

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 11-0543.01 Bob Lackner

HOUSE BILL 11-1230

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

Boyd,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

Local Government
Appropriations

A BILL FOR AN ACT

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

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://www.leg.state.co.us/billsummaries>.)

Currently both the department of local affairs (DOLA) and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unam ended
April 13, 2011

SENATE
Am ended 2nd Reading
April 12, 2011

HOUSE
3rd Reading Unam ended
March 17, 2011

HOUSE
Am ended 2nd Reading
March 15, 2011

department of human services (DHS) administer programs that provide financial assistance, mostly vouchers, to persons in low- and moderate-income households for the purpose of assisting such persons in obtaining housing. Not later than July 1, 2011, the bill specifies that any such program administered by the state shall be consolidated within the division of housing (division) within DOLA. The bill exempts from this consolidation requirement a pending grant that may prohibit the transfer of any moneys provided under the grant to a party other than DHS. In connection with such consolidation:

- ! The bill requires the consolidation to be organized in such manner that one housing authority will be created within the division to assist members of special populations and an additional housing authority will be created within the division to assist persons in rural communities.
- ! 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 by the division in any one state fiscal year shall not be less than the number of vouchers made available to such persons in the 2010-11 state fiscal year.
- ! In carrying out the consolidation, the division is required to consult DHS.
- ! The bill specifies that the consolidation will be carried out without any reductions in force.

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

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

4 **24-32-703. Definitions.** As used in this part 7, unless the context
5 otherwise requires:

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

1 ARTICLES 8 AND 9, PARTS 2 AND 3 OF ARTICLE 21, AND PARTS 2 TO 4 OF
2 ARTICLE 30 OF TITLE 23.

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

5 **24-32-705. Functions of division - repeal.** (1) The division has
6 the following functions:


7 (t) TO SERVE AS THE SOLE STATE AGENCY FOR THE PURPOSE OF
8 ADMINISTERING ANY STATE PLANS FOR FINANCIAL HOUSING ASSISTANCE
9 TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS FOR THE
10 PURPOSE OF ASSISTING SUCH PERSONS IN OBTAINING HOUSING, INCLUDING,
11 WITHOUT LIMITATION, RENTAL ASSISTANCE, TECHNICAL ASSISTANCE, THE
12 CONSTRUCTION AND REHABILITATION OF HOUSING, AS WELL AS ANY
13 OTHER STATE PLAN RELATING TO SUCH FINANCIAL HOUSING ASSISTANCE
14 THAT REQUIRES STATE ACTION THAT HAS NOT BEEN MADE THE SPECIFIC
15 RESPONSIBILITY OF ANY OTHER STATE AGENCY IN ACCORDANCE WITH
16 FEDERAL OR STATE LAW. THE CONSOLIDATION OF FINANCIAL HOUSING
17 ASSISTANCE FUNCTIONS WITHIN THE DIVISION SHALL INCLUDE THE OFFICE
18 OF HOMELESS YOUTH SERVICES CREATED IN SECTION 26-5.9-104 (1),
19 C.R.S. THE OFFICE SHALL PERFORM ITS POWERS, DUTIES, AND FUNCTIONS
20 UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR AS IF THE SAME WERE
21 TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER UNDER THE
22 PROVISIONS OF THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968",
23 PART 1 OF THIS TITLE.

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

27 **24-32-722. Consolidation within division of housing programs**

1 **for low- and moderate-income households - legislative declaration -**
2 **repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
3 DECLARES THAT:

4 (a) BOTH THE DEPARTMENT OF LOCAL AFFAIRS AND THE
5 DEPARTMENT OF HUMAN SERVICES ADMINISTER PROGRAMS THAT
6 DISTRIBUTE FEDERAL HOUSING MONEYS TO PERSONS IN LOW- AND
7 MODERATE-INCOME HOUSEHOLDS AND TO PERSONS WITH DISABILITIES TO
8 ASSIST SUCH PERSONS IN OBTAINING HOUSING. SUCH MONEYS LARGELY
9 CONSIST OF SECTION 8 HOUSING VOUCHER MONEYS DISTRIBUTED BY THE
10 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO
11 THE DIVISION IN ACCORDANCE WITH SECTIONS 24-32-702 (4) AND
12 24-32-705 (1) (i) AND TO THE DEPARTMENT OF HUMAN SERVICES TO
13 PROVIDE HOUSING TO PERSONS WITH DISABILITIES. SUCH MONEYS ARE
14 DISTRIBUTED BY THE DEPARTMENTS OF LOCAL AFFAIRS AND HUMAN
15 SERVICES TO HOUSING AUTHORITIES AND OTHER ELIGIBLE NONPROFIT
16 ENTITIES ACROSS THE STATE AS PROVIDED BY LAW OR IN ACCORDANCE
17 WITH AGREEMENTS FOR THE RECEIPTS OF GRANTS OR SERVICES FROM THE
18 FEDERAL GOVERNMENT; AND


19 
20 (b) CONSOLIDATING ANY PROGRAM ADMINISTERED BY THE STATE
21 THAT PROVIDES FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW-
22 AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES
23 FOR THE PURPOSE OF ASSISTING SUCH PERSONS IN OBTAINING HOUSING
24 WITHIN THE DIVISION WILL PROMOTE ECONOMIC EFFICIENCIES, ALLOW FOR
25 STATEWIDE STRATEGIC PLANNING AND ADMINISTRATION OF FINANCIAL
26 HOUSING ASSISTANCE, AND MAXIMIZE THE AMOUNT OF FEDERAL FUNDING
27 MADE AVAILABLE TO LOCAL HOUSING AUTHORITIES AND OTHER LOCAL

1 ELIGIBLE NONPROFIT AGENCIES.

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

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

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

21 

22 (3) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II)
23 OF THIS PARAGRAPH (a), NOT LATER THAN JULY 1, 2011, ANY PROGRAM
24 ADMINISTERED BY THE STATE THAT PROVIDES FINANCIAL HOUSING
25 ASSISTANCE TO PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS
26 AND PERSONS WITH DISABILITIES FOR THE PURPOSE OF ASSISTING SUCH
27 PERSONS IN OBTAINING HOUSING VOUCHERS AND OTHER FORMS OF SUCH

1 ASSISTANCE SHALL BE CONSOLIDATED WITHIN THE DIVISION IN
2 ACCORDANCE WITH THE PROVISIONS OF SECTION 24-32-705 (1) (t).

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

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

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

27 (4) IN CARRYING OUT THE CONSOLIDATION REQUIRED BY

1 SUBSECTION (3) OF THIS SECTION, THE DIVISION SHALL CONSULT WITH THE
2 DEPARTMENT OF HUMAN SERVICES AND REPRESENTATIVES OF PERSONS
3 WITH DISABILITIES.

4 (5) IN SO FAR AS THE TRANSFERS OF STATE EMPLOYEES MAY BECOME
5 NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION, ANY
6 EMPLOYEE TRANSFERRED SHALL RETAIN ALL ACCRUED RIGHTS TO THE
7 STATE PERSONNEL SYSTEM, IF ANY, AND RETIREMENT AND OTHER BENEFITS
8 UNDER THE LAWS OF THE STATE, INCLUDING ANY ACCRUED RIGHTS WITHIN
9 OR ACROSS PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE
10 GOVERNMENT, AND HIS OR HER SERVICE SHALL BE DEEMED TO HAVE BEEN
11 CONTINUOUS.

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

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

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

23 **26-7.8-104. Homeless prevention activities program - contracts**
24 **with nongovernmental agency - program standards.** (5) ON AND
25 AFTER JULY 1, 2011, ANY MONEYS RECEIVED FROM THE FEDERAL
26 GOVERNMENT FOR FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW-
27 AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES TO

1 ASSIST SUCH PERSONS IN OBTAINING HOUSING UNDER THIS ARTICLE SHALL
2 BE ADMINISTERED BY THE DIVISION OF HOUSING WITHIN THE DEPARTMENT
3 OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PROVISIONS OF SECTION
4 24-32-705 (1) (t), C.R.S., EXCEPT AS OTHERWISE PROVIDED IN SECTION
5 24-32-722 (3) (a) (II), C.R.S. THE NUMBER OF HOUSING VOUCHERS MADE
6 AVAILABLE TO PERSONS WITH DISABILITIES, AS DEFINED BY THE
7 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12012 (2),
8 BY THE DIVISION OF HOUSING IN ANY ONE STATE FISCAL YEAR SHALL NOT
9 BE LESS THAN THE NUMBER OF VOUCHERS THAT HAVE PREVIOUSLY BEEN
10 MADE AVAILABLE TO SUCH PERSONS AS OF JULY 1, 2011.

11

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

16 24-32-723. Office of homeless youth services - creation -
17 function - duties - definitions. [Formerly 26-5.9-101] (1) This article
18 SECTION shall be known and may be cited as the "Colorado Homeless
19 Youth Services Act".

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

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

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

- 1 (I) Lacks a fixed, regular, and adequate nighttime residence; or
2 (II) Has a primary nighttime residence that is:
3 (A) A supervised, publicly or privately operated shelter designed
4 to provide temporary living accommodations; or
5 (B) A public or private place not designed for, nor ordinarily used
6 as, a regular sleeping accommodation for human beings.
7 (III) "HOMELESS YOUTH" SHALL NOT INCLUDE ANY INDIVIDUAL
8 IMPRISONED OR OTHERWISE DETAINED PURSUANT TO AN ACT OF CONGRESS
9 OR A STATE LAW.

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

- 15 (a) Identify and remove obstacles to the provision of services;
16 (b) Improve the quality of services provided to homeless youth;
17 (c) Reduce needless expenditures caused by the provision of
18 overlapping services; and
19 (d) Identify HOUSING AND SUPPORTIVE SERVICES funding resources
20 available to entities serving homeless youth.

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

1 stakeholders in the community.

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

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

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

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

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

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

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

24 (VII) On or before January 15, 2005, and on or before January 15,
25 2006, to prepare a written report, which shall be made available
26 electronically to the governor and to the general assembly concerning the
27 performance of the office of homeless youth services and whether the

1 office is effectively and efficiently meeting the goals specified in this
2 section.

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

5 **SECTION 7. Repeal of provisions being relocated in this act.**
6 **26-5.9-101, 26-5.9-103, 26-5.9-104, and 26-5.9-105, Colorado Revised**
7 **Statutes, are repealed.**

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

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

24 (3) In addition to any other appropriation, there is hereby
25 appropriated to the department of local affairs, executive director's office,
26 for personal services, the sum of twenty-eight thousand eight hundred
27 forty dollars (\$28,840) and 0.5 FTE, or so much thereof as may be

1 necessary, for the implementation of this act. Said sum shall be from
2 reappropriated funds out of the appropriation made in subsection (2) of
3 this section.

4 (4) In addition to any other appropriation, there is hereby
5 appropriated to the department of local affairs, executive director's office,
6 for operating expenses, the sum of four hundred seventy-five dollars
7 (\$475), or so much thereof as may be necessary, for the implementation
8 of this act. Said sum shall be from reappropriated funds out of the
9 appropriation made in subsection (2) of this section.

10 **SECTION 9. Appropriation - adjustments in 2011 long bill.**

11 For the implementation of this act, appropriations made in the annual
12 general appropriation act to the department of human services for the
13 fiscal year beginning July 1, 2011, shall be adjusted as follows:

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

20 (2) The appropriation to the office of operations, for personal
21 services, is decreased by twenty-eight thousand eight hundred forty dollars
22 (\$28,840) and 0.5 FTE. Said sum shall be from federal funds received
23 from the United States department of housing and urban development.

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

1 **SECTION 10. Effective date.** This act shall take effect July 1,
2 2011.

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