

CHAPTER 356

HEALTH AND ENVIRONMENT

HOUSE BILL 24-1457

BY REPRESENTATIVE(S) Brown and Winter T., Soper, Amabile, Bird, Boesenecker, Daugherty, deGruy Kennedy, Duran, English, Froelich, Hamrick, Jodeh, Joseph, Kipp, Lieder, Lindstedt, Lukens, Lynch, Mauro, McCormick, Ricks, Rutinel, Sirota, Snyder, Valdez, Woodrow, Young, McCluskie;
also SENATOR(S) Liston and Marchman, Bridges, Cutter, Jaquez Lewis, Michaelson Jenet, Pelton R., Priola, Roberts, Simpson, Winter F., Fenberg.

AN ACT

CONCERNING A PILOT GRANT PROGRAM TO AWARD GRANTS TO LOCAL GOVERNMENTS IN RURAL AREAS TO HELP PAY COSTS ASSOCIATED WITH THE ABATEMENT OF DANGEROUS MATERIALS IN CERTAIN STRUCTURES.

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

SECTION 1. In Colorado Revised Statutes, **add** 25-16-312 as follows:

25-16-312. Rural housing and development asbestos and lead paint abatement pilot grant program - fund created - definition - rules - repeal.

(1) THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT PILOT GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "PILOT GRANT PROGRAM", IS ESTABLISHED IN THE DEPARTMENT. THE PILOT GRANT PROGRAM MAY AWARD GRANTS, BEGINNING JULY 1, 2025, TO LOCAL GOVERNMENTS IN RURAL COMMUNITIES TO OFFSET COSTS ASSOCIATED WITH THE ABATEMENT OF ASBESTOS AND LEAD PAINT IN:

- (a) HOUSING;
- (b) COMMERCIAL BUILDINGS; AND
- (c) OTHER DEVELOPMENT PROJECTS.

(2) TO BE ELIGIBLE FOR A GRANT FROM THE PILOT GRANT PROGRAM, A LOCAL GOVERNMENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT. THE APPLICATION MUST:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) FOR RENOVATION OR DEMOLITION SITES, INCLUDE AN INSPECTION REPORT CONSISTENT WITH THE RULES ADOPTED PURSUANT TO SECTION 25-7-503 DETAILING ASBESTOS-CONTAINING MATERIALS IN EXCESS OF TRIGGER LEVELS;

(b) FOR RENOVATION OF LEAD-BASED PAINT ABATEMENT SITES, INCLUDE A DESCRIPTION OF ELIGIBILITY THAT THE FACILITY MEETS THE DEFINITION IN SECTION 25-7-1102 (2) OR (7);

(c) FOR BOTH ASBESTOS AND LEAD-BASED PAINT ABATEMENT, RENOVATION, OR DEMOLITION, INCLUDE DOCUMENTATION DEMONSTRATING THAT THE APPLICANT HAS ACQUIRED ANY NECESSARY PERMITS AND REGULATORY APPROVAL FROM THE AIR POLLUTION CONTROL DIVISION; AND

(d) INCLUDE AN ASSESSMENT OF THE NEEDS OF THE LOCAL GOVERNMENT'S RURAL COMMUNITIES SPECIFIC TO:

(I) THE HEALTH AND ENVIRONMENTAL IMPACTS OF ASBESTOS- AND LEAD-PAINT-CONTAMINATED STRUCTURES;

(II) THE PRESENCE OR LACK OF CERTIFIED ASBESTOS ABATEMENT OR LEAD PAINT ABATEMENT PERSONNEL OR SUPERVISORS OPERATING WITHIN, OR TRAVELING TO, RURAL COMMUNITIES FOR ABATEMENT PROJECTS;

(III) THE COST OF ACQUIRING CERTIFIED ASBESTOS ABATEMENT OR LEAD PAINT ABATEMENT PERSONNEL OR SUPERVISORS WITHIN RURAL COMMUNITIES;

(IV) THE PROXIMITY TO, AND AVAILABILITY OF, ASBESTOS AND LEAD PAINT DISPOSAL FACILITIES; AND

(V) COMMUNITY IMPACTS ON ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING.

(3) (a) THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY GENERATED FROM PENALTIES AND FINES COLLECTED PURSUANT TO SECTIONS 25-15-309 AND 25-15-310, AS DESCRIBED IN SECTION 25-15-311; PENALTIES COLLECTED PURSUANT TO SECTION 25-7-511; AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(c) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A STATE FISCAL YEAR TO THE FUND; EXCEPT THAT, ON JUNE 30, 2027, THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND TO THE GENERAL FUND.

(d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE

DEPARTMENT MAY EXPEND MONEY TO AWARD GRANTS AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(4) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES OTHERWISE, "RURAL COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 39-22-526 (1)(b)(II).

(5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 2. In Colorado Revised Statutes, 25-7-511, **amend** (6) as follows:

25-7-511. Enforcement - repeal. (6) (a) EXCEPT AS DESCRIBED IN SUBSECTION (6)(b) OF THIS SECTION, all penalties collected pursuant to this section shall be transmitted to the state treasurer, who shall credit the same to the general fund.

(b) (I) ON AND AFTER JULY 1, 2025, ALL RECEIPTS FROM PENALTIES COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT FUND CREATED IN SECTION 25-16-312; EXCEPT THAT, FOR THE 2025-26 STATE FISCAL YEAR AND THE 2026-27 STATE FISCAL YEAR, THE CREDITS DESCRIBED IN THIS SUBSECTION (6)(b) CONTINUE ONLY UNTIL SUCH TIME AS THE TOTAL AMOUNT OF PENALTIES AND FINES COLLECTED PURSUANT TO THIS SECTION AND SECTIONS 25-15-309 AND 25-15-310 AND CREDITED TO THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT FUND EQUALS TWO HUNDRED THOUSAND DOLLARS.

(II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JUNE 30, 2027.

SECTION 3. In Colorado Revised Statutes, **amend** 25-15-311 as follows:

25-15-311. Disposition of fines and penalties - repeal. (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, all receipts from penalties or fines collected under ~~the provisions of~~ sections 25-15-309 and 25-15-310 shall be credited to the general fund of the state.

(2) (a) ON AND AFTER JULY 1, 2025, ALL RECEIPTS FROM PENALTIES OR FINES COLLECTED UNDER SECTIONS 25-15-309 AND 25-15-310 SHALL BE CREDITED TO THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT FUND CREATED IN SECTION 25-16-312; EXCEPT THAT, FOR THE 2025-26 STATE FISCAL YEAR AND THE 2026-27 STATE FISCAL YEAR, THE CREDITS DESCRIBED IN THIS SUBSECTION (2) CONTINUE ONLY UNTIL SUCH TIME AS THE TOTAL AMOUNT OF PENALTIES AND FINES COLLECTED PURSUANT TO SECTIONS 25-7-511, 25-15-309, AND 25-15-310 AND CREDITED TO THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT FUND EQUALS TWO HUNDRED THOUSAND DOLLARS.

(b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JUNE 30, 2027.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 3, 2024