

**First Extraordinary Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20B-0052.01 Richard Sweetman x4333

SENATE BILL 20B-002

SENATE SPONSORSHIP

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Senate Committees

Finance
Appropriations

House Committees

Public Health Care & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING TEMPORARY ASSISTANCE FOR INDIVIDUALS WHO ARE**
102 **FACING A FINANCIAL HARDSHIP DUE TO THE COVID-19**
103 **PANDEMIC, AND, IN CONNECTION THEREWITH, CREATING THE**
104 **EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM; AND**
105 **TRANSFERRING MONEY TO THE EMERGENCY DIRECT ASSISTANCE**
106 **GRANT PROGRAM FUND, AND TO THE HOUSING DEVELOPMENT**
107 **GRANT FUND, AND TO THE EVICTION LEGAL DEFENSE FUND FOR**
108 **THIS ASSISTANCE; AND MAKING AN APPROPRIATION.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
December 1, 2020

SENATE
3rd Reading Unamended
December 1, 2020

SENATE
Amended 2nd Reading
November 30, 2020

<http://leg.colorado.gov>.)

The bill requires the state treasurer to transfer \$44.5 million from the general fund to the housing development grant fund for the purpose of providing emergency housing assistance to individuals and households who have experienced financial need due to the COVID-19 pandemic or second-order effects of the COVID-19 pandemic. The money must be used by June 30, 2021.

The bill also creates the emergency direct assistance grant program (program) in the division of housing (division) within the department of local affairs (department) to provide grants to individuals who have experienced financial need due to the COVID-19 pandemic or second-order effects of the COVID-19 pandemic and are ineligible for certain other types of assistance. The bill allows the division to promulgate rules and requires the department to submit a report to legislative committees of reference with jurisdiction over local government and to the governor concerning the program.

The bill creates the emergency direct assistance grant program fund (fund) and directs the state treasurer to transfer \$5 million from the general fund to the fund for the program. The division must use the money by June 30, 2021.

The program is repealed, effective June 30, 2022.

The bill requires the state treasurer to transfer \$500,000 from the general fund to the eviction legal defense fund for the purpose of providing legal representation to indigent tenants to resolve civil legal matters arising on and after March 1, 2020, concerning an eviction or impending eviction related to the public health emergency caused by the COVID-19 pandemic. The state court administrator must use the money by June 30, 2021.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-32-721, **amend**
3 (1.7)(b); and **add** (1.7)(a.5), (1.7)(g.5), and (1.7)(h.5) as follows:

4 **24-32-721. Colorado affordable housing construction grants**
5 **and loans - housing development grant fund - creation - housing**
6 **assistance for persons with behavioral, mental health, or substance**
7 **use disorders - cash fund - appropriation - report to general assembly**
8 **- rules - definitions - repeal.** (1.7) (a.5) WITHIN THREE DAYS AFTER THE

1 EFFECTIVE DATE OF THIS SUBSECTION (1.7)(a.5), THE STATE TREASURER
2 SHALL TRANSFER FIFTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND
3 TO THE HOUSING DEVELOPMENT GRANT FUND FOR THE PURPOSE OF
4 PROVIDING HOUSING ASSISTANCE AS SPECIFIED IN THIS SUBSECTION (1.7).
5 MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (1.7)(a.5) SHALL
6 BE ACCOUNTED FOR SEPARATELY. THE DIVISION MAY USE UP TO THREE
7 PERCENT OF THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION
8 (1.7)(a.5) FOR THE COSTS OF ADMINISTERING THIS SUBSECTION (1.7).

9 (b) The general assembly shall appropriate the money transferred
10 to the fund pursuant to this subsection (1.7) to the division for use in
11 providing individuals and households who, on or after March 1, 2020,
12 have experienced financial need due to the COVID-19 pandemic or
13 second-order effects of the COVID-19 pandemic, with rental assistance,
14 residential mortgage assistance, HOUSING ASSISTANCE THAT PROVIDES
15 FUTURE HOUSING STABILITY, and guidance on how to access additional
16 housing services. The division must use the money TRANSFERRED TO THE
17 FUND PURSUANT TO SUBSECTION (1.7)(a) OF THIS SECTION by December
18 30, 2020, for the purposes specified in this subsection (1.7). THE DIVISION
19 MUST USE THE MONEY TRANSFERRED TO THE FUND PURSUANT TO
20 SUBSECTION (1.7)(a.5) OF THIS SECTION BY JUNE 30, 2021, FOR THE
21 PURPOSES SPECIFIED IN THIS SUBSECTION (1.7).

22 (g.5) HOUSING ASSISTANCE PROVIDED UNDER THIS SUBSECTION
23 (1.7) MAY INCLUDE PAYMENT OF ARREARS, INCLUDING OVERDUE RENT
24 PAYMENTS AND MORTGAGE PAYMENTS.

25 (h.5) ANY FULL-TIME EMPLOYEE THAT THE DIVISION HIRES OR
26 CONTRACTS WITH FOR THE PURPOSE OF IMPLEMENTING THIS SUBSECTION
27 (1.7) SHALL NOT BE EMPLOYED BY THE DIVISION FOR SUCH PURPOSE AFTER

1 SEPTEMBER 1, 2022.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 24-32-721.5 as
3 follows:

4 **24-32-721.5. Emergency direct assistance grant program -**
5 **created - purposes of grants - rules - applications - fund created -**
6 **report - definition - repeal.** (1) THERE IS HEREBY CREATED IN THE
7 DIVISION THE EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM,
8 REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO PROVIDE
9 GRANTS TO INDIVIDUALS WHO HAVE EXPERIENCED FINANCIAL NEED DUE
10 TO THE COVID-19 PANDEMIC OR SECOND-ORDER EFFECTS OF THE
11 COVID-19 PANDEMIC AND WHO MAY NOT BE ELIGIBLE FOR CERTAIN
12 OTHER TYPES OF ASSISTANCE, SUCH AS:

13 (a) UNEMPLOYMENT INSURANCE PURSUANT TO THE "COLORADO
14 EMPLOYMENT SECURITY ACT", ARTICLES 70 TO 82 OF TITLE 8;

15 (b) FOOD ASSISTANCE; OR

16 (c) FEDERAL STIMULUS PAYMENTS PURSUANT TO THE FEDERAL
17 "CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT," ALSO
18 KNOWN AS THE "CARES ACT", PUB.L. 116-36, AS AMENDED.

19 (2) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,
20 SUBJECT TO AVAILABLE FUNDING, SHALL CONTRACT WITH NONPROFIT
21 ORGANIZATIONS TO AWARD GRANTS AS PROVIDED IN THIS SECTION.
22 SUBJECT TO AVAILABLE FUNDING, GRANTS SHALL BE PAID OUT OF THE
23 FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

24 (3) THE DIVISION SHALL IMPLEMENT THE GRANT PROGRAM IN
25 ACCORDANCE WITH THIS SECTION. PURSUANT TO ARTICLE 4 OF THIS TITLE
26 24, THE DIVISION MAY PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS
27 SECTION AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO

1 IMPLEMENT THE GRANT PROGRAM, INCLUDING RULES SPECIFYING THE TIME
2 FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE GRANT PROGRAM
3 APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

4 (4) TO RECEIVE A GRANT, AN INDIVIDUAL MUST APPLY TO A
5 NONPROFIT ORGANIZATION WITH WHICH THE DIVISION HAS CONTRACTED
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

7 (5) (a) THE EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM
8 FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED
9 IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE
10 FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION AND ANY OTHER
11 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
12 TO THE FUND.

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

16 (c) EXCEPT AS PROVIDED IN SUBSECTION (5)(e) OF THIS SECTION,
17 ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND
18 AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND DOES NOT
19 REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

20 (d) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
21 THE DIVISION TO EXPEND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

22 (e) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
23 AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2022, TO THE
24 GENERAL FUND.

25 (6) DURING THE SECOND REGULAR SESSION OF THE
26 SEVENTY-THIRD GENERAL ASSEMBLY, THE EXECUTIVE DIRECTOR OF THE
27 DEPARTMENT OF LOCAL AFFAIRS SHALL REPORT TO THE SENATE LOCAL

1 GOVERNMENT COMMITTEE AND THE HOUSE OF REPRESENTATIVES
2 TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE, OR ANY
3 SUCCESSOR COMMITTEES, UNDER THE "STATE MEASUREMENT FOR
4 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
5 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, CONCERNING THE
6 ADMINISTRATION OF THE GRANT PROGRAM.

7 (7) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
8 SECTION, THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS
9 FROM THE GENERAL FUND TO THE FUND FOR THE PURPOSES OF THIS
10 SECTION.

11 (b) THE DIVISION MUST USE THE MONEY BY JUNE 30, 2021, FOR
12 THE PURPOSES DESCRIBED IN THIS SECTION.

13 (c) THE DIVISION MAY USE UP TO THREE PERCENT OF THE MONEY
14 TRANSFERRED PURSUANT TO THIS SUBSECTION (7) TO PAY THE COSTS OF
15 ADMINISTERING THE GRANT PROGRAM.

16 (8) ANY FULL-TIME EMPLOYEE THAT THE DIVISION HIRES OR
17 CONTRACTS WITH FOR THE PURPOSE OF IMPLEMENTING THIS SECTION
18 SHALL NOT BE EMPLOYED BY THE DIVISION FOR SUCH PURPOSE AFTER
19 SEPTEMBER 1, 2022.

20 (9) AS USED IN THIS SECTION, "COVID-19" MEANS THE
21 CORONAVIRUS DISEASE 2019 CAUSED BY THE SEVERE ACUTE RESPIRATORY
22 SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

23 (10) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

24 **SECTION 3.** In Colorado Revised Statutes, 13-40-127, **add**
25 (5)(c) and (8) as follows:

26 **13-40-127. Eviction legal assistance - fund - rules - report -**
27 **definitions - repeal.** (5) (c) ANY UNEXPENDED AND UNENCUMBERED

1 MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS
2 IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER
3 FUND.

4 (8) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
5 SUBSECTION (8), THE STATE TREASURER SHALL TRANSFER ONE MILLION
6 DOLLARS FROM THE GENERAL FUND TO THE FUND. ON OR BEFORE
7 JANUARY 1, 2021, THE ADMINISTRATOR SHALL GRANT THE MONEY
8 TRANSFERRED PURSUANT TO THIS SUBSECTION (8)(a) TO QUALIFYING
9 ORGANIZATIONS THAT HAVE BEEN PREVIOUSLY AWARDED GRANTS FROM
10 THE FUND IN THE 2020-21 STATE FISCAL YEAR.

11 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JANUARY 1,
12 2022.

13 **SECTION 4.** In Colorado Revised Statutes, 8-75-108, **amend** (1)
14 introductory portion, (1)(a) introductory portion, (1)(b), and (2); and
15 **repeal** (1)(a)(III) as follows:

16 **8-75-108. Total unemployment rate extended benefits.** (1) FOR
17 WEEKS OF UNEMPLOYMENT BEGINNING ON OR AFTER NOVEMBER 1, 2020:
18 ~~with respect to weeks of unemployment beginning on or after March 22,~~
19 ~~2009, and ending four weeks before the last week for which federal~~
20 ~~sharing is authorized by section 2005 (a) of Pub.L. 111-5 and any~~
21 ~~amendments thereto, whichever is later:~~

22 (a) There is an "on" indicator for a week of TUR extended
23 benefits, in the amount determined pursuant to sections 8-75-104 and
24 8-75-105, if ~~subparagraphs (I) and (H) of this paragraph (a)~~ SUBSECTIONS
25 (1)(a)(I) AND (1)(a)(II) OF THIS SECTION apply: ~~or if subparagraphs (I) and~~
26 ~~(H) of this paragraph (a) apply:~~

27 (III) ~~With respect to weeks beginning on or after December 17,~~

1 2010, and ending December 31, 2011, or while Pub.L. 111-312 and any
2 amendments thereto are in effect, the average TUR in the state equals or
3 exceeds one hundred ten percent of the TUR for all or any of the
4 corresponding three-month periods in the three preceding calendar years;

5 (b) There is an "off" indicator for weeks of TUR extended
6 benefits if any of the following applies:

7 (I) The TUR falls below six and one-half percent; or

8 (II) The requirements REQUIREMENT described in subparagraph
9 (II) or (III) of paragraph (a) of this subsection (1) are SUBSECTION
10 (1)(a)(II) OF THIS SECTION IS not satisfied; OR

11 (III) PURSUANT TO SECTION 4105 OF THE FEDERAL "FAMILIES
12 FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AS AMENDED, OR
13 PURSUANT TO ANY OTHER FEDERAL LAW, THERE IS NOT AN EXTENSION OF
14 ONE HUNDRED PERCENT FEDERAL SHARING AVAILABLE TO COVER THE
15 COST OF EXTENDED BENEFITS.

16 (2) FOR WEEKS OF UNEMPLOYMENT BEGINNING ON OR AFTER
17 NOVEMBER 1, 2020, the total amount of TUR extended benefits payable
18 in a high unemployment period to an eligible individual with respect to
19 his or her applicable benefit year shall be the least of the following
20 amounts:

21 (a) Eighty percent of the total amount of regular benefits that were
22 payable to the eligible individual under articles 70 to 82 of this title TITLE
23 8 in the applicable benefit year; or

24 (b) Twenty times the weekly benefit amount that was payable to
25 the eligible individual under articles 70 to 82 of this title TITLE 8 for a
26 week of total unemployment in the applicable benefit year; OR

27 (c) FORTY-SIX TIMES THE INDIVIDUAL'S WEEKLY BENEFIT AMOUNT,

1 INCLUDING ANY APPLICABLE DEPENDENTS' ALLOWANCES, FOR A WEEK OF
2 TOTAL UNEMPLOYMENT IN THE APPLICABLE BENEFIT YEAR, REDUCED BY
3 THE TOTAL AMOUNT OF REGULAR BENEFITS THAT WERE PAID OR DEEMED
4 PAID TO THE INDIVIDUAL WITH RESPECT TO THE APPLICABLE BENEFIT
5 YEAR.

6 **SECTION 5. Appropriation.** (1) For the 2020-21 state fiscal
7 year, \$1,000,000 is appropriated to the judicial department. This
8 appropriation is from the eviction legal defense fund created in
9 section 13-40-127 (2), C.R.S. To implement this act, the department may
10 use this appropriation for the eviction legal defense grant program.

11 (2) For the 2020-21 state fiscal year, \$16,751 is appropriated to
12 the office of the governor for use by the office of information technology.
13 This appropriation is from reappropriated funds received from the transfer
14 from the general fund to the housing development grant fund within the
15 department of local affairs. To implement this act, the office may use this
16 appropriation to provide information technology services for the
17 department of local affairs.

18 **SECTION 6. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.