

CHAPTER 206

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**GOVERNMENT - LOCAL**

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**HOUSE BILL 00-1284**

BY REPRESENTATIVES Tate, Mace, Bacon, Coleman, Gagliardi, Plant, Scott, Stengel, Tapia, Veiga, and Vigil;  
also SENATORS Tanner and Hernandez.

**AN ACT**

CONCERNING HOUSING AUTHORITIES.

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

**SECTION 1.** 29-4-202 (1) (d), Colorado Revised Statutes, is amended to read:

**29-4-202. Legislative declaration.** (1) It is hereby declared:

(d) That the clearance, replanning, and reconstruction of the areas in which unsanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations ~~at~~ ON such ~~rentals~~ FINANCIAL TERMS that enable persons who now live in unsafe or unsanitary dwelling accommodations or in overcrowded and congested dwelling accommodations ~~can~~ TO afford to live in safe and sanitary or uncongested dwelling accommodations, are public uses and purposes for which public money may be spent and private property acquired;

**SECTION 2.** 29-4-203 (12), Colorado Revised Statutes, is amended to read:

**29-4-203. Definitions.** As used in this part 2, unless the context otherwise requires:

(12) "Project" means all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, COMMERCIAL FACILITIES, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking to demolish, clear, remove, alter, or repair unsanitary or unsafe housing or to provide dwelling accommodations ~~at rentals~~ ON FINANCIAL TERMS within the means of persons of low income. The term "project" also applies to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

repair of the improvements and all other work in connection therewith. THE TERM "PROJECT" ALSO APPLIES TO THE PROVISION OF DWELLING ACCOMMODATIONS TO PERSONS, WITHOUT REGARD TO INCOME, AS LONG AS THE PROJECT SUBSTANTIALLY BENEFITS PERSONS OF LOW INCOME AS DETERMINED BY AN AUTHORITY.

**SECTION 3.** 29-4-204 (4), Colorado Revised Statutes, is amended to read:

**29-4-204. Petition for creation of authority - notice - hearing.** (4) If it determines that either of the conditions enumerated in subsection (2) of this section exist, the council shall adopt a resolution so finding and shall cause notice of such determination to be given to the mayor or such other appointing authority as is otherwise provided by charter or ordinance who shall thereupon appoint, as provided in section 29-4-205, no more than nine commissioners to act as an authority; except that, in any city and county having a population of more than three hundred thousand, the mayor or such other appointing authority as is otherwise provided by charter or ordinance shall appoint nine commissioners to act as an authority whose appointments shall be conditioned upon confirmation by the council. ~~The residents of the dwellings or other accommodations owned, operated, or managed by an authority consisting of nine commissioners shall be represented on such authority.~~ The number of commissioners shall be specified by the council in the resolution. A certificate signed by such commissioners shall then be filed with the division of local government in the department of local affairs and there remain of record, setting forth that a notice has been given and public hearing has been held, that the council made a determination after such hearing and that the mayor or such other appointing authority as is otherwise provided by charter or ordinance has appointed them as commissioners. Upon the filing of such certificates with said division, the commissioners and their successors shall constitute a housing authority, which shall be a body corporate and politic.

**SECTION 4.** 29-4-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**29-4-205. Appointment of commissioners.** (3.5) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, COMMENCING ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, AS NEW APPOINTMENTS ARE MADE TO AUTHORITIES PURSUANT TO SUBSECTION (3) OF THIS SECTION, SUCH APPOINTMENTS SHALL BE MADE SO THAT NOT LESS THAN ONE COMMISSIONER OF EACH AUTHORITY SHALL BE AN INDIVIDUAL WHO IS DIRECTLY ASSISTED BY THE AUTHORITY AND WHO MAY, IF PROVIDED IN A PLAN OF THE AUTHORITY, BE ELECTED BY INDIVIDUALS DIRECTLY ASSISTED BY THE AUTHORITY. THIS SUBSECTION (3.5) SHALL NOT APPLY TO ANY AUTHORITY WITH FEWER THAN THREE HUNDRED PUBLIC HOUSING UNITS IF THE AUTHORITY PROVIDES REASONABLE NOTICE TO THE RESIDENT ADVISORY BOARD OF THE OPPORTUNITY FOR NOT LESS THAN ONE INDIVIDUAL TO SERVE AS A COMMISSIONER OF THE AUTHORITY AS PROVIDED IN THIS SUBSECTION (3.5) AND, WITHIN A REASONABLE TIME AFTER RECEIPT BY SUCH BOARD OF THE NOTICE, THE AUTHORITY IS NOT NOTIFIED OF THE INTENTION OF ANY SUCH INDIVIDUAL TO SERVE AS A COMMISSIONER.

**SECTION 5.** 29-4-504, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**29-4-504. Appointment of commissioners.** (3.5) NOTWITHSTANDING ANY

OTHER PROVISION TO THE CONTRARY, COMMENCING ON AND AFTER THE EFFECTIVE DATE OF THIS ACT, AS NEW APPOINTMENTS ARE MADE TO AUTHORITIES PURSUANT TO SUBSECTION (3) OF THIS SECTION, SUCH APPOINTMENTS SHALL BE MADE SO THAT NOT LESS THAN ONE COMMISSIONER OF EACH AUTHORITY SHALL BE AN INDIVIDUAL WHO IS DIRECTLY ASSISTED BY THE AUTHORITY AND WHO MAY, IF PROVIDED IN A PLAN OF THE AUTHORITY, BE ELECTED BY INDIVIDUALS DIRECTLY ASSISTED BY THE AUTHORITY. THIS SUBSECTION (3.5) SHALL NOT APPLY TO ANY AUTHORITY WITH FEWER THAN THREE HUNDRED PUBLIC HOUSING UNITS IF THE AUTHORITY PROVIDES REASONABLE NOTICE TO THE RESIDENT ADVISORY BOARD OF THE OPPORTUNITY FOR NOT LESS THAN ONE INDIVIDUAL TO SERVE AS A COMMISSIONER OF THE AUTHORITY AS PROVIDED IN THIS SUBSECTION (3.5) AND, WITHIN A REASONABLE TIME AFTER RECEIPT BY SUCH BOARD OF THE NOTICE, THE AUTHORITY IS NOT NOTIFIED OF THE INTENTION OF ANY SUCH INDIVIDUAL TO SERVE AS A COMMISSIONER.

**SECTION 6.** 29-4-209 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**29-4-209. Powers of authority.** (1) An authority shall constitute a body both corporate and politic, exercising public powers and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part 2, including the following powers in addition to others granted in this section:

(d.3) TO GRANT OR LEND MONEYS OR OTHERWISE PROVIDE FINANCING TO ANY PERSON, FIRM, CORPORATION, THE CITY, OR A GOVERNMENT FOR ANY PROJECT OR ANY PART THEREOF;

(d.5) TO PLEDGE OR OTHERWISE ENCUMBER ANY OF ITS MONEYS IN SUPPORT OF OR IN CONNECTION WITH A PROJECT;

(d.7) TO ESTABLISH ENTITIES CONTROLLED BY THE AUTHORITY THAT MAY OWN, OPERATE, ACT, INVEST IN AS A PARTNER OR OTHER PARTICIPANT, OR TAKE ANY AND ALL STEPS NECESSARY OR CONVENIENT TO UNDERTAKE OR OTHERWISE DEVELOP A PROJECT;

**SECTION 7.** 29-4-210 (1) (a.5) and (1) (d), Colorado Revised Statutes, are amended to read:

**29-4-210. Rentals and tenant selection.** (1) In the operation or management of housing projects, any housing authority at all times shall observe the following duties with respect to rentals and tenant selection:

(a.5) Notwithstanding the limitations of paragraph (a) of this subsection (1), a housing authority may rent or lease dwelling accommodations therein to:

(I) Persons who, by virtue of age or disability, have special housing needs or requirements ~~which~~ THAT cannot reasonably be met by existing housing available within the boundaries of the authority; AND

(II) OTHER PERSONS, WITHOUT REGARD TO INCOME, IN A MANNER CONSISTENT WITH THE PROVISIONS OF SECTION 29-4-203 (12).

(d) It shall not accept any family as a tenant in ~~any housing project~~ DWELLING ACCOMMODATIONS THAT ARE PROVIDED FOR PERSONS OF LOW INCOME if the family who would occupy the dwelling accommodations has a net annual income in excess of five times the annual rental of the dwelling accommodations to be furnished, after allowing all exemptions available to families occupying dwellings in low rent housing authorized under the act of Congress of the United States known as the "United States Housing Act of 1937", as amended. In computing such rental, for the purpose of selecting tenants, there shall be included in the rental the average annual cost to the occupant, as determined by the authority, of heat, water, electricity, gas, and other necessary services or facilities, whether or not the charge for such services and facilities is in fact included in the rental.

**SECTION 8.** 29-4-226, Colorado Revised Statutes, is amended to read:

**29-4-226. Exemption from special assessments.** (1) ~~A housing authority~~ THE FOLLOWING shall be exempt from the payment of any special assessments to the state, ~~or any subdivision thereof. The property of a housing authority shall be exempt from all local and municipal special assessments.~~ ANY COUNTY, CITY AND COUNTY, MUNICIPALITY, OR OTHER POLITICAL SUBDIVISION OF THE STATE:

(a) A HOUSING AUTHORITY;

(b) THE PROPERTY OF A HOUSING AUTHORITY;

(c) All property leased to a housing authority ~~shall likewise be exempt from special assessments;~~ AND

(d) THE PORTION OF A PROJECT THAT IS NOT USED AS A STORE, OFFICE, OR OTHER COMMERCIAL FACILITY THAT IS OCCUPIED BY PERSONS OF LOW INCOME AND THAT IS OWNED BY OR LEASED TO AN ENTITY:

(I) THAT IS WHOLLY OWNED BY AN AUTHORITY;

(II) IN WHICH AN AUTHORITY HAS AN OWNERSHIP INTEREST; OR

(III) IN WHICH AN ENTITY WHOLLY OWNED BY AN AUTHORITY HAS AN OWNERSHIP INTEREST.

**SECTION 9.** 29-4-227, Colorado Revised Statutes, is amended to read:

**29-4-227. Tax exemptions.** The authority is exempt from the payment of any taxes or fees to the state or any subdivision thereof, or to any officer or employee of the state or any subdivision thereof. The property of an authority shall be exempt from all local and municipal taxes. Bonds, notes, debentures, and other evidences of indebtedness of an authority are declared to be issued for a public purpose and to be public instruments, and, together with interest thereon, shall be exempt from taxes. All property leased to the authority for the purposes of a project shall likewise be exempt from taxation, as shall the income derived from the authority by the lessor under such lease. THE PORTION OF A PROJECT THAT IS NOT USED AS A STORE, OFFICE, OR OTHER COMMERCIAL FACILITY THAT IS OCCUPIED BY PERSONS OF LOW INCOME AND THAT IS OWNED BY OR LEASED TO AN ENTITY THAT IS WHOLLY OWNED BY AN

AUTHORITY, AN ENTITY IN WHICH AN AUTHORITY HAS AN OWNERSHIP INTEREST, OR AN ENTITY IN WHICH AN ENTITY WHOLLY OWNED BY AN AUTHORITY HAS AN OWNERSHIP INTEREST SHALL LIKEWISE BE EXEMPT FROM TAXATION, AND THE INCOME DERIVED FROM THE ABOVE ENTITIES BY THE LESSOR UNDER A LEASE SHALL LIKEWISE BE EXEMPT FROM TAXATION.

**SECTION 10. Applicability.** Section 8 shall apply to special assessments levied on or after the effective date of this act. Section 9 shall apply to taxes levied on or after the effective date of this act.

**SECTION 11. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 24, 2000