A BILL FOR AN ACT

CONCERNING THE USE OF MONEY FROM CERTAIN STATE FUNDS TO EXPAND THE SUPPLY OF AFFORDABLE HOUSING STATEWIDE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Assuming certain conditions are satisfied affecting the state's fiscal situation, section 1 of the bill requires the state treasurer to transfer a specified amount of money commencing with the 2019-20 state fiscal year and through and including the 2025-26 state fiscal year from the unclaimed property trust fund to the division of housing in the department of local affairs (division) to be deposited by the division into the housing
development grant fund.

Section 2 makes parallel changes found in section 1 to the "Revised Uniform Unclaimed Property Act".

In addition to the other sources of money to be deposited into the housing development grant fund, section 4 specifies that the fund also consists of money transferred by the state treasurer from the unclaimed property trust fund to the division to be deposited into the housing development grant fund to supplement existing money in such fund to be expended for any of the purposes specified in the bill. This section also expands the source of money that may be deposited into the housing development grant fund.

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

SECTION 1. In Colorado Revised Statutes, 38-13-116.5, amend (1)(b) and (2)(d); and add (3.5) as follows:

38-13-116.5. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules. (1) (b) Except as provided in subsection (2), the principal of the trust fund shall not be expended except to pay claims made pursuant to this article 13. Money comprising the principal of the trust fund shall not constitute fiscal year spending of the state for purposes of section 20 of article X of the state constitution and is not subject to appropriation by the general assembly.

(2) (d) The following amounts constitute fiscal year spending for purposes of section 20 of article X of the state constitution:

(I) Any money that is appropriated to the department of the treasury as required by this subsection (2);

(II) Any money that is credited to the general fund as required by subsection (2.6) of this section; and

(III) Any money that is credited to the adult dental fund created in section 25.5-5-207 (4), C.R.S.; as required by subsection (2.8) of this
section; AND

(IV) Any money that is credited to the housing development grant fund created in section 24-32-721 (1) as required by subsection (3.5) of this section.

(3.5) (a) Notwithstanding any other provision of this section, if, based upon the estimate described in subsection (3.5)(b)(I) of this section, state revenues for the 2019-20 fiscal year and through and including the 2025-26 fiscal year are less than the transfer cutoff amount, the state treasurer shall transfer from the unclaimed property trust fund to the division of housing to be deposited into the housing development grant fund created in section 24-32-721 (1) no later than June 30 of the year in which the economic and revenue forecast is prepared an amount that is equal to the lesser of forty million dollars or fifty percent of the balance of funds in the unclaimed property trust fund after reserving the amounts described in subsection (2.8)(b) of this section.

(b) (I) In its annual June forecast, legislative council staff shall report estimates for the current state fiscal year of state revenues, the transfer cutoff amount, and the amount of the transfer required by this section based on those estimates. Legislative council staff shall include the amount of the anticipated transfer in its estimate of fiscal year spending for the state fiscal year.

(II) On June 1 of each year, the state treasurer shall notify legislative council staff of the amount available in the unclaimed property trust fund to be transferred on June 30 of
THE YEAR UNDER THIS SECTION IF THE AMOUNT IS LESS THAN FORTY MILLION DOLLARS.

(c) AS USED IN THIS SUBSECTION (3.5):

(I) "EXCESS STATE REVENUES CAP" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-77-103.6 (6)(b).

(II) "JUNE FORECAST" MEANS THE ECONOMIC AND REVENUE FORECAST PREPARED BY LEGISLATIVE COUNCIL STAFF EACH JUNE.

(III) "STATE REVENUES" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-77-103.6 (6)(c); EXCEPT THAT IT DOES NOT INCLUDE ANY AMOUNT FOR THE ANTICIPATED TRANSFER REQUIRED BY SUBSECTION (3.5)(a) OF THIS SECTION.

(IV) "TRANSFER CUTOFF AMOUNT" MEANS, FOR A GIVEN FISCAL YEAR, AN AMOUNT EQUAL TO THE EXCESS STATE REVENUES CAP FOR THE FISCAL YEAR PLUS THE AMOUNT BY WHICH THE STATE REIMBURSES LOCAL GOVERNMENTS FOR PROPERTY TAXES LOST IN ACCORDANCE WITH SECTION 39-3-207 (4)(a)(I).

(d) ALL OF THE MONEY TO BE TRANSFERRED PURSUANT TO SUBSECTION (3.5)(a) OF THIS SECTION SHALL BE DEPOSITED BY THE DIVISION OF HOUSING INTO THE HOUSING DEVELOPMENT GRANT FUND CREATED IN SECTION 24-32-721 (1) TO FINANCE THE USES DESCRIBED IN SECTION 24-32-721.

SECTION 2. In Colorado Revised Statutes, 38-13-801, amend as enacted by Senate Bill 19-088 (1)(b) and (2)(d); and add (3.5) as follows:

38-13-801. Unclaimed property trust fund - creation - payments - interest - appropriations - records - rules. (1) (b) Except as provided in subsections (2) and (3) SUBSECTIONS (2), (3), AND (3.5) of
this section, the principal of the trust fund shall not be expended except
to pay claims made pursuant to this article 13. Money constituting the
principal of the trust fund is not fiscal year spending of the state for
purposes of section 20 of article X of the state constitution and is not
subject to appropriation by the general assembly.

(2) (d) The following amounts constitute fiscal year spending for
purposes of section 20 of article X of the state constitution:

(I) Any money that is appropriated to the department of the
treasury as required by this subsection (2); and

(II) Any money that is credited to the adult dental fund created in
section 25.5-5-207 (4) as required by subsection (3) of this section; AND

(III) Any money that is credited to the housing
development grant fund created in section 24-32-721 (1) as
required by subsection (3.5) of this section.

(3.5) (a) Notwithstanding any other provision of this
section, if, based upon the estimate described in subsection
(3.5)(b)(I) of this section, state revenues for the 2019-20 state
fiscal year and through and including the 2025-26 fiscal year
are less than the transfer cutoff amount, the state treasurer
shall transfer from the unclaimed property trust fund to the
division of housing to be deposited into the housing development
grant fund created in section 24-32-721 (1) no later than June 30
of the year in which the economic and revenue forecast is
prepared an amount that is equal to the lesser of forty million
dollars or fifty percent of the balance of funds in the
unclaimed property trust fund after reserving the amounts
described in subsection (2)(d) of this section.
(b) (I) In its annual June forecast, Legislative Council staff shall report estimates for the current state fiscal year of state revenues, the transfer cutoff amount, and the amount of the transfer required by this section based on those estimates. Legislative Council staff shall include the amount of the anticipated transfer in its estimate of fiscal year spending for the state fiscal year.

(II) On June 1 of each year, the state treasurer shall notify Legislative Council staff of the amount available in the Unclaimed Property Trust Fund to be transferred on June 30 of the year under this section if the amount is less than forty million dollars.

(c) As used in this subsection (3.5):

(I) "Excess state revenues cap" has the same meaning as set forth in section 24-77-103.6 (6)(b).

(II) "June forecast" means the economic and revenue forecast prepared by Legislative Council staff each June.

(III) "State revenues" has the same meaning as set forth in section 24-77-103.6 (6)(c); except that it does not include any amount for the anticipated transfer required by subsection (3.5)(a) of this section.

(IV) "Transfer cutoff amount" means, for a given fiscal year, an amount equal to the excess state revenues cap for the fiscal year plus the amount by which the state reimburses local governments for property taxes lost in accordance with section 39-3-207 (4)(a)(I).

(d) All of the money to be transferred pursuant to
SUBSECTION (3.5)(a) OF THIS SECTION SHALL BE DEPOSITED BY THE
DIVISION OF HOUSING INTO THE HOUSING DEVELOPMENT GRANT FUND
CREATED IN SECTION 24-32-721 (1) TO FINANCE THE USES DESCRIBED IN
SECTION 24-32-721.

SECTION 3. In Colorado Revised Statutes, 24-32-705, amend
(1)(a) and (1)(n) as follows:

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

(a) To encourage private enterprise and all public and private
agencies engaged in the planning, construction, and acquisition of
adequate housing or the rehabilitation or weatherization of existing
housing in Colorado by providing research, advisory, and liaison services
and rehabilitation, construction, acquisition, and weatherization grants
AND LOANS from appropriations made for this purpose by the general
assembly. For the purposes of this paragraph (a) SUBSECTION (1)(a),
"weatherization" means the provision and installation of materials and
devices which improve the thermal performance of a residence so
as to conserve energy and reduce energy costs and includes those
structural, heating, electrical, and plumbing repairs and improvements
which are necessary to safely and effectively improve thermal
performance. All such grants AND LOANS to public and private agencies
shall MUST be at least equally matched from a nonstate source UNLESS
SUFFICIENT LOCAL SOURCES ARE NOT AVAILABLE BECAUSE OF OTHER
ESSENTIAL PUBLIC FUNCTIONS and shall MUST be for providing
energy-efficient housing to low-income households. None of these grants
OR LOANS shall be used for development, planning, or administration
which shall MUST be funded within the administrative budget of the
division.

(n) Pursuant to section 24-32-717, to administer loans to local governments, local housing authorities, and public and private nonprofit corporations;

SECTION 4. In Colorado Revised Statutes, 24-32-721, amend (1), (3)(a), and (4)(c); and add (1.5), (2)(d), (2)(e), and (2)(f) as follows:

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for a person with a behavioral or mental health disorder in the criminal or juvenile justice system - cash fund - definition.

(1) There is hereby created in the state treasury the housing development grant fund, which fund shall be administered by the division and is referred to in this section as the "fund". The fund shall consist of moneys appropriated to the Colorado affordable housing construction grants and loan fund by the general assembly, all money transferred to the fund from the marijuana tax cash fund created in section 39-28.8-501 (1) and any other cash fund maintained by the state, all moneys collected by the division for purposes of this section from federal grants, from other contributions, gifts, grants, and donations received from any other organization, entity, or individual, public or private, and from any fees or interest earned on such moneys. The division is hereby authorized and directed to solicit, accept, expend, and disburse all moneys collected for the fund from the sources specified in this subsection (1) for the purpose of making grants or loans and for program administration as provided in this section. All such moneys shall be transmitted to the state treasurer to be credited to the fund. The moneys in the fund are...
hereby continuously appropriated to the division for the purposes of this section. The moneys in the fund may be expended for the purpose of funding activities initiated during the current state fiscal year that are to be completed in subsequent state fiscal years.

(1.5) In addition to the other sources of money to be deposited into the fund that are specified in subsection (1) of this section, the fund also consists of money transferred by the state treasurer from the unclaimed property trust fund to the division in accordance with section 38-13-116.5 (3.5) to supplement existing funds to be expended for any of the purposes specified in subsection (2)(d) of this section.

(2) (d) In addition to any other use authorized under this section, money may also be used for the following purposes, without limitation:

(I) Grants and loans for the acquisition, renovation, and construction of for-sale homes in nonurban areas for purchasers who reside in households with an annual income up to one hundred twenty percent of the area median income and down payment assistance programs that are financed in partnership with private and public entities for the development of housing and the delivery of services that assist persons in households with an annual income up to one hundred percent of the area median income;

(II) Programs for home rehabilitation;

(III) Repair, replacement, and disposal of mobile homes in conjunction with programs that are operated by local governments, local housing authorities, and private
ORGANIZATIONS;

(IV)  GRANTS AND LOANS FOR THE FINANCING OF LAND ACQUISITION AND INFRASTRUCTURE COSTS ASSOCIATED WITH THE PROVISION OF UTILITIES TO SUPPORT DEVELOPMENT OF A PLANNED DEED RESTRICTED RENTAL OR FOR-SALE AFFORDABLE HOUSING DEVELOPMENT;

(V)  GRANTS AND LOANS TO PRIVATE AND PUBLIC ENTITIES TO PROVIDE FUNDING FOR THE DEVELOPMENT, ACQUISITION, AND REHABILITATION OF AFFORDABLE HOUSING TARGETED AT A SPECIFIC AREA MEDIAN INCOME OR INCOME LEVEL; AND

(VI)  RENTAL ASSISTANCE PROGRAMS THAT TARGET ONE OR MORE OF THE FOLLOWING PERSONS OR USES:

(A)  HOMELESS FAMILIES WITH DEPENDENTS OR OTHER CHILDREN ENROLLED IN PRESCHOOL, ELEMENTARY, OR SECONDARY SCHOOLS;

(B)  MEDICAID CLIENTS IN NURSING HOMES WHO ARE ABLE TO LIVE IN THEIR COMMUNITIES WITH IN-HOME SERVICES;

(C)  FAMILY UNIFICATION AND RELATED SERVICES;

(D)  HOMELESS OR DISABLED VETERANS;

(E)  LOW-INCOME HOUSEHOLDS WITH AN ANNUAL INCOME AT OR BELOW SIXTY PERCENT OF THE AREA MEDIAN INCOME; AND

(F)  SURVIVORS OF DOMESTIC VIOLENCE.

(e)  IN DETERMINING HOW BEST TO ALLOCATE MONEY TO PROMOTE THE VARIOUS PURPOSES SPECIFIED IN SUBSECTION (2)(d) OF THIS SECTION, THE DIVISION SHALL CONSULT WITH STAKEHOLDERS FROM URBAN AND RURAL COMMUNITIES AND REPRESENTATIVES FROM POPULATIONS OF DIFFERENT INCOME LEVELS WITH DIVERSE HOUSING NEEDS AND SHALL AWARD FUNDING TO MEET THE NEEDS OF LOCAL COMMUNITIES THAT WILL OPTIMIZE THE RETURN ON MONEY INVESTED IN A PARTICULAR PROGRAM OR
FOR A PARTICULAR USE, LEVERAGE OTHER AVAILABLE SOURCES OF MONEY, ADDRESS HOUSING NEEDS THROUGHOUT THE STATE, AND SERVE POPULATIONS WITH THE GREATEST UNMET NEED.

(f) AS USED IN THIS SUBSECTION (2), "AREA MEDIAN INCOME" IS DETERMINED IN ACCORDANCE WITH GUIDELINES OR OTHER STANDARDS PROMULGATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(3) (a) Any moneys in the fund not expended or encumbered from any appropriation at the end of any fiscal year, including interest earned on the investment or deposit of moneys in the fund, shall remain in the fund and shall not revert to the general fund or any other fund and shall remain available for expenditure by the division in the next fiscal year or subsequent fiscal years for the purposes specified in subsection (2) of this section without further appropriation.

(4) (c) IN ADDITION TO ANY OTHER USES SPECIFIED IN THIS SECTION, the division shall also provide grants or loans for the acquisition, construction, or rehabilitation of rental housing for persons with behavioral or mental health disorders.

SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsections (2) and (3) of this section, 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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) Section 1 of this act takes effect only if Senate Bill 19-088 does not become law.

(3) Section 2 of this act takes effect only if Senate Bill 19-088 becomes law, in which case section 2 takes effect July 1, 2020.