

CHAPTER 287

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 22-1378

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also SENATOR(S) Coleman and Hansen, Buckner, Donovan, Fields, Ginal, Gonzales, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Winter, Zenzinger, Fenberg.

AN ACT

CONCERNING THE DENVER-METROPOLITAN REGIONAL NAVIGATION CAMPUS GRANT TO ADDRESS HOMELESSNESS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) On March 11, 2021, the federal government enacted the "American Rescue Plan Act of 2021" (ARPA), Pub.L. 117-2, pursuant to which Colorado has received \$3,828,761,790 from the federal coronavirus state fiscal recovery fund (SFRF) to be used for certain specified purposes;

(b) These specified purposes include providing programs, services, or other assistance for populations disproportionately impacted by the COVID-19 pandemic. More specifically, federal regulations and United States treasury guidance construing the allocation of the SFRF identify a nonexclusive list of uses that address the disproportionate negative economic effects of the COVID-19 pandemic, including building stronger communities through investments in housing and neighborhoods. Services in this category alleviate the immediate economic impact of the COVID-19 pandemic on housing insecurity while addressing conditions that contributed to poor public health and economic outcomes during the pandemic, namely concentrated areas with limited economic opportunity and inadequate or poor-quality housing.

(c) Under these regulations, SFRF money may be used for programs or services

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.

that address housing insecurity, lack of affordable and workforce housing, or homelessness;

(d) As the federal department of housing and urban development stated, the COVID-19 pandemic has exacerbated our nation's already severe housing affordability crisis;

(e) Today, one in 5 renters are behind on rent and just over 10 million homeowners are behind on mortgage payments, and people of color face even greater hardship and are more likely to have deferred or missed payments, putting them at greater risk of eviction and foreclosure;

(f) At the same time, our nation's homelessness crisis has worsened during the pandemic as people experiencing homelessness are highly vulnerable to COVID-19 transmission, illness, and severity due to their use of congregate shelters and their high prevalence of underlying health conditions;

(g) Colorado is no exception, as COVID-19 has been hitting low- and extremely low-income individuals and families who were already severely cost-burdened especially hard, increasing their risk of experiencing homelessness or inability to resolve their homelessness;

(h) In the Denver metropolitan area, shelters saw a 99% increase in people experiencing homelessness for the first time between January 2020 and January 2021. The number of deaths due to overdose among people experiencing homelessness in Denver county increased by 34% from 2020 to 2021, highlighting the need for joint efforts to address substance use disorders among those experiencing homelessness.

(i) There is currently a lack of both transitional and supportive housing and lack of access to specialty care, particularly for people with complex needs. Persons experiencing homelessness face many challenges in accessing long-term treatment of chronic illness and are far more likely to receive care in emergency departments. Without trained and dedicated providers or advocates, unhoused individuals often end up in a cycle of expensive treatment with little to no follow-up.

(2) Therefore, the general assembly finds and declares it is within the interest of the state to create a regional campus for individuals experiencing homelessness to help alleviate the need that has been exacerbated by the COVID-19 pandemic.

SECTION 2. In Colorado Revised Statutes, **add 24-32-727** as follows:

24-32-727. Denver-metropolitan regional navigation campus grant - regional navigation campus cash fund - creation - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COMMUNITY PARTNER" MEANS A NONPROFIT ORGANIZATION THAT UNDERTAKES ANY OF THE ACTIVITIES DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

(b) "LOCAL GOVERNMENT" MEANS THE CITY AND COUNTY OF DENVER, ADAMS

COUNTY, ARAPAHOE COUNTY, JEFFERSON COUNTY, DOUGLAS COUNTY, THE CITY AND COUNTY OF BROOMFIELD, THE DENVER REGIONAL COUNCIL OF GOVERNMENTS, OR A MUNICIPALITY LOCATED WITHIN ONE OF THOSE COUNTIES.

(2) A LOCAL GOVERNMENT OR LOCAL GOVERNMENTS APPLYING TOGETHER OR A COMMUNITY PARTNER IN CONJUNCTION WITH ONE OR MORE LOCAL GOVERNMENTS MAY SUBMIT AN APPLICATION FOR A GRANT TO THE DIVISION IN ACCORDANCE WITH POLICIES, PROCEDURES, AND GUIDELINES ADOPTED BY THE DIVISION IN ORDER TO BUILD OR ACQUIRE, AND THEN FACILITATE, A REGIONAL NAVIGATION CAMPUS IN THE DENVER METROPOLITAN AREA TO RESPOND TO AND PREVENT HOMELESSNESS. THE DIVISION, IN COLLABORATION WITH THE DEPARTMENT OF HUMAN SERVICES AND THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, SHALL ESTABLISH THE APPLICATION REQUIREMENTS, WHICH MUST INCLUDE A PLAN BY WHICH THE APPLICANT INTENDS TO SUSTAIN FUNDING THE REGIONAL NAVIGATION CAMPUS AFTER THE GRANT PERIOD ENDS.

(3) EACH APPLICANT SHALL DEMONSTRATE HOW THE APPLICANT PLANS TO BUILD OR ACQUIRE, AND THEN FACILITATE, A NAVIGATION CAMPUS THAT MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(a) SERVICES FOR BEHAVIORAL HEALTH, MENTAL HEALTH, AND SUBSTANCE USE DISORDERS, INCLUDING A CONTINUUM OF BEHAVIORAL HEALTH SERVICES AND TREATMENT;

(b) MEDICAL CARE, INCLUDING DENTAL CARE;

(c) TRANSITIONAL HOUSING;

(d) PERMANENT SUPPORTIVE HOUSING;

(e) EMERGENCY SHELTER;

(f) RECOVERY-ORIENTED SERVICES AND CARE;

(g) VOCATIONAL REHABILITATION AND EMPLOYMENT SKILLS TRAINING WITH THE REQUISITE SUPPORTIVE SERVICES THAT SUPPORT THOSE INITIATIVES;

(h) ASSISTANCE ENROLLING ELIGIBLE INDIVIDUALS INTO PUBLIC ASSISTANCE BENEFITS PROGRAMS;

(i) SERVICES FOR INDIVIDUALS EXITING OTHER RESIDENTIAL FACILITIES OR PROGRAMS AND WHO ARE AT RISK OR IMMINENTLY AT RISK OF EXPERIENCING HOMELESSNESS; AND

(j) OTHER SUPPORTIVE SERVICES INCLUDING, BUT NOT LIMITED TO, TRANSPORTATION, CASE MANAGEMENT, LIFE SKILLS TRAINING, AND OTHER SUPPORTIVE SERVICES DESCRIBED IN 42 CFR 578.53 AND OTHERS DETERMINED BY THE DIVISION.

(4) IN SELECTING A GRANT RECIPIENT, THE DIVISION, IN COLLABORATION WITH THE DEPARTMENT OF HUMAN SERVICES AND THE BEHAVIORAL HEALTH

ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, SHALL CONSIDER:

(a) AN APPLICANT'S COMMITMENT TO REGIONAL AND TRANSFORMATIONAL PROJECTS THAT ADDRESSES HOMELESSNESS;

(b) AN APPLICANT'S COMMITMENT TO PROVIDING WRAPAROUND SERVICES FOR THE RESIDENTS AT THE SUPPORTIVE RESIDENTIAL CAMPUS;

(c) THE IMPACT OF THE PROPOSED NAVIGATION CAMPUS IN THE COMMUNITY WHERE IT WILL BE LOCATED AND IN THE DENVER-METROPOLITAN REGION AS A WHOLE; AND

(d) THE ABILITY OF THE APPLICANT TO MANAGE THE LOCATION AND DETERMINE LONG-TERM OPERATIONAL COSTS AND SUSTAINABILITY.

(5) IN ADOPTING POLICIES, PROCEDURES, AND GUIDELINES, THE DIVISION SHALL COLLABORATE WITH THE DEPARTMENT OF HUMAN SERVICES AND THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES TO CREATE A PROCESS THAT ENSURES THE GRANT IS ONLY AWARDED AFTER A FAIR AND RIGOROUS OPEN COMPETITION AMONG ELIGIBLE APPLICANTS. THE DIVISION SHALL REVIEW APPLICATIONS AND SELECT THE GRANT RECIPIENT IN COLLABORATION WITH PARTNERING AGENCIES.

(6) THE DIVISION, GRANT RECIPIENT, OR ANY OTHER PERSON WHO RECEIVES MONEY FROM THE DIVISION PURSUANT TO THIS SECTION SHALL COMPLY WITH THE COMPLIANCE, REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

(7) ON JULY 1, 2022, THE STATE TREASURER SHALL TRANSFER FIFTY MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND, CREATED IN SECTION 24-75-228, THAT ORIGINATES FROM THE MONEY THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL RECOVERY FUND, TO THE REGIONAL NAVIGATION CAMPUS CASH FUND FOR THE PURPOSES OF THIS SECTION. THE DIVISION MAY EXPEND UP TO TEN PERCENT OF THE MONEY APPROPRIATED OR TRANSFERRED TO THE FUND TO PAY FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE GRANT. ALL ADMINISTRATIVE COSTS MUST BE PAID OUT OF THE MONEY TRANSFERRED TO THE FUND PURSUANT TO THIS SUBSECTION (7).

(8) (a) THE REGIONAL NAVIGATION CAMPUS CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION 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. EXCEPT AS OTHERWISE REQUIRED BY THIS SUBSECTION (8)(b), ALL MONEY NOT EXPENDED OR ENCUMBERED, AND ALL INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEY IN THE FUND, REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. THE MONEY IN THE

FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF LOCAL AFFAIRS FOR USE BY THE DIVISION FOR THE PURPOSES OF THIS SECTION.

(c) FOR STATE FISCAL YEAR 2022-23, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE FUND TO THE DEPARTMENT OF HUMAN SERVICES FOR THE IMPLEMENTATION OF THIS SECTION.

(d) THE GRANT RECIPIENT SHALL EXPEND OR OBLIGATE ANY MONEY RECEIVED PURSUANT TO THIS SECTION NO LATER THAN DECEMBER 30, 2024. ANY MONEY THE GRANT RECIPIENT OBLIGATES MUST BE EXPENDED NO LATER THAN DECEMBER 30, 2026.

SECTION 3. In Colorado Revised Statutes, 24-75-402, **amend** (5)(tt) and (5)(uu); and **add** (5)(vv) as follows:

24-75-402. Cash funds - limit on uncommitted reserves - reduction in the amount of fees - exclusions. (5) Notwithstanding any provision of this section to the contrary, the following cash funds are excluded from the limitations specified in this section:

(tt) The community impact cash fund created in section 25-7-129 (1); ~~and~~

(uu) The 988 crisis hotline cash fund created in section 27-64-104; AND

(vv) THE REGIONAL NAVIGATION CAMPUS CASH FUND CREATED IN SECTION 24-32-727.

SECTION 4. Appropriation. (1) For the 2022-23 state fiscal year, \$44,557 is appropriated to the department of human services for use by the behavioral health administration. This appropriation is from funds transferred from the division of housing in the department of local affairs from the regional navigation campus cash fund created in section 24-32-727 (8)(a), C.R.S., that originates from the money the state received from the federal coronavirus state fiscal recovery fund, and is based on an assumption that the administration will require an additional 0.4 FTE. To implement this act, the administration may use this appropriation for program administration.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: May 31, 2022