

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 16-0502.02 Jason Gelender x4330

HOUSE BILL 16-1351

HOUSE SPONSORSHIP

Windholz, Priola, Conti, Carver, Humphrey

SENATE SPONSORSHIP

Crowder,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE EXECUTIVE DIRECTOR OF**
102 **THE DEPARTMENT OF HUMAN SERVICES CONVEY REAL**
103 **PROPERTY AT THE FITZSIMONS CAMPUS TO THE HOUSING**
104 **AUTHORITY OF THE CITY OF AURORA, COLORADO, FOR THE**
105 **PURPOSE OF HELPING HOMELESS VETERANS AND VETERANS**
106 **WITH DISABILITIES BY DEVELOPING TRANSITIONAL HOUSING**
107 **FOR BOTH GROUPS OF SUCH VETERANS AND HOUSING WITH**
108 **DOMICILIARY CARE FOR VETERANS WITH DISABILITIES.**

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

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.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill directs the executive director of the department of human services to convey 2 suitable and mutually agreed upon parcels of land of not more than 1.5 acres each on the Fitzsimons campus to the housing authority of the city of Aurora (AHA) subject to the condition that the AHA develop transitional housing, including short-, medium-, and long-term temporary housing provided to a veteran with a disability in combination with wraparound services in order to assist the veteran in developing stability in his or her life, for homeless veterans and veterans with disabilities on one parcel and housing with domiciliary care for veterans with disabilities and their spouses and legal dependents on the other parcel. The bill also clarifies that current state law that states that a new veterans center may only be built if existing veterans centers in the state have maintained an 80% occupancy rate over the 6-month period preceding the commencement of construction and that a new veterans center must include at least 120 beds does not apply to the projects.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) In 1999, the Fitzsimons redevelopment authority (FRA), the
5 federally-recognized local redevelopment authority for the former United
6 States Army Operations, Fitzsimons military installation (Fitzsimons),
7 entered into a memorandum of agreement with the United States Army
8 to acquire a parcel of approximately fifteen acres of land at Fitzsimons for
9 the purpose of transferring the parcel at no cost to the department of
10 human services so that the department could construct a state veterans
11 nursing home, and, in accordance with the requirements of Title V of the
12 federal "McKinney-Vento Homeless Act", transitional housing for
13 homeless veterans and veterans with disabilities, on the parcel.

14 (b) In 2001, the FRA conveyed the parcel to the department of
15 human services by way of a quitclaim deed that requires the department
16 to use the parcel for a state veterans nursing home, transitional housing

1 for homeless veterans and veterans with disabilities, and other related and
2 associated purposes.

3 (c) The department of human services constructed the Colorado
4 state veterans home at Fitzsimons, which opened in 2002, on a portion of
5 the parcel, but the department has not yet developed any transitional
6 housing for homeless veterans and veterans with disabilities on the parcel.

7 (d) The housing authority of the city of Aurora, Colorado, is
8 willing and able to develop transitional housing for homeless veterans and
9 veterans with disabilities on the parcel and is able to apply for funding for
10 the entire cost of the development if it can obtain suitable vacant land on
11 the parcel at no cost.

12 (e) The housing authority of the city of Aurora, Colorado, is also
13 willing and able to develop housing with domiciliary care for veterans
14 with disabilities and their spouses and legal dependents on the parcel, and
15 the development of such housing is an integral element of comprehensive
16 health-related services for such veterans and is related to both the state
17 veterans nursing home and transitional housing.

18 (f) It is necessary, appropriate, and in the best interest of both
19 Colorado veterans in particular and the state generally to direct the
20 executive director of the department of human services to convey one
21 parcel of land at Fitzsimons that is suitable for the development of
22 transitional housing for homeless veterans and veterans with disabilities
23 and a second parcel of land at Fitzsimons that is suitable for the
24 development of housing with domiciliary care for veterans with
25 disabilities and their spouses and legal dependents to the housing
26 authority of the city of Aurora, Colorado, at no cost.

27 **SECTION 2. Requirement to convey real property -**

1 **definition.** (1) The executive director of the department of human
2 services, on behalf of the state of Colorado, shall convey at no cost, and
3 execute a deed of conveyance of, a parcel of land of no more than one and
4 one-half acres at the Fitzsimons campus in the city of Aurora, Adams
5 county, to the housing authority of the city of Aurora subject to the
6 condition that the authority use the land to develop transitional housing
7 for homeless veterans and veterans with disabilities. The executive
8 director, on behalf of the state, shall also convey at no cost, and execute
9 a deed of conveyance of, a second parcel of land of no more than one and
10 one-half acres at the Fitzsimons campus in the city of Aurora, Adams
11 county, to the housing authority of the city of Aurora subject to the
12 condition that the authority use the land to develop housing with
13 domiciliary care for veterans with disabilities and their spouses and legal
14 dependents. The executive director shall work with the authority before
15 conveying the parcels in order to ensure that the parcels are mutually
16 agreed to be suitable for development for their respective purposes and
17 shall convey the parcels as soon as feasible after the passage of this act
18 and no later than January 1, 2017. The authority shall commence
19 construction of transitional housing for homeless veterans and veterans
20 with disabilities on one parcel and of housing with domiciliary care for
21 veterans with disabilities and their spouses and legal dependents on the
22 other parcel no later than forty-eight months from the date on which it
23 obtains ownership of each parcel, and, if it fails to do so on either parcel,
24 shall convey that parcel back to the department at no cost to the
25 department.

26 (2) For purposes of this section:

27 (a) "Domiciliary care" means the provision of shelter, food, and

1 necessary medical care on an ambulatory self-care basis:

2 (I) To assist any individual who is eligible for occupancy in a
3 veterans center pursuant to section 26-12-104 or 26-12-106, Colorado
4 Revised Statutes, and who is suffering from an incapacitating disability,
5 disease, or defect that prevents the individual from earning a living, but
6 that does not require hospitalization or nursing care services to attain
7 physical, mental, and social well-being; and

8 (II) To restore, through special rehabilitative programs, the
9 individual to his or her highest level of functioning.

10 (b) "Transitional housing" includes short-, medium-, and
11 long-term temporary housing provided to a homeless veteran or a veteran
12 with a disability in combination with wraparound services in order to
13 assist the veteran in developing stability in his or her life.

14 **SECTION 3.** In Colorado Revised Statutes, 26-12-111, **amend**
15 (3) and (4); and **add** (5) as follows:

16 **26-12-111. Proposed veterans community living centers -**
17 **criteria.** (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
18 SECTION, a veterans center constructed, leased, or purchased on or after
19 July 1, 1998, must have a bed capacity of at least one hundred twenty
20 beds.

21 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) OF THIS
22 SECTION, a veterans center must not be constructed on or after July 1,
23 1998, unless other veterans centers have maintained an average
24 occupancy rate of at least eighty percent over the six-month period
25 immediately prior to the commencement of the construction of the new
26 veterans center.

27 (5) THE REQUIREMENTS SET FORTH IN SUBSECTIONS (3) AND (4) OF

1 THIS SECTION DO NOT APPLY TO TRANSITIONAL HOUSING FOR HOMELESS
2 VETERANS AND VETERANS WITH DISABILITIES OR HOUSING WITH
3 DOMICILIARY CARE FOR VETERANS WITH DISABILITIES AND THEIR SPOUSES
4 AND LEGAL DEPENDENTS DEVELOPED AS AUTHORIZED BY HOUSE BILL
5 16-_____, ENACTED IN 2016.

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