

CHAPTER 151

GOVERNMENT - STATE

SENATE BILL 12-158

BY SENATOR(S) Boyd, Aguilar, Foster, Guzman, Hodge, Newell, Schwartz, Williams S.;
also REPRESENTATIVE(S) Bradford, Court, Duran, Fields, Fischer, Kefalas, Kerr J., Labuda, Peniston, Schafer S., Todd.

AN ACT

CONCERNING THE CONSOLIDATION OF TWO PUBLIC HOUSING AGENCIES WITHIN THE DIVISION OF
HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-32-703, **amend** (8) as follows:

24-32-703. Definitions. As used in this part 7, unless the context otherwise requires:

(8) "State agency" means any board, bureau, commission, department, institution, division, section, OFFICE, or officer of the state, except those in the legislative branch or judicial branch and except state educational institutions administered pursuant to part 3 of article 33.5 of this title and title 23, C.R.S., ~~excluding articles 8 and 9~~ ARTICLE 8, parts 2 and 3 of article 21, and parts 2 to 4 of ~~article 30~~ ARTICLE 31 of title 23, C.R.S.

SECTION 2. In Colorado Revised Statutes, 24-32-705, **amend** (1) (t) as follows:

24-32-705. Functions of division - repeal. (1) The division has the following functions:

(t) To serve as the sole state agency for the purpose of administering ~~any state plans for~~ AND DISTRIBUTING financial housing assistance to persons in low- and moderate-income households ~~for the purpose of assisting~~ AND TO PERSONS WITH DISABILITIES AND ASSIST such persons in obtaining housing, including, without limitation, rental assistance. ~~technical assistance, the construction and rehabilitation of housing, as well as any other state plan relating to such financial housing assistance that requires state action that has not been made the specific~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~responsibility of any other state agency in accordance with federal or state law. The consolidation of financial housing assistance functions within the division shall include the office of homeless youth services created in section 24-32-723 (3). The office shall perform its powers, duties, and functions under the division and the executive director as if the same were transferred to the department by a type 2 transfer under the provisions of the "Administrative Organization Act of 1968", article 1 of this title.~~

SECTION 3. In Colorado Revised Statutes, 24-32-722, **amend** (1), (2) (b), (3) (a) (I), (3) (b), (3) (c), (4), and (7); and **repeal** (5) and (6) as follows:

24-32-722. Consolidation of public housing agencies for low- and moderate-income households and persons with disabilities into the division - legislative declaration - repeal. (1) The general assembly hereby finds, determines, and declares that:

(a) ~~Both the department of local affairs and the department of human services administer programs~~ THE DIVISION IS A STATE PUBLIC HOUSING AGENCY that ~~distribute~~ DISTRIBUTES federal housing moneys to persons in low- and moderate-income households and to persons with disabilities to assist such persons in obtaining housing. THE DIVISION ALSO ADMINISTERS THE SUPPORTIVE HOUSING PROGRAM, A PUBLIC HOUSING AGENCY THAT DISTRIBUTES FEDERAL HOUSING MONEYS TO PERSONS WITH DISABILITIES TO ASSIST SUCH PERSONS IN OBTAINING HOUSING. Such moneys largely consist of section 8 housing voucher moneys distributed by the United States department of housing and urban development to the division in accordance with sections 24-32-702 (4) and 24-32-705 (1) (i) and to the ~~department of human services to provide housing to persons with disabilities~~ SUPPORTIVE HOUSING PROGRAM. Such moneys are distributed by the ~~departments of local affairs and human services~~ DIVISION to housing authorities and other eligible nonprofit entities across the state as provided by law or in accordance with agreements for the receipts of grants or services from the federal government.

(b) ~~Consolidating any program~~ THE TWO PUBLIC HOUSING AGENCIES administered by the state that ~~provides~~ PROVIDE financial housing assistance to persons in low- and moderate-income households and persons with disabilities ~~for the purpose of assisting~~ TO ASSIST such persons in obtaining housing ~~within~~ INTO the division will promote economic efficiencies, allow for statewide strategic planning and administration of financial housing assistance, and maximize the amount of federal funding made available to local housing authorities and other local eligible nonprofit agencies.

(2) (b) By enacting this section, the general assembly intends to transfer all authority over ~~the programs~~ THE TWO PUBLIC HOUSING AGENCIES that provide financial housing assistance to persons in low- and moderate-income households and persons with disabilities ~~from the department of human services to the department of local affairs~~ DIVISION.

(3) (a) (I) ~~Except as otherwise provided in subparagraph (II) of this paragraph (a),~~ Not later than July 1, 2011, ~~any program~~ 2012, THE TWO PUBLIC HOUSING AGENCIES administered by the state that ~~provides~~ PROVIDE financial housing assistance to persons in low- and moderate-income households and persons with disabilities ~~for~~

~~the purpose of assisting~~ TO ASSIST such persons in obtaining housing vouchers and other forms of such assistance shall be consolidated ~~within~~ INTO the division in accordance with the provisions of section 24-32-705 (1) (t).

(b) The consolidation required by paragraph (a) of this subsection (3) shall be organized in such manner that ~~one housing authority will be maintained within the division to assist persons with disabilities as defined by the "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12102 (2), and the other authority will be maintained within the division to assist persons in communities statewide~~ THE DIVISION IS THE SOLE STATE AGENCY FOR THE PURPOSE OF ADMINISTERING AND DISTRIBUTING FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND TO PERSONS WITH DISABILITIES TO ASSIST SUCH PERSONS IN OBTAINING HOUSING, INCLUDING, WITHOUT LIMITATION, RENTAL ASSISTANCE.

(c) Except as may be otherwise required by federal law, for the ~~2011-12~~ 2012-13 state fiscal year and for any subsequent state fiscal year, and notwithstanding any other provision of law and subject to available funding received from the federal government, the number of housing vouchers made available to persons with disabilities, as defined by the "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12102 (2), by the division in any one state fiscal year shall not be less than the number of vouchers made available to persons with disabilities ~~by means of programs administered~~ by both the division and the ~~department of human services as of July 1, 2011~~ SUPPORTIVE HOUSING PROGRAM IN THE 2011-12 STATE FISCAL YEAR.

(4) In carrying out the consolidation required by subsection (3) of this section, the division shall consult with ~~the department of human services~~ and representatives of persons with disabilities.

(5) ~~Insofar as the transfers of state employees may become necessary to implement the requirements of this section, any employee transferred shall retain all accrued rights to the state personnel system, if any, and retirement and other benefits under the laws of the state, including any accrued rights within or across principal departments of the executive branch of state government, and his or her service shall be deemed to have been continuous.~~

(6) ~~In connection with the consolidation required by this section, the division and the department of human services shall collaborate to achieve an overall reduction of at least twenty-five percent in the number of positions allocated to the department of human services whose job responsibilities are primarily dedicated to the distribution of financial housing assistance to persons in low- and moderate-income households and to persons with disabilities.~~

(7) This section is repealed, effective July 1, ~~2012~~ 2013.

SECTION 4. In Colorado Revised Statutes, 26-7.8-102, **amend** (1) and (2); **repeal** (3); and **add** (1.5) as follows:

26-7.8-102. Definitions. As used in this article, unless the context otherwise requires:

(1) ~~"Executive director" means the executive director of the department of human services. "DIVISION" MEANS THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704, C.R.S.~~

(1.5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(2) "Homeless prevention activities program" means a community-based or community-oriented program which is operated by ~~a nongovernmental agency~~ THE DIVISION and established pursuant to the criteria set forth in section 26-7.8-103 to assist in preventing families and other persons from becoming homeless.

(3) ~~"Nongovernmental agency" means any private nonprofit agency or nonprofit corporation.~~

SECTION 5. In Colorado Revised Statutes, 26-7.8-103, **amend** (1.5) and (2.5) as follows:

26-7.8-103. Homeless prevention activities program - criteria. (1.5) The program established by this article shall be administered by ~~a nongovernmental agency selected by the executive director~~ THE DIVISION with recommendations from an advisory committee which is hereby created. The advisory committee shall be composed of at least three members selected by the executive director. One member shall be a representative of the department of human services, ~~one member shall be a representative of the department of local affairs,~~ and ~~one member~~ TWO MEMBERS shall be ~~a representative~~ REPRESENTATIVES from the public at large. The committee shall serve without compensation and shall not be entitled to reimbursement for their expenses while attending meetings of the committee. ~~The nongovernmental agency selected pursuant to the provisions of this subsection (1.5)~~ DIVISION shall administer the program under the direction of the advisory committee.

(2.5) ~~The nongovernmental agency administering the program~~ DIVISION is authorized to spend up to five percent of all voluntary contributions made to the homeless prevention activities program fund, created pursuant to the provisions of section 39-22-1301, C.R.S., or fifteen thousand dollars, whichever is greater, for costs incurred in administering the program established by this article.

SECTION 6. In Colorado Revised Statutes, 26-7.8-104, **amend** (1) and (3); and **repeal** (2) and (5) as follows:

26-7.8-104. Homeless prevention activities program - contracts with nongovernmental agency - program standards. (1) ~~The nongovernmental agency administering the program at the direction of the advisory committee established in section 26-7.8-103 (1.5)~~ DIVISION shall enter into contracts or agreements for services ~~with any nongovernmental agency which has established and which operates a homeless prevention activities program or with a unit of local government or nongovernmental agency which has subcontracted with a nongovernmental agency for homeless prevention activities; services;~~ except that ~~such nongovernmental agency~~ THE DIVISION shall not spend more than five percent of all voluntary contributions received by ~~such nongovernmental agency~~ on administrative costs. ~~The nongovernmental agency administering the program shall be exempt~~

from liability of any kind to third parties with whom such nongovernmental agency may contract or with which it may have dealings in connection with the program established by this article.

(2) ~~In directing the nongovernmental agency administering the program regarding such contracts or agreements, the advisory committee shall give priority to those homeless prevention activities programs which provide services to or design their programs for assistance to families with children and other persons who, without assistance, are in danger of becoming homeless. The advisory committee shall also direct such nongovernmental agency to distribute funds by the use of an allocation formula based on the number of homeless per capita, the number of unemployed persons, and the unemployment rate in a particular community or region.~~

(3) ~~The advisory committee shall direct the nongovernmental agency administering the program~~ DIVISION to establish and enforce standards for all homeless prevention activities programs established pursuant to this article, including the allocation formula specified in subsection (2) of this section, and shall require that each homeless prevention activities program meet the approved minimum standards.

(5) ~~On and after July 1, 2011, any moneys received from the federal government for financial housing assistance to persons in low- and moderate-income households and persons with disabilities to assist such persons in obtaining housing under this article shall be administered by the division of housing within the department of local affairs in accordance with the provisions of section 24-32-705 (1) (t), C.R.S., except as otherwise provided in section 24-32-722 (3) (a) (H), C.R.S. The number of housing vouchers made available to persons with disabilities, as defined by the "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12012 (2), by the division of housing in any one state fiscal year shall not be less than the number of vouchers that have previously been made available to such persons as of July 1, 2011.~~

SECTION 7. In Colorado Revised Statutes, 39-22-1302, **amend** (1) and (5) as follows:

39-22-1302. Contributions credited to homeless prevention activities program fund - creation - appropriation. (1) The department of revenue shall determine annually the total amount designated pursuant to section 39-22-1301 and shall report such amount to the state treasurer. The state treasurer shall credit such amount to the homeless prevention activities program fund, a cash fund hereby established in the state treasury. All moneys in the homeless prevention activities program fund at the end of a fiscal year, after appropriations made pursuant to subsection (3) of this section, are designated for the purposes set forth in article 7.8 of title 26, C.R.S., and shall not revert to the general fund. Any interest earned on moneys in the fund shall remain in the fund to be used for the purposes of article 7.8 of title 26, C.R.S. At the end of each fiscal year, the state treasurer shall transfer all designated moneys in the fund and all interest earned through the investment of fund moneys to the ~~Colorado trust~~ DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704, C.R.S., for distribution as directed by the advisory committee pursuant to article 7.8 of title 26, C.R.S.

(5) ~~The nongovernmental agency selected to administer the homeless prevention~~

~~activities program pursuant to the provisions of section 26-7.8-103 (1.5), C.R.S.,~~
DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN
SECTION 24-32-704, C.R.S., is authorized to spend up to five percent of all voluntary
contributions to the homeless prevention activities program fund or fifteen thousand
dollars, whichever is greater, for costs incurred in administering such program.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and
declares that this act is necessary for the immediate preservation of the public peace,
health, and safety.

Approved: May 3, 2012