

BOARD UPDATE



1001 17th St. • Suite 700 • Denver, CO 80202
 main: 303-455-1000 • fax: 303-480-6790 • email: drcog@drcog.org • web: drcog.org

LEGISLATIVE SUMMARY (as of June 16, 2021): This legislative summary lists the status of all legislation that the Denver Regional Council of Governments supports, opposes or monitors during the 2021 legislative session, as of June 16, 2021. 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
AGING BILLS				
HB21-1172	Hospital Patient Long-Term Care Resident Visit Rights	Fiscal note		Monitor
Geitner/ Smallwood and Ginal	The bill specifies that a patient admitted to a hospital for inpatient care and a resident of a nursing care facility or assisted living residence may have at least one visitor of the patient’s or resident’s choosing during the stay or residency. These health care facilities must have written policies and procedures regarding the visitation rights of patients and residents, including policies and procedures setting forth any clinically necessary or reasonable restriction or limitation that the health care facility may need to place on patient and resident visitation rights and the reasons for the restriction or limitation. The bill also prohibits a health care facility from adopting policies or procedures that prohibit visitation of a patient or resident if the sole reason for the prohibition is to reduce the risk of transmission of a pandemic disease, but a health care facility may impose specified requirements and limitations for visitors to reduce the risk of transmission of the pandemic disease.	Postponed indefinitely House Health and Insurance	DRCOG’s long-term care ombudsmen have been concerned about the health effects on residents of long-term care facilities since the pandemic resulted in visitation restrictions. As public health authorities have begun to allow some return to visitation, implementation of visitation protocols has been uneven. Staff intends to work with the sponsors of this bill, the state and public health authorities to reinstate visitation in a safe, consistent manner.	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 and consumer advocates.
HB21-1187	Long-Term Services and Support Case Management Redesign	Fiscal note		Monitor
Young and Pelton/ Rankin and Winter	The bill requires the Medical Services Board to adopt rules providing for the establishment of a redesigned case management system, no later than July 1, 2024, that consists of case management agencies throughout the state for the purpose of enabling individuals in need of long-term care to access appropriate long-term services and supports. No later than Dec. 31, 2021, the Department of Health Care Policy and Financing shall work with stakeholders to develop a timeline for the implementation of the system. No later than Dec. 31, 2022, Department of Health Care Policy and Financing shall issue a competitive solicitation in order to select case management agencies for the system.	Signed by the governor	Current law provides for the establishment of a single entry point system that consists of single entry point agencies throughout the state for the purpose of enabling individuals age 18 or older in need of long-term care to access appropriate long-term care services.	DRCOG supports collaboration and partnerships to better meet the service needs of older adults consistent with DRCOG’s responsibilities as an Area Agency on Aging and an Aging and Disability Resource Center.

Bill No. / Sponsor	Short title Bill summary	Status	Staff comments	DRCOG position Legislative policy
HB21-1227 Lontine/Fields	Nursing Home Demonstration of Need The bill requires the Department of Health Care Policy and Financing to develop, analyze and enforce a demonstration of need for each new nursing facility provider seeking Medicaid certification (does not apply to a nursing facility provider certified prior to June 30, 2021); requires the Medical Services Board to promulgate rules, no later than June 30, 2022, addressing establishment of criteria to be used in determining a provider's Medicaid certification; and allows the Department of Health Care Policy and Financing to exempt nursing facilities with five or fewer Medicaid beds from the current reimbursement methodology and instead require the facilities to be reimbursed at the statewide average rate.	Fiscal note Signed by the governor	A demonstration of need policy permits the Department of Health Care Policy and Financing to only authorize expansion of skilled nursing Medicaid providers when localities can sustain expansion. This would include a set of clear and predetermined criteria the department would use to approve or deny facilities that seek to serve Medicaid members. The criteria would be based on an analysis of demographics at the county level and the needs of the surrounding community. The policy will ensure stability, access to care and quality of care remain consistent for one of the region's most vulnerable populations.	Monitor 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 for All-Inclusive Care for the Elderly ombudsman as resident and consumer advocates. DRCOG urges the state, when making decisions regarding funding for long-term care programs, to structure such funding to protect the quality of care for residents and participants, including funding for optimal ombudsman staffing.
SB21-158 Danielson and Pettersen/ Titone and Duran	Increase Medical Providers for Senior Citizens The bill 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, as follows: allows geriatric advanced practice providers, which include advanced practice registered nurses and physician assistants with geriatric training or experience, 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 a specified period; and requires the General Assembly to annually and continuously appropriate money from the general fund to the office for the 2021-2022 through the 2025-2026 fiscal years to help repay loans for geriatric advanced practice providers.	Fiscal note Signed by the governor	This is a reintroduction of SB20-022, a bill DRCOG supported during the 2020 session. The bill was pulled after the pandemic shortened the legislative session. 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 appropriates \$400,000 for the first year of the program.	Support 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.
SB21-181 Fields and Coram/ Herod	Equity Strategic Plan Address Health Disparities The bill renames the existing "health disparities grant program" to the "health disparities and community grant program" and expands the program to authorize the office of health equity to: award grants from money currently transferred from the prevention, early detection, and treatment fund to the Health Disparities Grant Program Fund for the purpose of positively affecting social determinants of health to reduce the risk of future disease and exacerbating health disparities in underrepresented populations; and award grants from any additional money appropriated by the General Assembly to the Health Disparities Grant Program Fund to community organizations to reduce health disparities in underrepresented communities through policy and systems changes regarding the social determinants of health. Within six months of the publication of the office's first report, the governor is required to convene the health equity commission to develop an equity strategic plan. Specific state agencies are required to participate in the state agency work group to ensure coordination in equity-related work across state agencies to address social determinants of health in each agency's respective area.	Fiscal note Signed by the governor	The definition in statute of "health disparities" includes differences in health status, access to care, and quality of care as determined by race, ethnicity, sexual orientation, gender identity, disability status, aging population, socioeconomic status and other factors. The bill appropriates \$4,841,205 from the General Fund and \$51,783 from the Health Disparities Grant Program fund to implement the bill.	Support DRCOG supports collaboration and partnerships to better meet the service needs of older adults consistent with DRCOG's responsibilities as an Area Agency on Aging and an Aging and Disability Resource Center.

Bill No. / Sponsor	Short title Bill summary	Status	Staff comments	DRCOG position Legislative policy
SB21-290	Security for Colorado Seniors	Fiscal note		No position
Danielson and Buckner/ Young and Bradfield	The bill creates the Area Agency on Aging Grant Program in the Department of Human Services State Office on Aging. The purpose of the grant program is to assist and support the health, well-being and security of older Coloradans. The bill requires the State Office on Aging and the state's area agencies on aging to collaborate in adopting the policies and procedures for the administration of the grant program; establishing and publishing criteria for the grant program; and creating application procedures by which area agencies on aging may apply for and receive money from the grant program.	Signed by the governor	This bill was introduced after the May Board meeting. Since the bill is specifically focused on providing \$15 million for the state's area agencies on aging, DRCOG staff and lobbyists worked closely with the sponsors to craft the bill. Eligible uses of the money include community services for older Coloradans; infrastructure improvements; health promotion, congregate meals, and socialization activities; transportation services; home modification programs; and implementation of evidence-based fall prevention and chronic disease management programs.	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, including efforts to improve data collection and analysis of cost effectiveness.

TRANSPORTATION BILLS

HB21-1076	Carpooling Service Internet Application Register Colorado Department of Transportation	Fiscal note		Support
McCluskie and Will/ Donovan	The bill requires the owner or operator of a carpooling service internet application to register annually with the Colorado Department of Transportation. Owners or operators are also required to disclose to users of the internet application that carpooling service companies are not regulated by the state; that the state does not conduct medical examinations, vehicle inspections or insurance verification in relation to the provision of carpooling service; and that background checks on drivers might not be conducted. The bill also requires that the amount that can be charged to a user through the internet application be reasonably calculated to cover the direct and indirect costs of providing carpooling service and limits the number of passengers that a driver providing carpooling service through the internet application may transport at any one time.	Signed by the governor	This is a new version of HB20-1315, which was pulled after the pandemic shortened the legislative session. The bill has been proposed by the I-70 Coalition and is intended to be a fix to the barriers the emerging I-70 carpool apps have encountered with the Public Utilities Coalition. Counties and Commissioners Acting Together is supporting the bill.	DRCOG supports carpooling, vanpooling and other forms of ride-sharing including the underlying technologies to facilitate matches and coordination of transportation alternatives wherever traffic congestion occurs
HB21-1186	Regional Transportation District Operation	Fiscal note		Support
Gray and Sullivan/ Winter and Bridges	The bill amends provisions related to the operation of the Regional Transportation District, including: removing a cap on the amount of all vehicular service RTD can allow to be provided by third parties under competitive contracts and retaining the cap on the amount of fixed-route bus service that may be provided through such contracts; expanding the types of entities RTD can contract with to include nonprofit organizations and local government; repealing farebox recovery ratio requirements and requiring RTD to include in its annual financial reports information on annual operating costs, ridership numbers and operating costs divided by ridership as a measure of the cost efficiency of its services; repealing a limitation on developments that would reduce parking at a facility or result in a competitive disadvantage to private businesses near the facility; and repealing limitations on RTD's authority to charge fees and manage parking at district parking facilities.	Signed by the governor	This bill is intended to implement the initial recommendations of the RTD Accountability Committee.	DRCOG supports legislation that promotes efforts to fund, maintain and expand a multimodal transportation system.

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HB21-1196 D. Valdez and Pico/ Zenzinger	Update SB19-263 Effective Date Clause Statutory Revision Committee. In 2017, the legislature enacted SB17-267, which required the state treasurer to issue up to \$500 million of lease-purchase agreements (certificates of participation) in each of the 2018-2019, 2019-2020, 2020-2021 and 2021-2022 state fiscal years for the purpose of funding transportation projects. In 2018, the legislature enacted SB18-001, which referred a statewide ballot issue at the November 2019 election that, if approved, would have authorized the state to issue transportation revenue anticipation notes for the purpose of funding transportation projects and prevented the issuance of the last three years of certificates of participation. When enacting SB18-001, the legislature intended that, upon approval of the ballot issue, the transportation revenue anticipation notes authorized would replace the unissued certificates of participation as a source of funding for transportation projects. In 2019, the legislature enacted SB19-263, which delayed the referral of the ballot issue until the 11-20 general election. Consistent with the intent of replacing certificates of participation funding with transportation revenue anticipation notes funding upon approval of the ballot issue, SB19-263 also reduced the authorized amount of transportation revenue anticipation notes because approval in 2020 rather than 2019 would prevent the issuance of only two, rather than three, years of certificates of participation.	Fiscal note Vetoed	In 2020, the General Assembly also enacted SB20-152, which corrected a technical error in the effective date clause of SB19-263 that would have frustrated the intent of the General Assembly by allowing transportation revenue anticipation notes to be authorized without preventing the issuance of two years of certificates of participation. In 2020, after SB20-152 was enacted, the General Assembly enacted HB20-1376, which further delayed the referral of the ballot issue to the November 2021 statewide election and again reduced the authorized amount of transportation revenue anticipation notes because approval of the ballot issue in 2021, rather than 2020, would prevent the issuance of only one, rather than two, years of certificates of participation. Due to the additional delay, if the effective date clause of SB19-263, as amended by SB20-152, is not amended again, transportation revenue anticipation notes could be authorized without preventing the issuance of one year of certificates of participation. To ensure that this unintended result does not occur, the bill amends the effective date clause of SB19-263, as amended by SB20-152, to correct this issue and thereby ensure that approval of the ballot issue will prevent the issuance of one year of transportation revenue anticipation notes as intended by the General Assembly.	Support 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.
HB21-1205 Pico	Electric Vehicle Road Usage Equalization Fee The bill requires a road usage equalization fee to be imposed at the time of annual registration on each plug-in electric motor vehicle that is required to be registered in the state. The fee is set in an amount that is estimated to achieve parity between the aggregate amount of motor vehicle registration fees and motor fuel excise taxes paid per vehicle by owners of plug-in electric motor vehicles and vehicles fueled by gasoline, diesel, or other special fuels and is annually adjusted for inflation. Revenue generated by the fee: Must be credited to the Highway Users Tax Fund and distributed pursuant to the existing "second stream" Highway Users Tax Fund allocation formula as follows: 60% to the state highway fund; 22% to counties; and 18% to municipalities; and must be used only for maintenance of existing highways, streets, and roads.	Fiscal note Postponed Indefinitely House Energy and Environment	The Colorado Department of Transportation and the Department of Revenue are required to form a joint working group to develop recommendations as to whether and to what extent the equalization fee should be adjusted to achieve the goal of maintaining parity between plug-in electric motor vehicle owners and owners of motor vehicles that use motor fuel for propulsion with respect to the aggregate amount in motor vehicle registration fees and motor fuel taxes paid. The recommendations must include recommendations as to whether the road equalization fee needs to be adjusted to account for changes to motor fuel excise tax rates or the imposition of other government charges that are calculated on the basis of motor fuel consumption, whether the amount of the fee should be different for personal and commercial vehicles, or whether the amount of the fee should vary based on specified factors. After the joint working group reports to the executive directors, the executive directors or their designees must prepare a written report regarding the recommendations for presentation to the transportation legislation review committee during the 2022 interim.	Monitor 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; and consideration of alternative revenue and financing mechanisms, such as road usage charges, and, under certain circumstances, tolling and congestion pricing of existing roadways. DRCOG also supports: efforts to reduce emissions from all sources; alternative fuel sources and clean-burning technology; and incentives for purchasing high fuel economy or alternative fuel vehicles.

Bill No. / Sponsor	Short title Bill summary	Status	Staff comments	DRCOG position Legislative policy
SB21-238 Garcia and Zenzinger/ Esgar and Gray	Create Front Range Passenger Rail District The bill creates the Front Range Passenger Rail district for the purpose of planning, designing, developing, financing, constructing, operating and maintaining an interconnected passenger rail system along the Front Range. The district is specifically required to work collaboratively with the Regional Transportation District to ensure interconnectivity with any passenger rail system operated by or for the RTD and with Amtrak on interconnectivity with Amtrak's Southwest Chief, California Zephyr and Winter Park Express trains, including but not limited to, rerouting of the Amtrak Southwest Chief passenger train. If deemed appropriate by the board of directors of the Front Range Passenger Rail district and by the board of directors of RTD, the district may share with RTD capital costs associated with shared use of rail line infrastructure in the Northwest Rail Line corridor for passenger train service.	Fiscal note Signed by the governor	The area that comprises the Front Range Passenger Rail district extends from Wyoming to New Mexico. The district is governed by a board of directors composed of appointees of transportation planning organizations that have jurisdiction within the territory of the district, the governor, and the executive director of the Colorado Department of Transportation, as well as a nonvoting representative of the Regional Transportation District. The Front Range Passenger Rail district is authorized to exercise the powers necessary to plan, design, develop, finance, construct, operate and maintain the system, subject to voter approval, levy a sales tax and enter into public-private partnerships.	Monitor 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 legislation that promotes efforts to fund, maintain and expand a multimodal transportation system.
SB21-260 Fenberg/ Winter and Garnett/ Gray	Sustainability of the Transportation System The bill increases spending for the state's transportation system through General Fund transfers and new fees; creates and modifies state enterprises; and expands authority for transportation planning organizations. This bill creates new sources of dedicated funding for the state's transportation system, creates four new state enterprises, modifies an existing state enterprise. It provides for increased state and local spending on transportation statewide.	Fiscal note Signed by the governor	This is the bill that Senator Winter and Representative Gray have spent many months working on since last year, including countless meetings and presentations explaining the issues and listening to input. That includes several meetings with DRCOG staff and its members.	Support 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 legislation that promotes efforts to fund, maintain and expand a multimodal transportation system.

HOUSING BILLS

HB21-1117 Lontine and Gonzales-Gutierrez/ Gonzales and Rodriguez	Local Government Authority Promote Affordable Housing Units The bill clarifies that the existing authority of cities and counties to plan for and regulate the use of land includes the authority to regulate development or redevelopment in order to promote the construction of new affordable housing units. The provisions of the state's rent control statute do not apply to any land use regulation that restricts rents on newly constructed or redeveloped housing units as long as the regulation provides a choice of options to the property owner or land developer and creates one or more alternatives to the construction of new affordable housing units on the building site.	Fiscal note Signed by the governor	This bill was initiated by the Colorado Municipal League. Colorado Counties, Inc. and Counties and Commissioners Acting Together also support the bill. The bill was amended to also state that it should not be construed to authorize a local government to adopt or enforce any ordinance or regulation that would have the effect of controlling rent on any existing private residential housing unit in violation of the existing statutory prohibition on rent control. And a local government shall not exercise the authority unless the local government demonstrates its commitment to increasing the overall number and density of housing units within its jurisdictional boundaries and its commitment to promoting or creating incentives to the construction of affordable housing units.	Support 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
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Bill No. / Sponsor	Short title Bill summary	Status	Staff comments	DRCOG position Legislative policy
<p>HB21-1121</p> <p>Jackson and Jodeh/ Gonzales</p>	<p>Residential Tenancy Procedures</p> <p>Under existing law, a court summons must contain a statement to the defendant that explains the consequences of failing to answer and requirements related to certain defenses. The bill includes updated language explaining consequences for failing to answer, the content of a defendant's answer, and fees and deposits related to filing an answer. Under existing law, if a landlord wins judgment in an eviction action, the court cannot issue a writ of restitution directing the county sheriff to assist the landlord to remove the tenant until 48 hours after judgment. The bill prohibits a sheriff from executing a writ until at least 10 days after judgment. It prohibits residential landlords from increasing rent more than once in a 12-month period. Under existing law, for a tenancy of one to six months without a written agreement, a landlord must give 21 days' written notice prior to increasing the rent. The bill extends the notice period to 60 days and applies to a tenancy of any duration. The bill prohibits a landlord from terminating a residential tenancy in which there is no written agreement with the primary purpose of increasing a tenant's rent without providing 60 days' notice.</p>	<p>Fiscal note</p> <p>Signed by the governor</p>	<p>As introduced, the bill made numerous changes to existing law requirements, process and procedures landlords and tenants must follow. The bill was amended extensively. The summary here reflects the bill as passed.</p>	<p>Support</p> <p>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.</p>
<p>SB21-173</p> <p>Gonzales-Gutierrez and Caraveo/ Moreno and Gonzales</p>	<p>Rights In Residential Lease Agreements</p> <p>The bill addresses several items related to landlord and tenant rights in residential rental agreements, particularly related to legal and court processes, including removal or exclusion from a dwelling, filing of complaints, answering complaints, judgement appeals, restitution, warranty of habitability, liquidated damage clauses, one-way fee-shifting clauses, right to a trial by jury. The bill also amends or prohibits certain late fees, charges and penalties a landlord of a mobile home park or a residential premises may impose on a tenant or mobile home owner. The bill also addresses penalties on landlords who commit violations.</p>	<p>Fiscal note</p> <p>Signed by the governor</p>	<p>These reforms of eviction court processes are intended to give tenants more opportunities to resolve issues, especially regarding payment of rent, that may occur with a landlord, as well as to ensure landlord accountability for unfair practices. These reforms also are intended to keep tenants housed and housed in safe, healthy settings. Amendments eliminating the right to a jury trial and changing the cure period to end at the time of judgement rather than 48 hours post-judgement eliminated the fiscal impact.</p>	<p>Support</p> <p>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.</p>