense for failing to yield to a bicycle in a bicycle lane. The offense is a class A traffic offense unless it is the proximate cause of a crash or if it causes bodily injury, then it</p>	House Judiciary	<p>This bill is consistent with Board goals for safety on the roadways. It was amended to include "other authorized user(s)" of a bike lane.</p>	DRCOG supports measures to improve safety for users of alternative modes, especially pedestrians and bicyclists. DRCOG supports efforts to improve the safety of the traveling public – drivers, transit riders,

is careless driving and is punished under the careless driving offense.

pedestrians and bicyclists. DRCOG supports educational, enforcement and engineering approaches that enhance safety to reduce crashes, serious injuries and fatalities.

[SB20-067](#)

Vehicle Specific Ownership Tax Actual Price

[Fiscal Note](#)

Monitor

Crowder

The bill changes this taxable value from manufacturer's suggested retail price to the actual purchase price.

Finance Postponed Indefinitely

Current law uses the manufacturer's suggested retail price of a vehicle to determine taxable value, which is used to determine the amount of the specific ownership tax. For class A and B vehicles that weigh 16,000 pounds or less, current law uses 75% of the manufacturer's suggested retail price; for class C and D vehicles, current law uses 85% of manufacturer's suggested retail price.

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[HB20-1151](#)

Expand Authority for Regional Transportation Improvements [Fiscal Note](#)

Monitor

Gray/Winter

Authorizes a transportation planning organization to exercise the powers of a regional transportation authority. Among other powers, the powers of a regional transportation authority include the power to impose various charges, fees, and, with voter approval, visitor benefit, sales, and use taxes to generate transportation funding. Any additional transportation funding obtained by a transportation planning organization exercising the power of a regional transportation authority are intended to supplement and not supplant state transportation funding allocated within the boundaries. Therefore, the Transportation Commission and the Department of Transportation are prohibited from taking such additional transportation funding into account when determining the amount of state transportation funding to be allocated within the boundaries of a transportation planning organization.

House Transportation & Local Government + Appropriations

DRCOG Board members discussed this bill at the February Board Work Session. The bill would enable transportation planning organizations (defined as metropolitan planning organizations and rural transportation planning organizations) to create and exercise the powers of a regional transportation authority. As of the date of this posting, Colorado Counties, Inc. has a position of oppose and Colorado Municipal League has taken a neutral position on this bill.

DRCOG supports the principle of protecting and expanding the authority of regions to implement regional financing tools. DRCOG supports increasing funding for transportation to preserve the system, address congestion and safety, and provide multi-modal options for people of all ages, incomes and abilities and the consideration of alternative revenue and financing mechanisms.

HOUSING BILLS

[HB20-1009](#)

Suppressing Court Records Of Eviction Proceedings

[Fiscal Note](#)

Support

Jackson/ Winter

The bill requires a court to suppress court records related to an eviction proceeding or an action for termination of a mobile home park tenancy so that the records are not publicly available. If an order granting the plaintiff possession of the premises is entered in the action, the court must lift the suppression order unless the parties agree that the records should remain suppressed. The names of the parties included in a court record that is suppressed may be used by a court for administrative purposes, but the court shall not, for any reason, publish the names of the parties online. A summons in an eviction proceeding must include a notice concerning suppression of court records related to the action.

Senate Judiciary

The DRCOG Board supported SB19-180, which established a legal defense fund to help low income Coloradans facing eviction, as an approach to address a disparity low income individuals encounter under our legal system and to help prevent homelessness before it occurs. This bill is intended to remove a major barrier to housing by limiting public access to eviction court records when the eviction is dismissed. This would provide housing opportunities to many people who are experiencing poverty.

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.

[HB20-1141](#)

Restrictions on fees charged by landlords

[Fiscal Note](#)

Support

Caraveo & Gonzales-Gutierrez/ Gonzales

Establishes a variety of restrictions or prohibitions on a landlord of a mobile home park or a residential premises (landlord) related to charging a tenant or mobile home owner late fees.

House Business Affairs & Labor

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. Last session, DRCOG supported HB 19-1127, which placed restrictions on rental application fees.

DRCOG supports renters and homeowners (including manufactured home owners) having appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law. DRCOG supports policies, programs and services that preserve existing affordable housing stock, promote access to a variety of housing options in diverse geographic locations, and provide consumer protections that enable older adults and individuals with disabilities to age in place

[HB20-1196](#)

Mobile Home Park Act Updates

[Fiscal Note](#)

Support

Hooton & McCluskie/Fenberg & Lee

Amends the Act and the Mobile Home Park Act Dispute Resolution and Enforcement Program, clarifying notice provisions related to termination of tenancy, maintenance and repair, and water billing; prohibiting retaliatory actions; requiring consent of each homeowner to amend rules and regulations; and establishing privacy protections.

House Transportation & Local Government

This bill and the following companion bill (HB 20-1201) are follow up legislation to HB 19-1309, which granted counties powers to enact mobile home park ordinances, established homeowner protections, and a dispute resolution program to be administered by the Division of Housing. So far, staff is aware of support for both bills from Boulder County, the City of Boulder, Longmont, and Adams County.

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[HB20-1201](#)

Mobile Home Park Residents Opportunity To Purchases

[Fiscal Note](#)

Support

Hooton & Gonzales-Gutierrez/ Moreno & Ginal

Gives home owners in a mobile home park the opportunity to make an offer to buy the park if the landlord anticipates selling it or changing the use of the land. A landlord must give notice of a pending sale to the home owners, the applicable municipality or county, the division of housing in the department of local affairs, and each home owners' association, residents' association, or similar body that represents the residents of the park. The home owners then have 90 days to make an offer to purchase and arrange financing if necessary. A purchase may be made by an association representing at least 51% of the home owners.

Transportation & Local Government

If a sale of a mobile home park occurs and the home owners are not the buyers, the landlord must send the municipality or county and the division of housing an affidavit of compliance with the requirements of the bill. The notice and purchase-option provisions do not apply if the proposed sale is to a family member of the landlord or to someone who is already a cotenant of the property or if a transfer occurs due to inheritance or eminent domain.

DRCOG supports renters and homeowners (including manufactured home owners) having appropriate protections from discrimination and displacement. Policies should emphasize the rights of residents and minimize disparities in treatment under the law. DRCOG supports policies, programs and services that preserve existing affordable housing stock, promote access to a variety of housing options in diverse geographic locations, and provide consumer protections that enable older adults and individuals with disabilities to age in place.