

1 *Be it Enacted by the People of the State of Colorado:*

2  
3 **SECTION 1.** The constitution of the state of Colorado is amended BY THE ADDITION OF A  
4 **NEW ARTICLE** to read:

5  
6 **ARTICLE XXX**  
7 **COLORADO HOUSING INVESTMENT FUND**  
8

9 **SECTION 1. PURPOSE AND FINDINGS.** AS SAFE, DECENT, ACCESSIBLE, AND AFFORDABLE  
10 HOUSING CREATES THE FOUNDATION FOR FAMILY STABILITY, EDUCATIONAL ACHIEVEMENT,  
11 PERSONAL HEALTH, COMMUNITY SUSTAINABILITY, AND ECONOMIC DEVELOPMENT, IT IS  
12 THE INTENT OF THE VOTERS OF COLORADO TO ESTABLISH A HOUSING INVESTMENT FUND TO  
13 PROVIDE A DEDICATED, STATEWIDE SOURCE OF REVENUE TO SUPPORT THE CREATION AND  
14 PRESERVATION OF AFFORDABLE HOUSING OPPORTUNITIES FOR RESIDENTS OF THE STATE  
15 FROM VERY LOW-INCOME HOUSEHOLDS, LOW-INCOME HOUSEHOLDS, AND WORKFORCE  
16 HOUSEHOLDS, INCLUDING BUT NOT LIMITED TO PERSONS WITH SPECIAL NEEDS AND THE  
17 HOMELESS.

18  
19 **SECTION 2. DEFINITIONS.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE  
20 REQUIRES:

21  
22 (1) "AFFORDABLE HOUSING" MEANS HOUSING WHERE TOTAL HOUSING COSTS,  
23 COMPRISED OF RENT, RENTER'S INSURANCE, AND UTILITIES, OR MORTGAGE PAYMENTS,  
24 HOMEOWNER'S INSURANCE, REAL PROPERTY TAXES, DUES TO A HOME OWNERS  
25 ASSOCIATION, LAND LEASE PAYMENTS, AND UTILITIES, REPRESENT NO MORE THAN THIRTY  
26 PERCENT OF GROSS HOUSEHOLD INCOME.

27  
28 (2) "AFFORDABLE HOUSING STOCK" MEANS SAFE AND SANITARY SHELTERS,  
29 TRANSITIONAL HOUSING, PERMANENT SUPPORTIVE HOUSING, AFFORDABLE RENTAL OR  
30 AFFORDABLE OWNERSHIP UNITS, AND HOUSING FOR PEOPLE WITH SPECIAL NEEDS.

31  
32 (3) "FUND ADMINISTRATOR" MEANS THE STATE DIVISION OF HOUSING OR ANY  
33 SUCCESSOR AGENCY.

34  
35 (4) "HOUSEHOLD" MEANS ALL THE PERSONS WHO OCCUPY A HOUSING UNIT.

36  
37 (5) "LOW-INCOME HOUSEHOLD" MEANS A HOUSEHOLD WHOSE INCOME IS AT OR BELOW  
38 EIGHTY PERCENT OF THE AREA MEDIAN INCOME OR SUCH OTHER DEFINITION AS MAY BE  
39 PROMULGATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN  
40 DEVELOPMENT.

41  
42 (6) "VERY LOW-INCOME HOUSEHOLD" MEANS A HOUSEHOLD WHOSE INCOME IS AT OR  
43 BELOW FIFTY PERCENT OF THE AREA MEDIAN INCOME OR SUCH OTHER DEFINITION AS MAY  
44 BE PROMULGATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN  
45 DEVELOPMENT.

1 (7) "WORKFORCE HOUSEHOLD" MEANS A HOUSEHOLD WITH AT LEAST ONE PRIMARY  
2 WAGE EARNER WORKING IN A COMMUNITY OR REGION WITH A DOCUMENTED SHORTAGE OF  
3 HOUSING THAT IS AFFORDABLE TO ITS WORKERS AND WHOSE HOUSEHOLD INCOME IS AT OR  
4 BELOW ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME.  
5

6 **SECTION 3. CREATION OF COLORADO HOUSING INVESTMENT FUND.** (1) TO PROVIDE  
7 HOUSING FOR RESIDENTS OF THE STATE FROM VERY LOW-INCOME HOUSEHOLDS, LOW-  
8 INCOME HOUSEHOLDS, AND WORKFORCE HOUSEHOLDS, THE COLORADO HOUSING  
9 INVESTMENT FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND SHALL BE  
10 ADMINISTERED BY THE COLORADO DIVISION OF HOUSING OR ANY SUCCESSOR AGENCY.  
11 THE FUND SHALL CONSIST OF ALL MONEYS TRANSFERRED INTO THE FUND PURSUANT TO  
12 SUBSECTION (5) OF THIS SECTION AND ANY MONEYS RECEIVED FOR THE FUND FROM ANY  
13 OTHER PUBLIC OR PRIVATE SOURCE. ANY MONEYS IN THE FUND AT THE END OF ANY FISCAL  
14 YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND.  
15

16 (2) AFTER COSTS OF ADMINISTERING THE FUND ARE DEDUCTED, MONEYS IN THE FUND  
17 SHALL BE USED FOR GRANTS AND LOANS TO SUPPORT THE STATEWIDE CREATION AND  
18 PRESERVATION OF AFFORDABLE HOUSING STOCK THROUGH:

- 19 (a) NEW CONSTRUCTION;
- 20 (b) ACQUISITION OF REAL PROPERTY;
- 21 (c) PREDEVELOPMENT COSTS;
- 22 (d) DEFRAYING COSTS OF COMPLIANCE WITH LOCAL ORDINANCES;
- 23 (e) BUILDING REHABILITATION;
- 24 (f) ASSISTANCE WITH DOWN PAYMENTS AND CLOSING COSTS;
- 25 (g) ENERGY EFFICIENCY;
- 26 (h) ACCESSIBILITY MODIFICATIONS AND CONSTRUCTION; AND
- 27 (i) FORECLOSURE AND HOMELESSNESS PREVENTION.  
28

29 (3) THE ADMINISTRATOR SHALL CONDUCT PUBLIC HEARINGS AND NEEDS ASSESSMENTS  
30 TO DETERMINE THE ANNUAL FUNDING PRIORITIES FOR THE STATEWIDE COMPETITIVE  
31 ALLOCATION OF THE MONEYS IN THE FUND. THE ADMINISTRATOR SHALL BE AUTHORIZED  
32 TO AMEND THE ANNUAL FUNDING PRIORITIES WITHOUT PUBLIC HEARING AFTER THE  
33 OCCURRENCE OF ONE OR MORE NATURAL DISASTERS THAT CREATE NEW NEEDS FOR  
34 AFFORDABLE HOUSING.  
35

36 (4) (a) IF THE FUND GENERATES TWENTY MILLION DOLLARS OR MORE IN A FISCAL  
37 YEAR, FORTY PERCENT OF THE MONEYS IN THE FUND SHALL BE AVAILABLE ON A  
38 COMPETITIVE BASIS TO ANY LOCAL HOUSING AUTHORITY, PUBLIC NONPROFIT  
39 CORPORATION, PRIVATE FOR-PROFIT OR NONPROFIT CORPORATION, LOCAL GOVERNMENT,  
40 OR SPECIAL DISTRICT FORMED BY A LOCAL GOVERNMENT. MONEYS THAT ARE MADE  
41 AVAILABLE TO SUCH ENTITIES OR ENTITIES ACTING ON BEHALF OF LOCAL GOVERNMENTS  
42 AND ARE NOT ENTIRELY OBLIGATED IN THE FISCAL YEAR RECEIVED MAY BE CARRIED  
43 FORWARD AND OBLIGATED IN THE NEXT FISCAL YEAR. MONEYS MADE AVAILABLE  
44 THROUGH THE STATEWIDE ALLOCATION SHALL BE OBLIGATED IN ACCORDANCE WITH  
45 ANNUAL FUNDING PRIORITIES ESTABLISHED BY THE ADMINISTRATOR.  
46

1 (b) IF THE FUND GENERATES TWENTY MILLION DOLLARS OR MORE IN A FISCAL  
2 YEAR, SIXTY PERCENT OF THE MONEYS COLLECTED ANNUALLY SHALL BE AVAILABLE TO  
3 LOCAL GOVERNMENTS FOR DISTRIBUTION TO ANY LOCAL HOUSING AUTHORITY, PUBLIC  
4 NONPROFIT CORPORATION, PRIVATE FOR-PROFIT OR NONPROFIT CORPORATION, LOCAL  
5 GOVERNMENT, OR SPECIAL DISTRICT FORMED BY A LOCAL GOVERNMENT. MONEYS SHALL  
6 BE MADE AVAILABLE BY APPLICATION TO THE ADMINISTRATOR FOR USE IN ACCORDANCE  
7 WITH A LOCAL OR REGIONAL HOUSING PLAN BASED ON LOCAL OR REGIONAL NEEDS  
8 ASSESSMENTS.

9  
10 (c) IF THE FUND GENERATES LESS THAN TWENTY MILLION DOLLARS IN A FISCAL  
11 YEAR, ALL MONEYS COLLECTED SHALL BE ALLOCATED SOLELY TO THE STATEWIDE  
12 COMPETITIVE ALLOCATION AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION.

13  
14 (d) BEGINNING IN THE SECOND FISCAL YEAR AFTER THE FUND IS ESTABLISHED, THE  
15 TWENTY MILLION DOLLAR THRESHOLD PROVIDED IN PARAGRAPHS (a), (b), AND (c) OF THIS  
16 SUBSECTION SHALL BE ADJUSTED ANNUALLY FOR INFLATION.

17  
18 (e) REGARDLESS OF THE AMOUNT GENERATED FOR THE FUND IN A FISCAL YEAR,  
19 NOT LESS THAN FIFTY PERCENT OF THE MONEYS MADE AVAILABLE FOR LOANS OR GRANTS  
20 FROM THE FUND SHALL BENEFIT VERY LOW-INCOME HOUSEHOLDS.

21  
22 (f) FUNDS DISTRIBUTED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION SHALL  
23 BE EXPENDED WITHIN THREE YEARS OF THE DATE OF APPROVAL OF SUCH FUNDING.  
24 MONEYS OBLIGATED BUT NOT EXPENDED WITHIN THIS THREE-YEAR PERIOD SHALL REVERT  
25 TO THE FUND. IN THE YEAR OF A REVERSION, SUCH MONEYS SHALL BE ALLOCATED AS  
26 PROVIDED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION IF THE RESULTING TOTAL  
27 AMOUNT OF THE FUND EQUALS OR EXCEEDS TWENTY MILLION DOLLARS. IF THE RESULTING  
28 TOTAL AMOUNT OF THE FUND WILL NOT EQUAL AT LEAST TWENTY MILLION DOLLARS IN  
29 THE YEAR OF REVERSION, ALL SUCH MONEYS SHALL BE USED FOR THE STATEWIDE  
30 COMPETITIVE ALLOCATION PROVIDED IN PARAGRAPH (a).

31  
32 (g) PAYMENT OF PRINCIPAL AND INTEREST ON ANY LOAN MADE FROM MONEYS  
33 ORIGINATING IN THE FUND SHALL BE DEPOSITED IN THE FUND.

34  
35 **SECTION 5. FEES TO GENERATE REVENUE FOR FUND.**

36  
37 (1) NOTWITHSTANDING SECTION 20(8)(a) OF ARTICLE X OF THE CONSTITUTION, AND IN  
38 ADDITION TO ANY DOCUMENTARY FEE PROVIDED BY LAW, ON AND AFTER JANUARY 1,  
39 2009, WHEN THE TOTAL CONSIDERATION PAID BY THE PURCHASER, INCLUSIVE OF THE  
40 AMOUNT OF ANY LIEN OR ENCUMBRANCE AGAINST THE REAL PROPERTY GRANTED OR  
41 CONVEYED AND ALL CHARGES AND EXPENSES REQUIRED TO BE PAID FOR THE MAKING OF  
42 SUCH GRANT OR CONVEYANCE EXCEEDS FIVE HUNDRED DOLLARS, A REAL ESTATE  
43 TRANSFER TAX SHALL BE IMPOSED AT THE RATE OF FOUR CENTS FOR EACH ONE HUNDRED  
44 DOLLARS, OR MAJOR FRACTION THEREOF, OF CONSIDERATION IN THE CASE OF RESIDENTIAL  
45 REAL PROPERTY, AND ONE CENT FOR EACH ONE HUNDRED DOLLARS, OR MAJOR FRACTION

1 THEREOF, OF SUCH CONSIDERATION IN THE CASE OF COMMERCIAL OR INDUSTRIAL REAL  
2 PROPERTY OR VACANT LAND.

3  
4 (2) WITH REGARD TO THE STATE AND ANY DISTRICT THAT COLLECTS OR SPENDS THE  
5 REVENUE GENERATED PURSUANT TO THIS SECTION, ALL SUCH PROCEEDS SHALL BE  
6 COLLECTED AND SPENT AS A VOTER-APPROVED REVENUE CHANGE AND SHALL NOT BE  
7 CONSTRAINED BY ANY LIMITATION CONTAINED IN SECTION 20 OF ARTICLE X OF THE  
8 CONSTITUTION OR ANY OTHER LIMIT ON REVENUE OR SPENDING UNDER COLORADO LAW.

9  
10 **SECTION 6. AUTHORITY OF GENERAL ASSEMBLY.** THE GENERAL ASSEMBLY SHALL  
11 ENACT LAWS IN 2009 TO FURTHER THE PURPOSE OF THIS AMENDMENT, INCLUDING BUT NOT  
12 LIMITED TO A MAXIMUM PERCENTAGE OF THE FUND THAT CAN BE SPENT ON  
13 ADMINISTRATION, REQUIRED REPORTS BY LOCAL GOVERNMENTS AND THE ADMINISTRATOR  
14 CONCERNING THE USES AND EFFECTS OF MONEYS RECEIVED FROM THE FUND, FORMULAS  
15 FOR ALLOCATING MONEYS FROM THE FUND TO DESIGNATED CLASSES OF LOCAL  
16 GOVERNMENTS, THE MEANS FOR THE COUNTIES' COLLECTION OF REVENUE AS PROVIDED IN  
17 SECTION 5 AND ITS TIMELY TRANSMISSION TO THE FUND, AND THE MEANS FOR  
18 CALCULATING ANNUAL INFLATION.