

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1164.01 Richard Sweetman x4333

HOUSE BILL 24-1457

HOUSE SPONSORSHIP

Brown and Winter T., Soper

SENATE SPONSORSHIP

Liston and Marchman,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

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

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>.)

The bill creates the rural housing and development asbestos and lead paint abatement pilot grant program (pilot grant program) in the department of public health and environment (department) to award

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

grants, beginning July 1, 2025, to local governments in rural areas to offset costs associated with the abatement of asbestos and lead paint in housing, commercial buildings, and other development projects. To receive a grant, a local government must submit an application to the department. The application must:

- Describe a voluntary clean-up plan that satisfies existing statutory requirements concerning clean-up of hazardous materials; and
- Include an assessment of needs of rural communities.

The owner of any property that receives asbestos or lead paint abatement, the costs of which abatement are paid in full or in part by grant money from the pilot grant program, is ineligible to apply for a no action determination concerning the property.

A local government that receives a grant from the pilot grant program must either acquire any necessary permits from the air pollution control division before commencing asbestos or lead paint abatement or require any person that proceeds with asbestos or lead paint abatement on behalf of the local government to first acquire such permits.

The bill creates the rural housing and development asbestos and lead paint abatement fund (fund) in the state treasury. The fund consists of money generated from penalties and fines collected in association with violations of laws concerning hazardous materials and any other money that the general assembly may appropriate or transfer to the fund. The department may expend money in the fund to award grants.

The pilot grant program and the fund are repealed, effective July 1, 2027.

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

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

4 **25-16-312. Rural housing and development asbestos and lead**
5 **paint abatement pilot grant program - fund created - definition -**

6 **rules - repeal.** (1) THE RURAL HOUSING AND DEVELOPMENT ASBESTOS
7 AND LEAD PAINT ABATEMENT PILOT GRANT PROGRAM, REFERRED TO IN
8 THIS SECTION AS THE "PILOT GRANT PROGRAM", IS ESTABLISHED IN THE
9 DEPARTMENT. THE PILOT GRANT PROGRAM MAY AWARD GRANTS,
10 BEGINNING JULY 1, 2025, TO LOCAL GOVERNMENTS IN RURAL

1 COMMUNITIES TO OFFSET COSTS ASSOCIATED WITH THE ABATEMENT OF
2 ASBESTOS AND LEAD PAINT IN:

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

6 (2) TO RECEIVE A GRANT FROM THE PILOT GRANT PROGRAM, A
7 LOCAL GOVERNMENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT.

8 THE APPLICATION MUST:

9 (a) DESCRIBE A VOLUNTARY CLEAN-UP PLAN THAT SATISFIES THE
10 REQUIREMENTS OF SECTION 25-16-304 (2); EXCEPT THAT THE
11 ENVIRONMENTAL ASSESSMENT DESCRIBED IN SECTION 25-16-304 (2)(a)
12 MUST INCLUDE ONLY A CHARACTERIZATION OF THE PRESENCE OF
13 ASBESTOS OR LEAD PAINT, OR BOTH, ON THE PROPERTY; AND

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

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

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

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

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

27 (V) COMMUNITY IMPACTS ON ECONOMIC DEVELOPMENT AND

1 AFFORDABLE HOUSING.

2 (3) THE OWNER OF ANY PROPERTY THAT RECEIVES ASBESTOS OR
3 LEAD PAINT ABATEMENT, THE COSTS OF WHICH ABATEMENT ARE PAID IN
4 FULL OR IN PART BY GRANT MONEY FROM THE PILOT GRANT PROGRAM, IS
5 INELIGIBLE TO APPLY FOR A NO ACTION DETERMINATION CONCERNING THE
6 PROPERTY, AS DESCRIBED IN SECTION 25-16-307.

7 (4) A LOCAL GOVERNMENT THAT RECEIVES A GRANT FROM THE
8 PILOT GRANT PROGRAM SHALL EITHER:

9 (a) ACQUIRE ANY NECESSARY PERMITS FROM THE AIR POLLUTION
10 CONTROL DIVISION BEFORE COMMENCING ASBESTOS OR LEAD PAINT
11 ABATEMENT; OR

12 (b) REQUIRE ANY PERSON THAT PROCEEDS WITH ASBESTOS OR
13 LEAD PAINT ABATEMENT ON BEHALF OF THE LOCAL GOVERNMENT TO FIRST
14 ACQUIRE SUCH PERMITS.

15 (5) (a) THE RURAL HOUSING AND DEVELOPMENT ASBESTOS AND
16 LEAD PAINT ABATEMENT FUND, REFERRED TO IN THIS SECTION AS THE
17 "FUND", IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF
18 MONEY GENERATED FROM PENALTIES AND FINES COLLECTED PURSUANT TO
19 SECTIONS 25-15-309 AND 25-15-310, AS DESCRIBED IN SECTION
20 25-15-311; PENALTIES COLLECTED PURSUANT TO SECTION 25-7-511; AND
21 ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
22 TRANSFER TO THE FUND.

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

26 (c) THE STATE TREASURER SHALL CREDIT ANY UNEXPENDED AND
27 UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A STATE

1 FISCAL YEAR TO THE FUND; EXCEPT THAT, ON JUNE 30, 2027, THE STATE
2 TREASURER SHALL CREDIT ANY UNEXPENDED AND UNENCUMBERED
3 MONEY REMAINING IN THE FUND TO THE GENERAL FUND.

4 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
5 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY TO AWARD GRANTS AS
6 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

7 (e) THE DEPARTMENT MAY EXPEND NO MORE THAN THREE
8 PERCENT OF THE TOTAL MONEY ANNUALLY APPROPRIATED TO THE FUND
9 TO PAY THE DIRECT AND INDIRECT ADMINISTRATIVE COSTS OF THE
10 DEPARTMENT IN IMPLEMENTING THIS SECTION.

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

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

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

17 **25-7-511. Enforcement - repeal.** (6) (a) EXCEPT AS DESCRIBED
18 IN SUBSECTION (6)(b) OF THIS SECTION, all penalties collected pursuant to
19 this section shall be transmitted to the state treasurer, who shall credit the
20 same to the general fund.

21 (b) (I) ON AND AFTER JULY 1, 2025, ALL RECEIPTS FROM
22 PENALTIES COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE
23 RURAL HOUSING AND DEVELOPMENT ASBESTOS AND LEAD PAINT
24 ABATEMENT FUND CREATED IN SECTION 25-16-312.

25 (II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JUNE 30,
26 2027.

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

1 follows:

2 **25-15-311. Disposition of fines and penalties - repeal.**

3 (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, all
4 receipts from penalties or fines collected under ~~the provisions of~~ sections
5 25-15-309 and 25-15-310 shall be credited to the general fund of the
6 state.

7 (2) (a) ON AND AFTER JULY 1, 2025, ALL RECEIPTS FROM
8 PENALTIES OR FINES COLLECTED UNDER SECTIONS 25-15-309 AND
9 25-15-310 SHALL BE CREDITED TO THE RURAL HOUSING AND
10 DEVELOPMENT ASBESTOS AND LEAD PAINT ABATEMENT FUND CREATED IN
11 SECTION 25-16-312.

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

13 **SECTION 4.** In Colorado Revised Statutes, 25-16-307, **add** (1.5)
14 as follows:

15 **25-16-307. No action determinations - repeal.**

16 (1.5) (a) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, THE
17 OWNER OF ANY PROPERTY THAT RECEIVES ASBESTOS OR LEAD PAINT
18 ABATEMENT, THE COSTS OF WHICH ABATEMENT ARE PAID IN FULL OR IN
19 PART BY GRANT MONEY FROM THE PILOT GRANT PROGRAM CREATED IN
20 SECTION 25-16-312, IS INELIGIBLE TO APPLY FOR A NO ACTION
21 DETERMINATION CONCERNING THE PROPERTY, AS DESCRIBED IN THIS
22 SECTION.

23 (b) THIS SUBSECTION (1.5) IS REPEALED, EFFECTIVE JULY 1, 2027.

24 **SECTION 5. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.