

CHAPTER 170

GOVERNMENT - STATE

HOUSE BILL 11-1230

BY REPRESENTATIVE(S) Duran, Brown, Casso, Court, Fischer, Hamner, Hullinghorst, Labuda, Murray, Pabon, Pace, Peniston, Ryden, Schafer S., Summers, Todd, Vigil, Wilson, Bradford, Fields, Kagan, Solano, Tyler, Waller;
also SENATOR(S) Boyd, Aguilar, Foster, Giron, Hodge, Hudak, Jahn, Nicholson, Schwartz, Steadman, Tochtrop, Williams S.

AN ACT

CONCERNING THE CONSOLIDATION OF STATE PROGRAMS THAT DISTRIBUTE FEDERAL MONEYS TO PERSONS NEEDING ASSISTANCE IN OBTAINING HOUSING INTO THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 24-32-703, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-32-703. Definitions. As used in this part 7, unless the context otherwise requires:

(8) "STATE AGENCY" MEANS ANY BOARD, BUREAU, COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER OF THE STATE, EXCEPT THOSE IN THE LEGISLATIVE BRANCH OR JUDICIAL BRANCH AND EXCEPT STATE EDUCATIONAL INSTITUTIONS ADMINISTERED PURSUANT TO PART 3 OF ARTICLE 33.5 OF THIS TITLE AND TITLE 23, C.R.S., EXCLUDING ARTICLES 8 AND 9, PARTS 2 AND 3 OF ARTICLE 21, AND PARTS 2 TO 4 OF ARTICLE 30 OF TITLE 23, C.R.S.

SECTION 2. 24-32-705 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(t) TO SERVE AS THE SOLE STATE AGENCY FOR THE PURPOSE OF ADMINISTERING ANY STATE PLANS FOR FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS FOR THE PURPOSE OF ASSISTING SUCH PERSONS IN

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

OBTAINING HOUSING, INCLUDING, WITHOUT LIMITATION, RENTAL ASSISTANCE, TECHNICAL ASSISTANCE, THE CONSTRUCTION AND REHABILITATION OF HOUSING, AS WELL AS ANY OTHER STATE PLAN RELATING TO SUCH FINANCIAL HOUSING ASSISTANCE THAT REQUIRES STATE ACTION THAT HAS NOT BEEN MADE THE SPECIFIC RESPONSIBILITY OF ANY OTHER STATE AGENCY IN ACCORDANCE WITH FEDERAL OR STATE LAW. THE CONSOLIDATION OF FINANCIAL HOUSING ASSISTANCE FUNCTIONS WITHIN THE DIVISION SHALL INCLUDE THE OFFICE OF HOMELESS YOUTH SERVICES CREATED IN SECTION 24-32-723 (3). THE OFFICE SHALL PERFORM ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER UNDER THE PROVISIONS OF THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", PART 1 OF THIS TITLE.

SECTION 3. Part 7 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-32-722. Consolidation within division of housing programs for low- and moderate-income households - legislative declaration - repeal. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(a) BOTH THE DEPARTMENT OF LOCAL AFFAIRS AND THE DEPARTMENT OF HUMAN SERVICES ADMINISTER PROGRAMS THAT DISTRIBUTE FEDERAL HOUSING MONEYS TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND TO PERSONS WITH DISABILITIES TO ASSIST SUCH PERSONS IN OBTAINING HOUSING. SUCH MONEYS LARGELY CONSIST OF SECTION 8 HOUSING VOUCHER MONEYS DISTRIBUTED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE DIVISION IN ACCORDANCE WITH SECTIONS 24-32-702 (4) AND 24-32-705 (1) (i) AND TO THE DEPARTMENT OF HUMAN SERVICES TO PROVIDE HOUSING TO PERSONS WITH DISABILITIES. SUCH MONEYS ARE DISTRIBUTED BY THE DEPARTMENTS OF LOCAL AFFAIRS AND HUMAN SERVICES TO HOUSING AUTHORITIES AND OTHER ELIGIBLE NONPROFIT ENTITIES ACROSS THE STATE AS PROVIDED BY LAW OR IN ACCORDANCE WITH AGREEMENTS FOR THE RECEIPTS OF GRANTS OR SERVICES FROM THE FEDERAL GOVERNMENT; AND

(b) CONSOLIDATING ANY PROGRAM ADMINISTERED BY THE STATE THAT PROVIDES FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES FOR THE PURPOSE OF ASSISTING SUCH PERSONS IN OBTAINING HOUSING WITHIN THE DIVISION WILL PROMOTE ECONOMIC EFFICIENCIES, ALLOW FOR STATEWIDE STRATEGIC PLANNING AND ADMINISTRATION OF FINANCIAL HOUSING ASSISTANCE, AND MAXIMIZE THE AMOUNT OF FEDERAL FUNDING MADE AVAILABLE TO LOCAL HOUSING AUTHORITIES AND OTHER LOCAL ELIGIBLE NONPROFIT AGENCIES.

(2) (a) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS THAT THE MAXIMUM AMOUNT OF FINANCIAL HOUSING ASSISTANCE AND ADMINISTRATIVE FUNDING MADE AVAILABLE BY THE FEDERAL GOVERNMENT FOR HOUSING BE DIRECTED TO LOCAL PUBLIC HOUSING AUTHORITIES AND OTHER LOCAL ELIGIBLE NONPROFIT AGENCIES FOR ADMINISTRATION AND DISTRIBUTION BY LOCAL ELIGIBLE ENTITIES TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES TO SATISFY THEIR FUNDAMENTAL NEEDS FOR HOUSING.

(b) BY ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO TRANSFER ALL AUTHORITY OVER THE PROGRAMS THAT PROVIDE FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF LOCAL AFFAIRS.

(c) NOTHING IN THIS SECTION SHALL BE INTENDED BY THE GENERAL ASSEMBLY TO LIMIT THE STATE'S ABILITY TO RECEIVE THE MAXIMUM AMOUNT OF FUNDING FROM THE FEDERAL GOVERNMENT FOR HOUSING ASSISTANCE FOR PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES.

(3) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (a), NOT LATER THAN JULY 1, 2011, ANY PROGRAM ADMINISTERED BY THE STATE THAT PROVIDES FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES FOR THE PURPOSE OF ASSISTING SUCH PERSONS IN OBTAINING HOUSING VOUCHERS AND OTHER FORMS OF SUCH ASSISTANCE SHALL BE CONSOLIDATED WITHIN THE DIVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-705 (1) (t).

(II) THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL NOT APPLY TO A GRANT THAT IS IN THE PROCESS OF BEING ADMINISTERED AS OF THE EFFECTIVE DATE OF THIS SECTION, THE TERMS OF WHICH MAY PROHIBIT THE TRANSFER OF ANY MONEYS PROVIDED THEREUNDER TO A PARTY OTHER THAN THE DEPARTMENT OF HUMAN SERVICES.

(b) THE CONSOLIDATION REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (3) SHALL BE ORGANIZED IN SUCH MANNER THAT ONE HOUSING AUTHORITY WILL BE MAINTAINED WITHIN THE DIVISION TO ASSIST PERSONS WITH DISABILITIES AS DEFINED BY THE "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12102 (2), AND THE OTHER AUTHORITY WILL BE MAINTAINED WITHIN THE DIVISION TO ASSIST PERSONS IN COMMUNITIES STATEWIDE.

(c) EXCEPT AS MAY BE OTHERWISE REQUIRED BY FEDERAL LAW, FOR THE 2011-12 STATE FISCAL YEAR AND FOR ANY SUBSEQUENT STATE FISCAL YEAR, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO AVAILABLE FUNDING RECEIVED FROM THE FEDERAL GOVERNMENT, THE NUMBER OF HOUSING VOUCHERS MADE AVAILABLE TO PERSONS WITH DISABILITIES, AS DEFINED BY THE "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12102 (2), BY THE DIVISION IN ANY ONE STATE FISCAL YEAR SHALL NOT BE LESS THAN THE NUMBER OF VOUCHERS MADE AVAILABLE TO PERSONS WITH DISABILITIES BY MEANS OF PROGRAMS ADMINISTERED BY BOTH THE DIVISION AND THE DEPARTMENT OF HUMAN SERVICES AS OF JULY 1, 2011.

(4) IN CARRYING OUT THE CONSOLIDATION REQUIRED BY SUBSECTION (3) OF THIS SECTION, THE DIVISION SHALL CONSULT WITH THE DEPARTMENT OF HUMAN SERVICES AND REPRESENTATIVES OF PERSONS WITH DISABILITIES.

(5) INsofar AS THE TRANSFERS OF STATE EMPLOYEES MAY BECOME NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION, ANY EMPLOYEE TRANSFERRED SHALL RETAIN ALL ACCRUED RIGHTS TO THE STATE PERSONNEL SYSTEM, IF ANY, AND RETIREMENT AND OTHER BENEFITS UNDER THE LAWS OF THE STATE, INCLUDING ANY

ACCRUED RIGHTS WITHIN OR ACROSS PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, AND HIS OR HER SERVICE SHALL BE DEEMED TO HAVE BEEN CONTINUOUS.

(6) IN CONNECTION WITH THE CONSOLIDATION REQUIRED BY THIS SECTION, THE DIVISION AND THE DEPARTMENT OF HUMAN SERVICES SHALL COLLABORATE TO ACHIEVE AN OVERALL REDUCTION OF AT LEAST TWENTY-FIVE PERCENT IN THE NUMBER OF POSITIONS ALLOCATED TO THE DEPARTMENT OF HUMAN SERVICES WHOSE JOB RESPONSIBILITIES ARE PRIMARILY DEDICATED TO THE DISTRIBUTION OF FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND TO PERSONS WITH DISABILITIES.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 4. 26-7.8-104, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-7.8-104. Homeless prevention activities program - contracts with nongovernmental agency - program standards. (5) ON AND AFTER JULY 1, 2011, ANY MONEYS RECEIVED FROM THE FEDERAL GOVERNMENT FOR FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES TO ASSIST SUCH PERSONS IN OBTAINING HOUSING UNDER THIS ARTICLE SHALL BE ADMINISTERED BY THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-705 (1) (t), C.R.S., EXCEPT AS OTHERWISE PROVIDED IN SECTION 24-32-722 (3) (a) (II), C.R.S. THE NUMBER OF HOUSING VOUCHERS MADE AVAILABLE TO PERSONS WITH DISABILITIES, AS DEFINED BY THE "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12012 (2), BY THE DIVISION OF HOUSING IN ANY ONE STATE FISCAL YEAR SHALL NOT BE LESS THAN THE NUMBER OF VOUCHERS THAT HAVE PREVIOUSLY BEEN MADE AVAILABLE TO SUCH PERSONS AS OF JULY 1, 2011.

SECTION 5. Part 7 of article 32 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION CONTAINING RELOCATED PROVISIONS, WITH AMENDMENTS, to read:

24-32-723. Office of homeless youth services - creation - function - duties - definitions. [Formerly 26-5.9-101] (1) This ~~article~~ SECTION shall be known and may be cited as the "Colorado Homeless Youth Services Act".

[Formerly 26-5.9-103] (2) As used in this ~~article~~ SECTION, unless the context otherwise requires:

(a) "Entity" means any state agency, any state-operated program, or any private nonprofit or not-for-profit community-based organization.

(b) "Homeless youth" means a CHILD OR youth who is at least ~~fifteen~~ ELEVEN years of age but is ~~younger~~ LESS than twenty-one years of age ~~and who is not imprisoned or otherwise detained pursuant to a federal or state law~~ and who:

(I) Lacks a fixed, regular, and adequate nighttime residence; or

(II) Has a primary nighttime residence that is:

(A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations; or

(B) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings.

(III) "HOMELESS YOUTH" SHALL NOT INCLUDE ANY INDIVIDUAL IMPRISONED OR OTHERWISE DETAINED PURSUANT TO AN ACT OF CONGRESS OR A STATE LAW.

[Formerly 26-5.9-104] (3) There is hereby created the office of homeless youth services in the state department for the purpose of providing information, coordination, and support services to public and private entities serving the homeless youth of Colorado. The office of homeless youth services shall seek to:

(a) Identify and remove obstacles to the provision of services;

(b) Improve the quality of services provided to homeless youth;

(c) Reduce needless expenditures caused by the provision of overlapping services; and

(d) Identify HOUSING AND SUPPORTIVE SERVICES funding resources available to entities serving homeless youth.

[Formerly 26-5.9-105] (4) (a) In providing the services described in ~~section 26-5.9-104~~ THIS SECTION, the office of homeless youth services is strongly encouraged to work with the executive directors, or their designees, of the departments specified in section 25-20.5-108 (6), C.R.S., as well as the Colorado department of public health and environment, the judicial department, private nonprofit and not-for-profit organizations, appropriate federal departments, and other key stakeholders in the community.

(b) At a minimum, the office of homeless youth services shall have the following duties:

(I) To provide information, coordination, and technical assistance as may be necessary to reduce needless expenditures associated with the provision of overlapping services and to improve the quality of services provided to homeless youth;

(II) To identify both procedural and substantive obstacles to the provision of services and to make recommendations to the entities specified in this section concerning procedural, regulatory, or statutory changes necessary to remove such obstacles;

(III) To obtain information from service providers concerning known services available for the homeless youth population in the state of Colorado and to post such information on a web site on the internet;

(IV) To develop, maintain, and make available a listing of all rights and organizations that may be relevant to the homeless youth population in the state of Colorado, including but not limited to a listing of legal, educational, and victims' rights and organizations related thereto;

(V) To obtain information concerning known funding sources available for the homeless youth population in the state of Colorado; AND

(VI) To work with entities to identify issues concerning sharing of information in providing services to homeless youth and to facilitate resolution of such information-sharing issues. ~~and~~

~~(VII) On or before January 15, 2005, and on or before January 15, 2006, to prepare a written report, which shall be made available electronically to the governor and to the general assembly concerning the performance of the office of homeless youth services and whether the office is effectively and efficiently meeting the goals specified in this section.~~

SECTION 6. Repeal of provisions not being relocated in this act. 26-5.9-102, Colorado Revised Statutes, is repealed.

SECTION 7. Repeal of provisions being relocated in this act. 26-5.9-101, 26-5.9-103, 26-5.9-104, and 26-5.9-105, Colorado Revised Statutes, are repealed.

SECTION 8. Appropriation. (1) The general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of local affairs will receive the sum of one million two hundred sixteen thousand seven hundred thirteen dollars (\$1,216,713) and 19.0 FTE in federal funds, for allocation to the division of housing, for personal services, for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(2) The general assembly anticipates that, for the fiscal year beginning July 1, 2011, the department of local affairs will receive the sum of eighteen million eight hundred eighty-four thousand four hundred thirty dollars (\$18,884,430) in federal funds, for allocation to the division of housing, for low income rental assistance, for the implementation of this act. Although these funds are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds.

(3) In addition to any other appropriation, there is hereby appropriated to the department of local affairs, executive director's office, for personal services, the sum of twenty-eight thousand eight hundred forty dollars (\$28,840) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated funds out of the appropriation made in subsection (2) of this section.

(4) In addition to any other appropriation, there is hereby appropriated to the department of local affairs, executive director's office, for operating expenses, the sum of four hundred seventy-five dollars (\$475), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from reappropriated

funds out of the appropriation made in subsection (2) of this section.

SECTION 9. Appropriation - adjustments in 2011 long bill. For the implementation of this act, appropriations made in the annual general appropriation act to the department of human services for the fiscal year beginning July 1, 2011, shall be adjusted as follows:

(1) The appropriation for mental health and alcohol and drug abuse services, administration, for supportive housing and homeless programs, is decreased by twenty million seventy-one thousand eight hundred twenty-eight dollars (\$20,071,828) and 19.0 FTE. Said sum shall be from federal funds received from the United States department of housing and urban development.

(2) The appropriation to the office of operations, for personal services, is decreased by twenty-eight thousand eight hundred forty dollars (\$28,840) and 0.5 FTE. Said sum shall be from federal funds received from the United States department of housing and urban development.

(3) The appropriation to the office of operations, for operating expenses, is decreased by four hundred seventy-five dollars (\$475). Said sum shall be from federal funds received from the United States department of housing and urban development.

SECTION 10. Effective date. This act shall take effect July 1, 2011.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 9, 2011