



**Colorado
Legislative
Council
Staff**

HB16-1191

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0114
Prime Sponsor(s): Rep. Salazar; Melton

Date: February 17, 2016
Bill Status: House Local Government
Fiscal Analyst: Josh Abram (303-866-3561)

BILL TOPIC: BILL OF RIGHTS FOR PERSONS WHO ARE HOMELESS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Workload and expenditure increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing workload and expenditure increase.		

Summary of Legislation

This bill establishes a set of rights for persons experiencing homelessness. A person experiencing homelessness is permitted to use public spaces in the same manner as any other person. Public spaces include any property partially or wholly owned by a state or local government, any other property with an easement for public use, and, when used in the context of an enclosed area, only applies to those enclosed areas open to the public.

The rights of a person experiencing homelessness are enforceable against both public and private parties, and include the right to:

- use and move freely in public spaces;
- rest, which includes sleeping in public spaces and seeking shelter from the elements in a manner that does not obstruct the use of or access to private property;
- eat and share food;
- occupy a person's own legally parked car; and
- maintain privacy over personal property.

Providers of services to homeless persons are not obligated to provide shelter or other services that are unavailable.

State Expenditures

State expenditures will increase as a result of the enforcement of new legal rights, including increased security and maintenance requirements impacting state agencies that own or maintain property. Starting in FY 2015-16, the workload of the Colorado State Patrol (CSP) in the

Department of Public Safety will increase. The fiscal note does not estimate a specific need for state appropriations to implement the bill, but additional resources may be requested through the annual budget process if the bill results in significant new workload for an affected state agency.

Department of Public Safety — CSP. Workload for the CSP may increase to the extent that a greater concentration of the homeless population is attracted to public spaces within the jurisdiction of patrol units, including downtown Denver's Executive and Capitol Complex Security Units. The CSP will monitor resting persons for their own security and the security of their possessions, and to enforce various public safety and security rules at public facilities.

State agencies that own or maintain public spaces. Various state agencies own or manage property that may be used by persons experiencing homelessness. This includes the Department of Personnel and Administration, which manages the Capitol Complex, and institutions of higher education, with campuses such as the Auraria Higher Education Center in Denver. The bill increases workload for these state agencies to maintain public spaces, post signage explaining rules, and provide appropriate security. Affected agencies may seek legal counsel regarding implementation of the bill, increasing the workload of the Attorney General's Office in the Department of Law.

Local Government, School District, and Statutory Public Entity Impact

The bill affects municipalities, counties, special districts, school districts, statutory public entities, and other local entities that own or maintain public spaces. These local entities will experience an increase in costs related to security, law enforcement, and maintenance of public spaces.

Local entities that own or maintain public spaces. The expenditures of local entities will increase to amend rules, regulations, and policies; to monitor the security of persons experiencing homelessness and their possessions; and to manage public spaces. At the same time, the number of individuals jailed or prosecuted for activities covered by the bill will be reduced, decreasing associated local expenditures (e.g, the cost to house an offender in county jails varies from about \$53 to \$114 per day). Fines revenue for municipal ordinance violations will also decrease.

The Regional Transportation District (RTD) anticipates significant cost increases for security and custodial services across its territory; a 20 percent increase in these budget lines for RTD would result in annual costs of over \$2 million. Law enforcement is likely to be involved in any solution that involves the use of public space, and the bill is likely to require the implementation of new training and procedures, as well as ongoing costs to protect both the homeless population and the general public.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections
Human Services
Local Affairs
Personnel
RTD
Special Districts

Counties
Judicial
Municipalities
Public Health
Regulatory Agencies
Transportation

Education
Law
Natural Resources
Public Safety
Sheriffs

Research Note Available

An LCS Research Note for HB16-1191 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.