

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

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

LLS NO. 21-0310.01 Bob Lackner x4350

HOUSE BILL 21-1028

HOUSE SPONSORSHIP

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House Committees

Transportation & Local Government
Appropriations

Senate Committees

Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE PREPARATION BY THE DIVISION OF HOUSING WITHIN**
102 **THE DEPARTMENT OF LOCAL AFFAIRS OF AN ANNUAL PUBLIC**
103 **REPORT THAT PROVIDES INFORMATION ON MONEY**
104 **ADMINISTERED BY THE STATE TO PROMOTE THE PROVISION OF**
105 **AFFORDABLE HOUSING.**

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>.)

Not later than October 1, 2021, and not later than October 1 of each year thereafter, the bill requires the division of housing (division) in

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.*

SENATE
3rd Reading Unamended
May 24, 2021

SENATE
Amended 2nd Reading
May 21, 2021

HOUSE
3rd Reading Unamended
April 29, 2021

HOUSE
Amended 2nd Reading
April 28, 2021

the department of local affairs to prepare a public report that specifies the total amount of money that:

- The division or the state housing board (board) received from any federal, state, other public, or any private source during the prior fiscal year; and
- The division or the board expended from state funding during the prior fiscal year to make an award in the form of a grant or loan to promote the provision of affordable housing.

The bill identifies various items the report must address. The report shall be posted on the division's website and shared with the board and the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-705.5 as
3 follows:

4 **24-32-705.5. Annual public report on funding of affordable**
5 **housing preservation and production - definition.** (1) "COMMENCING
6 IN 2021 AND EVERY YEAR THEREAFTER, AS PART OF THE DEPARTMENT'S
7 PRESENTATION TO ITS JOINT COMMITTEES OF REFERENCE AT A HEARING
8 HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF THE "STATE
9 MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT
10 (SMART) GOVERNMENT ACT", IN ACCORDANCE WITH THIS SECTION, THE
11 DIVISION SHALL PREPARE A PUBLIC REPORT THAT SPECIFIES THE TOTAL
12 AMOUNT OF MONEY THAT:

13 (a) THE DIVISION OR THE BOARD WAS APPROPRIATED, AWARDED,
14 ALLOCATED, OR TRANSFERRED FROM ANY FEDERAL, STATE, OTHER PUBLIC,
15 OR ANY PRIVATE SOURCE DURING THE PRIOR FISCAL YEAR THAT MAY BE
16 USED FOR THE PRESERVATION OR PRODUCTION OF EMERGENCY OR
17 AFFORDABLE HOUSING; AND

18 (b) THE DIVISION OR THE BOARD HAS AWARDED FROM ANY
19 FEDERAL, STATE, OTHER PUBLIC, OR ANY PRIVATE SOURCE DURING THE

1 PRIOR FISCAL YEAR IN THE FORM OF A GRANT, CONTRACT, OR LOAN TO
2 PROMOTE THE PRESERVATION OR PRODUCTION OF EMERGENCY OR
3 AFFORDABLE HOUSING.

4 (c) THE DIVISION EXPENDED DURING THE PRIOR FISCAL YEAR ON
5 ADMINISTRATIVE COSTS ASSOCIATED WITH EACH FUNDING SOURCE
6 IDENTIFIED IN SUBSECTION (1)(a) OF THIS SECTION AND THE NUMBER OF
7 FULL-TIME EMPLOYEES SUPPORTED BY THE FUNDING SOURCE IDENTIFIED.

8 (2) WITH RESPECT TO ANY FUNDING AWARD MADE BY THE
9 DIVISION OR THE BOARD TO PROMOTE THE PRESERVATION OR PRODUCTION
10 OF EMERGENCY OR AFFORDABLE HOUSING IN THE FORM OF A GRANT OR
11 LOAN, THE REPORT MUST IDENTIFY THE:

12 (a) APPLICANT FOR THE AWARD;

13 (b) NAME OF THE PROJECT BEING FUNDED BY THE AWARD;

14 (c) SOURCE OF THE AWARD FUNDING FOR THE PROJECT;

15 (d) AMOUNT OF AWARD FUNDING THAT WAS REQUESTED FOR THE
16 PROJECT IDENTIFIED AT THE TIME THE FINAL APPLICATION WAS
17 SUBMITTED;

18 (e) AMOUNT OF FUNDING AWARDED THROUGH THE GRANT OR
19 LOAN;

20 (f) TOTAL COST OF THE ENTIRE PROJECT BEING FUNDED BY THE
21 AWARD;

22 (g) MUNICIPALITY AND COUNTY IN WHICH THE PROJECT BEING
23 FUNDED BY THE AWARD IS LOCATED;

24 (h) TYPE OF HOUSING SOLUTION BEING FUNDED BY THE AWARD,
25 SUCH AS HOMEOWNERSHIP, RENTAL, EMERGENCY, OR AFFORDABLE
26 HOUSING;

27 (i) PURPOSE OF THE AWARD, SUCH AS NEW CONSTRUCTION OF

1 HOUSING, PRESERVATION OF EXISTING HOUSING, DOWN PAYMENT
2 ASSISTANCE, LAND ACQUISITION, OR REPAIRS OF OWNER-OCCUPIED
3 HOUSING; AND

4 (j) NUMBER OF HOUSING UNITS BUILT, ACQUIRED, REHABILITATED,
5 OR PRESERVED BY THE AWARD.

6 (3) EACH REPORT MUST ALSO PROVIDE A SUMMARY DESCRIBING
7 THE SOURCE AND AMOUNT OF ALL FUNDING APPROPRIATED,
8 RE-APPROPRIATED, TRANSFERRED, OR OTHERWISE MADE AVAILABLE TO
9 THE DIVISION OF HOUSING THAT MAY BE USED FOR THE PRESERVATION OR
10 PRODUCTION OF EMERGENCY OR AFFORDABLE HOUSING.

11
12 (4) THE DIVISION SHALL POST THE MOST RECENT VERSION OF THE
13 ANNUAL PUBLIC REPORT IT HAS PREPARED AS REQUIRED UNDER
14 SUBSECTION (1) OF THIS SECTION IN A PROMINENT PLACE ON THE
15 DIVISION'S WEBSITE. IN ADDITION, ON AN ANNUAL BASIS, THE DIVISION
16 SHALL DELIVER A COPY OF THE MOST RECENT VERSION OF THE REPORT TO
17 THE BOARD AS WELL AS TO THE JOINT COMMITTEES OF REFERENCE FOR
18 PURPOSES OF THE HEARING HELD PURSUANT TO SECTION 2-7-203 (2)(a) OF
19 THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
20 TRANSPARENT (SMART) GOVERNMENT ACT.

21 (5) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
22 REQUIREMENT TO SUBMIT THE REPORT REQUIRED BY SUBSECTION (1) OF
23 THIS SECTION CONTINUES INDEFINITELY.

24 (6) AS USED IN THIS SECTION, "AFFORDABLE HOUSING" MEANS ANY
25 CURRENT OR PROSPECTIVE STRUCTURE THAT HAS BENEFITTED FROM, OR
26 THAT MAY BENEFIT FROM, THE AWARD OF A PLACE-BASED GRANT OR LOAN
27 BY THE DIVISION. FOR PURPOSES OF THIS SECTION, "AFFORDABLE

1 HOUSING" INCLUDES PERMANENT RESIDENCES, SUCH AS RENTAL OR
2 FOR-SALE HOUSING INHABITED BY LOW-, MODERATE-, AND MIDDLE-
3 INCOME HOUSEHOLDS, AS WELL AS TEMPORARY AND EMERGENCY HOUSING
4 SUCH AS TRANSITIONAL HOUSING AND SHELTERS AND HOUSEHOLDS THAT
5 WILL BENEFIT FROM DOWN PAYMENT ASSISTANCE.

6 SECTION 2. In Colorado Revised Statutes, 24-32-705, add
7 (1)(v) as follows:

8 24-32-705. Functions of division. (1) The division has the
9 following functions:

10 (v) TO PREPARE AN ANNUAL PUBLIC REPORT ON FUNDING OF
11 AFFORDABLE HOUSING PRESERVATION AND PRODUCTION IN ACCORDANCE
12 WITH SECTION 24-32-705.5 AND TO SATISFY OTHER REQUIREMENTS IN
13 SECTION 24-32-705.5 PERTAINING TO THE PREPARATION AND
14 DISSEMINATION OF THE REPORT. IN ITS PRESENTATION TO THE JOINT
15 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-7-203, THE
16 DEPARTMENT SHALL SUMMARIZE THE INFORMATION CONTAINED IN THE
17 REPORT CONCERNING AFFORDABLE HOUSING FUNDING ADMINISTERED BY
18 THE DIVISION SINCE THE DEPARTMENT'S PRIOR PRESENTATION.

19 SECTION 3. In Colorado Revised Statutes, 24-32-721, amend
20 (3)(b) as follows:

21 24-32-721. Colorado affordable housing construction grants
22 and loans - housing development grant fund - creation - housing
23 assistance for persons with behavioral, mental health, or substance
24 use disorders - cash fund - appropriation - report to general assembly
25 - rules - definitions - repeal. (3) (b) Notwithstanding any other
26 provision of this section, the division, in its discretion, may transfer
27 twenty percent of the balance of the money in the fund into the housing

1 investment trust fund established in section 24-32-717 (1)(a), which
2 balance is calculated as of July 1 of the state fiscal year in which the
3 money is transferred. For any given state fiscal year, no more than three
4 percent of the money appropriated OR TRANSFERRED to the fund may be
5 expended for the administrative costs of the division in administering the
6 fund.

7 **SECTION 4. No appropriation.** The general assembly has
8 determined that this act can be implemented within existing
9 appropriations, and therefore no separate appropriation of state money is
10 necessary to carry out the purposes of this act.

11 **SECTION 5. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly; except
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V
15 of the state constitution against this act or an item, section, or part of this
16 act within such period, then the act, item, section, or part will not take
17 effect unless approved by the people at the general election to be held in
18 November 2022 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.