

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0543.01 Bob Lackner

HOUSE BILL 11-1230

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

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.**

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 department of human services (DHS) administer programs that provide

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.

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
11 ARTICLES 8 AND 9, PARTS 2 AND 3 OF ARTICLE 21, AND PARTS 2 TO 4 OF

1 ARTICLE 30 OF TITLE 23.

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

4 24-32-705. **Functions of division - repeal.** (1) The division has
5 the following functions:

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

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

26 24-32-722. **Consolidation within division of housing programs**
27 **for low- and moderate-income households - legislative declaration -**

1 **repeal.** (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND
2 DECLARES THAT:

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

18
19 (b) CONSOLIDATING ANY PROGRAM ADMINISTERED BY THE STATE
20 THAT PROVIDES FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW-
21 AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES
22 FOR THE PURPOSE OF ASSISTING SUCH PERSONS IN OBTAINING HOUSING
23 WITHIN THE DIVISION WILL PROMOTE ECONOMIC EFFICIENCIES, ALLOW FOR
24 STATEWIDE STRATEGIC PLANNING AND ADMINISTRATION OF FINANCIAL
25 HOUSING ASSISTANCE, AND MAXIMIZE THE AMOUNT OF FEDERAL FUNDING
26 MADE AVAILABLE TO LOCAL HOUSING AUTHORITIES AND OTHER LOCAL
27 ELIGIBLE NONPROFIT AGENCIES.

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

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

14

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

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

1 SERVICES.

2 (b) THE CONSOLIDATION REQUIRED BY PARAGRAPH (a) OF THIS
3 SUBSECTION (3) SHALL BE ORGANIZED IN SUCH MANNER THAT ONE
4 HOUSING AUTHORITY WILL BE CREATED WITHIN THE DIVISION TO ASSIST
5 MEMBERS OF SPECIAL POPULATIONS AND AN ADDITIONAL HOUSING
6 AUTHORITY WILL BE CREATED WITHIN THE DIVISION TO ASSIST PERSONS IN
7 RURAL COMMUNITIES.

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

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

22 (5) INsofar as the TRANSFERS OF STATE EMPLOYEES MAY BECOME
23 NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION, ANY
24 EMPLOYEE TRANSFERRED SHALL RETAIN ALL ACCRUED RIGHTS TO THE
25 STATE PERSONNEL SYSTEM, IF ANY, AND RETIREMENT AND OTHER BENEFITS
26 UNDER THE LAWS OF THE STATE, INCLUDING ANY ACCRUED RIGHTS WITHIN
27 OR ACROSS PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE

1 GOVERNMENT, AND HIS OR HER SERVICE SHALL BE DEEMED TO HAVE BEEN
2 CONTINUOUS.

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

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

6 **26-7.8-104. Homeless prevention activities program - contracts**
7 **with nongovernmental agency - program standards.** (5) ON AND
8 AFTER JULY 1, 2011, ANY MONEYS RECEIVED FROM THE FEDERAL
9 GOVERNMENT FOR FINANCIAL HOUSING ASSISTANCE TO PERSONS IN LOW-
10 AND MODERATE-INCOME HOUSEHOLDS AND PERSONS WITH DISABILITIES TO
11 ASSIST SUCH PERSONS IN OBTAINING HOUSING UNDER THIS ARTICLE SHALL
12 BE ADMINISTERED BY THE DIVISION OF HOUSING WITHIN THE DEPARTMENT
13 OF LOCAL AFFAIRS IN ACCORDANCE WITH THE PROVISIONS OF SECTION
14 24-32-705 (1) (t), C.R.S., EXCEPT AS OTHERWISE PROVIDED IN SECTION
15 24-32-722 (3) (a) (II), C.R.S. THE NUMBER OF HOUSING VOUCHERS MADE
16 AVAILABLE TO PERSONS WITH DISABILITIES, AS DEFINED BY THE
17 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12012 (2),
18 BY THE DIVISION OF HOUSING IN ANY ONE STATE FISCAL YEAR SHALL NOT
19 BE LESS THAN THE NUMBER OF VOUCHERS THAT HAVE PREVIOUSLY BEEN
20 MADE AVAILABLE TO SUCH PERSONS AS OF JULY 1, 2011.

21 **SECTION 5. Effective date.** This act shall take effect July 1,
22 2011.

23 **SECTION 6. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.