

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

INTRODUCED

LLS NO. 01-0592.01 Christy Chase

HOUSE BILL 01-1176

HOUSE SPONSORSHIP

Boyd

SENATE SPONSORSHIP

(None)

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A METROPOLITAN AFFORDABLE**
102 **HOUSING DISTRICT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the metropolitan affordable housing district (district) utilizing the same boundaries as the regional transportation district. Establishes a board of directors (board) to govern the district consisting of representatives from the counties of Adams, Arapahoe, Boulder, Douglas, and Jefferson and the city and county of Denver and the chairperson of the state housing board.

Upon voter approval, authorizes the district to impose a sales tax within the district upon the termination of the sales tax imposed by 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.

metropolitan football stadium district. Allows the board to use the sales tax revenues to make grants and loans to meet low- or moderate-income housing needs in the district.

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

2 **SECTION 1.** Title 32, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 17**

5 **Metropolitan Affordable**

6 **Housing District**

7 **32-17-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
8 BE CITED AS THE "METROPOLITAN AFFORDABLE HOUSING DISTRICT ACT".

9 **32-17-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

11 (a) THERE IS A SHORTAGE IN THE METROPOLITAN DENVER AREA OF
12 DECENT, SAFE, AND SANITARY HOUSING THAT IS WITHIN THE FINANCIAL
13 CAPABILITIES OF LOW- AND MODERATE-INCOME FAMILIES.

14 (b) A NEED EXISTS FOR ASSISTANCE TO LOW- AND
15 MODERATE-INCOME FAMILIES IN SECURING NEW OR REHABILITATED
16 RENTAL HOUSING AND IN PURCHASING HOMES.

17 (c) UNLESS THE SUPPLY OF LOW- OR MODERATE-INCOME HOUSING
18 UNITS IS INCREASED, A LARGE NUMBER OF RESIDENTS IN THE
19 METROPOLITAN DENVER AREA WILL BE COMPELLED TO LIVE UNDER
20 UNSANITARY, OVERCROWDED, AND UNSAFE CONDITIONS TO THE
21 DETRIMENT OF THEIR HEALTH, WELFARE, AND WELL-BEING AND TO THAT
22 OF THE COMMUNITIES OF WHICH THEY ARE A PART.

23 (2) THE GENERAL ASSEMBLY ALSO FINDS AND DECLARES THAT
24 COORDINATION AND COOPERATION AMONG PRIVATE ENTERPRISE AND

1 LOCAL GOVERNMENTS ARE ESSENTIAL TO THE PROVISION OF ADEQUATE
2 HOUSING, AND, TO THAT END, IT IS DESIRABLE TO CREATE THE
3 METROPOLITAN AFFORDABLE HOUSING DISTRICT FOR THE PURPOSE OF
4 GENERATING SALES TAX REVENUES, UPON THE TERMINATION OF THE
5 METROPOLITAN FOOTBALL STADIUM SALES TAX, TO BE USED TO ADDRESS
6 THE HOUSING NEEDS OF LOW- AND MODERATE-INCOME FAMILIES IN THE
7 METROPOLITAN DENVER AREA.

8 **32-17-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE
11 METROPOLITAN AFFORDABLE HOUSING DISTRICT CREATED IN SECTION
12 32-17-105.

13 (2) "DIRECTOR" MEANS A MEMBER OF THE BOARD.

14 (3) "DISTRICT" MEANS THE METROPOLITAN AFFORDABLE HOUSING
15 DISTRICT CREATED IN SECTION 32-17-104.

16 (4) "DIVISION" MEANS THE DIVISION OF HOUSING CREATED
17 PURSUANT TO SECTION 24-32-704, C.R.S.

18 (5) "LOW- OR MODERATE-INCOME FAMILY" MEANS A FAMILY
19 WHOSE INCOME IS INSUFFICIENT TO SECURE DECENT, SAFE, AND SANITARY
20 HOUSING PROVIDED BY PRIVATE ENTERPRISE WITHOUT PUBLIC ASSISTANCE
21 AND WHOSE INCOME IS BELOW THE RESPECTIVE INCOME LIMITS
22 ESTABLISHED BY THE BOARD BY RULE, TAKING INTO CONSIDERATION SUCH
23 FACTORS AS THE FOLLOWING:

24 (a) THE AMOUNT OF THE TOTAL INCOME OF SUCH FAMILY
25 AVAILABLE FOR HOUSING NEEDS;

26 (b) THE SIZE OF THE FAMILY;

27 (c) THE COST AND CONDITION OF AVAILABLE HOUSING FACILITIES;

1 (d) THE ABILITY OF SUCH FAMILY TO COMPETE SUCCESSFULLY IN
2 THE PRIVATE HOUSING MARKET AND TO PAY THE AMOUNTS AT WHICH
3 PRIVATE ENTERPRISE IS PROVIDING DECENT, SAFE, AND SANITARY HOUSING;
4 AND

5 (e) STANDARDS ESTABLISHED BY VARIOUS PROGRAMS OF THE
6 FEDERAL GOVERNMENT FOR DETERMINING ELIGIBILITY BASED ON THE
7 INCOME OF SUCH FAMILY.

8 (6) "LOW- OR MODERATE-INCOME HOUSING" MEANS A RESIDENTIAL
9 STRUCTURE OR STRUCTURES OCCUPIED BY ONE OR MORE LOW- OR
10 MODERATE-INCOME FAMILIES.

11 **32-17-104. Creation of district - area of district.** (1) THERE IS
12 HEREBY CREATED A DISTRICT TO BE KNOWN AND DESIGNATED AS THE
13 METROPOLITAN AFFORDABLE HOUSING DISTRICT. THE DISTRICT SHALL BE
14 A BODY CORPORATE AND POLITIC AND A POLITICAL SUBDIVISION OF THE
15 STATE. THE AREA COMPRISING THE DISTRICT SHALL CONSIST OF:

16 (a) THAT AREA COMPRISING THE REGIONAL TRANSPORTATION
17 DISTRICT AS SPECIFIED IN SECTION 32-9-106; AND

18 (b) THAT AREA COMPRISING THE REGIONAL TRANSPORTATION
19 DISTRICT AS SPECIFIED IN SECTIONS 32-9-106.3, 32-9-106.4, AND
20 32-9-106.6 UNLESS REJECTED BY THE ELIGIBLE ELECTORS AS PROVIDED IN
21 SAID SECTIONS. EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AREA
22 SHALL NOT INCLUDE AREAS INCLUDED IN THE REGIONAL TRANSPORTATION
23 DISTRICT PURSUANT TO SECTION 32-9-106.7.

24 (2) EACH OF THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE
25 DISTRICT SHALL BE A PUBLIC EMPLOYEE FOR PURPOSES OF THE "COLORADO
26 GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.

27 **32-17-105. Board of directors - membership -**

1 **qualifications.** (1) THE DISTRICT SHALL BE GOVERNED BY A BOARD OF
2 DIRECTORS THAT SHALL CONSIST OF SEVEN DIRECTORS AS FOLLOWS:

3 (a) SIX DIRECTORS REPRESENTING THE COUNTIES AND THE CITY AND
4 COUNTY OF DENVER IN THE METROPOLITAN DENVER AREA OF WHICH ONE
5 DIRECTOR SHALL BE APPOINTED BY THE COUNTY COMMISSIONERS OF EACH
6 OF THE COUNTIES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, AND
7 JEFFERSON, AND ONE DIRECTOR SHALL BE APPOINTED BY THE MAYOR AND
8 THE CITY COUNCIL OF THE CITY AND COUNTY OF DENVER; AND

9 (b) THE CHAIRPERSON OF THE STATE HOUSING BOARD CREATED
10 PURSUANT TO SECTION 24-32-706, C.R.S., OR THE CHAIRPERSON'S
11 DESIGNEE.

12 (2) INITIAL APPOINTMENTS TO THE BOARD SHALL BE MADE AT
13 LEAST ONE YEAR PRIOR TO THE DATE ON WHICH THE SALES TAX
14 AUTHORIZED BY SECTION 32-15-110 EXPIRES OR IS DISCONTINUED OR BY
15 JANUARY 1, 2011, WHICHEVER OCCURS FIRST. THE DIRECTORS SHALL BE
16 APPOINTED FOR THREE-YEAR TERMS; EXCEPT THAT THE INITIAL DIRECTORS
17 APPOINTED FROM THE COUNTIES OF ADAMS AND ARAPAHOE SHALL BE
18 APPOINTED FOR AN INITIAL ONE-YEAR TERM AND THE INITIAL DIRECTORS
19 APPOINTED FROM THE COUNTIES OF BOULDER AND DOUGLAS SHALL BE
20 APPOINTED FOR AN INITIAL TWO-YEAR TERM TO ASSURE STAGGERED TERMS
21 OF OFFICE THEREAFTER.

22 (3) ALL DIRECTORS APPOINTED PURSUANT TO PARAGRAPH (a) OF
23 SUBSECTION (1) OF THIS SECTION SHALL RESIDE WITHIN THE GEOGRAPHICAL
24 BOUNDARIES OF THE DISTRICT.

25 (4) ALL DIRECTORS APPOINTED PURSUANT TO PARAGRAPH (a) OF
26 SUBSECTION (1) OF THIS SECTION SHALL HAVE EXPERTISE IN ONE OR MORE
27 AREAS THAT ARE RELEVANT TO THE PERFORMANCE OF THE POWERS AND

1 DUTIES OF THE BOARD, INCLUDING, BUT NOT LIMITED TO:

- 2 (a) PUBLIC FINANCE;
- 3 (b) PRIVATE FINANCE;
- 4 (c) COMMERCIAL LAW;
- 5 (d) COMMERCIAL REAL ESTATE;
- 6 (e) REAL ESTATE DEVELOPMENT; AND
- 7 (f) GENERAL CONTRACTING.

8 (5) THE DIRECTORS SHALL ELECT A CHAIRPERSON AND
9 VICE-CHAIRPERSON FROM AMONG THE MEMBERSHIP OF THE BOARD.

10 (6) ALL BUSINESS OF THE BOARD SHALL BE CONDUCTED AT
11 REGULAR OR SPECIAL MEETINGS THAT SHALL BE HELD WITHIN THE
12 GEOGRAPHICAL BOUNDARIES OF THE DISTRICT AND THAT SHALL BE OPEN
13 TO THE PUBLIC. THE PROVISIONS OF THIS SUBSECTION (6) AND PART 4 OF
14 ARTICLE 6 OF TITLE 24, C.R.S., SHALL APPLY TO ALL MEETINGS OF THE
15 BOARD.

16 (7) BOARD ACTION SHALL REQUIRE THE AFFIRMATIVE VOTE OF A
17 MAJORITY OF THE TOTAL MEMBERSHIP OF THE BOARD.

18 (8) DIRECTORS OF THE BOARD SHALL SERVE WITHOUT
19 COMPENSATION BUT SHALL BE REIMBURSED FOR NECESSARY EXPENSES
20 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

21 **32-17-106. Board of directors - powers and duties.** (1) IN
22 ADDITION TO ANY OTHER POWERS SPECIFICALLY GRANTED TO THE BOARD
23 IN THIS ARTICLE, THE BOARD SHALL HAVE THE FOLLOWING DUTIES AND
24 POWERS:

- 25 (a) TO REVIEW ANY REPORTS AND STUDIES MADE AND TO OBTAIN
26 ANY ADDITIONAL REPORTS AND STUDIES THE BOARD DEEMS NECESSARY
27 PERTAINING TO THE NEED FOR LOW- OR MODERATE-INCOME HOUSING IN

1 THE METROPOLITAN DENVER AREA;

2 (b) TO LEVY AND COLLECT A SALES TAX IN THE DISTRICT IN
3 ACCORDANCE WITH SECTION 32-17-109 UPON APPROVAL OF A MAJORITY OF
4 THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF
5 THE DISTRICT, SUBJECT TO THE REQUIREMENTS OF SECTION 20 OF ARTICLE
6 X OF THE STATE CONSTITUTION;

7 (c) TO USE REVENUES GENERATED FROM ANY SALES TAX IMPOSED
8 BY THE DISTRICT PURSUANT TO SECTION 32-17-109 TO:

9 (I) AWARD GRANTS IN ACCORDANCE WITH SECTION 32-17-111; AND

10 (II) MAKE LOANS IN ACCORDANCE WITH SECTION 32-17-112;

11 (d) TO CONSULT WITH THE DIVISION CONCERNING GRANT AND LOAN
12 APPLICATIONS SUBMITTED TO THE DISTRICT PURSUANT TO SECTIONS
13 32-1-111 OR 32-17-112 FOR FUNDS TO BE USED IN THE DISTRICT;

14 (e) TO FIX THE TIME AND PLACE AT WHICH ITS REGULAR AND
15 SPECIAL MEETINGS SHALL BE HELD WITHIN THE GEOGRAPHICAL
16 BOUNDARIES OF THE DISTRICT;

17 (f) TO ADOPT AND, FROM TIME TO TIME, AMEND OR REPEAL RULES
18 OF PROCEDURE AND BYLAWS NOT IN CONFLICT WITH THE CONSTITUTION
19 AND LAWS OF THE STATE;

20 (g) TO ADOPT RULES NECESSARY FOR THE IMPLEMENTATION OF THIS
21 ARTICLE, INCLUDING, BUT NOT LIMITED TO, RULES ESTABLISHING
22 GUIDELINES AND PROCEDURES TO BE USED IN CONNECTION WITH GRANT
23 APPLICATIONS SUBMITTED PURSUANT TO SECTION 32-17-111 AND LOAN
24 APPLICATIONS SUBMITTED PURSUANT TO SECTION 32-17-112. THE BOARD
25 SHALL CONSULT WITH THE DIVISION TO OBTAIN ADVICE REGARDING SUCH
26 RULES AND TO AVOID ANY CONFLICT BETWEEN RULES ADOPTED BY THE
27 BOARD AND RULES OF THE DIVISION OR THE STATE HOUSING BOARD.

1 (h) TO HIRE SUCH PERMANENT AND TEMPORARY STAFF AS MAY BE
2 NECESSARY TO ASSIST THE BOARD IN ITS DUTIES;

3 (i) TO SUE AND BE SUED;

4 (j) TO MAINTAIN AN OFFICE AT SUCH PLACE AS IT MAY DESIGNATE
5 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT;

6 (k) TO EXERCISE ALL POWERS NECESSARY AND REQUISITE FOR THE
7 ACCOMPLISHMENT OF THE PURPOSES FOR WHICH THE DISTRICT IS
8 ORGANIZED AND CAPABLE OF BEING DELEGATED BY THE GENERAL
9 ASSEMBLY; AND NO ENUMERATION OF PARTICULAR POWERS GRANTED
10 SHALL BE CONSTRUED TO IMPAIR ANY GENERAL GRANT OF POWER
11 CONTAINED IN THIS ARTICLE OR TO LIMIT ANY SUCH GRANT TO POWERS OF
12 THE SAME CLASS AS THOSE SO ENUMERATED;

13 (l) TO ENTER INTO AND EXECUTE ALL CONTRACTS, LEASES,
14 INTERGOVERNMENTAL AGREEMENTS, AND OTHER INSTRUMENTS IN WRITING
15 NECESSARY OR PROPER TO THE ACCOMPLISHMENT OF THE PURPOSES OF
16 THIS ARTICLE;

17 (m) TO RECEIVE AND ACCEPT FROM ANY SOURCE AID OR
18 CONTRIBUTIONS OF MONEY, PROPERTY, LABOR, OR OTHER THINGS OF
19 VALUE TO BE HELD, USED, AND APPLIED TO CARRY OUT THE PURPOSES OF
20 THIS ARTICLE SUBJECT TO THE CONDITIONS UPON WHICH THE GRANTS OR
21 CONTRIBUTIONS ARE MADE; EXCEPT THAT NO PUBLIC MONEYS FROM THE
22 STATE, ANY CITY, TOWN, CITY AND COUNTY, OR COUNTY, AND ANY
23 DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE UNITED STATES
24 SHALL BE ACCEPTED OR EXPENDED FOR ANY PURPOSE SET FORTH IN THIS
25 ARTICLE;

26 (n) TO SUBMIT THE QUESTION SPECIFIED IN SECTION 32-17-107 (1)
27 TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF

1 THE DISTRICT AT A GENERAL ELECTION HELD BETWEEN JANUARY 1, 2002,
2 AND JANUARY 1, 2013, OR AT AN ELECTION HELD ON THE FIRST TUESDAY
3 IN NOVEMBER IN AN ODD-NUMBERED YEAR BETWEEN JANUARY 1, 2002,
4 AND JANUARY 1, 2013;

5 (o) TO SUBMIT THE QUESTION SPECIFIED IN SECTION 32-17-107 (2)
6 TO THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF
7 THE DISTRICT AT A GENERAL ELECTION OR AT AN ELECTION HELD ON THE
8 FIRST TUESDAY IN NOVEMBER IN AN ODD-NUMBERED YEAR;

9 (p) TO INVEST MONEYS RECEIVED BY THE DISTRICT PURSUANT TO
10 THE PROVISIONS OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS
11 OF PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S.;

12 (q) TO ADMINISTER AND USE MONEYS RECEIVED BY THE DISTRICT
13 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE;

14 (r) TO DEVELOP REPORTING AND REVIEW REQUIREMENTS
15 GOVERNING THE RECEIPT AND EXPENDITURES OF ANY MONEYS RECEIVED
16 BY THE DISTRICT PURSUANT TO THIS ARTICLE; AND

17 (s) TO DEPOSIT ANY MONEYS OF THE DISTRICT IN ANY BANKING
18 INSTITUTION OR SAVINGS AND LOAN ASSOCIATION WITHIN THE STATE AS
19 AUTHORIZED IN SECTION 24-75-603, C.R.S., AND TO APPOINT, FOR
20 PURPOSES OF MAKING SUCH DEPOSITS, ONE OR MORE PERSONS TO ACT AS
21 CUSTODIANS OF THE MONEYS OF THE DISTRICT, WHO MAY BE REQUIRED TO
22 GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM AND FOR SUCH
23 PURPOSES AS THE BOARD MAY REQUIRE.

24 **32-17-107. Authorizing election.** (1) (a) FOR PURPOSES OF
25 COMPLYING WITH THE PROVISIONS OF SECTION 20 (4) OF ARTICLE X OF THE
26 STATE CONSTITUTION, THE BOARD MAY SUBMIT TO THE REGISTERED
27 ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT, AT

1 A GENERAL ELECTION OR ELECTION HELD AT THE FIRST TUESDAY OF
2 NOVEMBER IN AN ODD-NUMBERED YEAR HELD UNDER THE LAWS OF THIS
3 STATE AFTER JANUARY 1, 2002, BUT PRIOR TO JANUARY 1, 2013, THE
4 QUESTION OF WHETHER THE DISTRICT SHALL BE AUTHORIZED TO LEVY AND
5 COLLECT, FOR A PERIOD COMMENCING AFTER THE TERMINATION OF THE
6 SALES TAX LEVIED AND COLLECTED BY THE METROPOLITAN FOOTBALL
7 STADIUM DISTRICT PURSUANT TO SECTION 32-15-110 AND CONTINUING FOR
8 A PERIOD OF TWENTY YEARS, NOT TO EXTEND BEYOND JANUARY 1, 2032,
9 A UNIFORM SALES TAX THROUGHOUT THE DISTRICT AT A RATE NOT TO
10 EXCEED ONE-TENTH OF ONE PERCENT UPON EVERY TRANSACTION OR OTHER
11 INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY THE STATE,
12 PURSUANT TO THE PROVISIONS OF ARTICLE 26 OF TITLE 39, C.R.S.; EXCEPT
13 THAT SUCH SALES TAX SHALL BE LEVIED ON PURCHASES OF MACHINERY OR
14 MACHINE TOOLS THAT ARE OTHERWISE EXEMPT PURSUANT TO SECTION
15 39-26-114 (11), C.R.S., TO THE EXTENT THAT SUCH PURCHASES ARE
16 SUBJECT TO THE SALES TAX LEVIED BY THE REGIONAL TRANSPORTATION
17 DISTRICT PURSUANT TO SECTION 29-2-105 (1) (d), C.R.S., TO BE HELD AND
18 DISTRIBUTED PURSUANT TO THE PROVISIONS OF SECTION 32-17-110.

19 (b) THE SUMMARY FOR SUCH PETITION SHALL INCLUDE, BUT SHALL
20 NOT BE LIMITED TO, THE FOLLOWING STATEMENTS:

21 (I) THAT THE DISTRICT WILL LEVY AND COLLECT THE SALES TAX
22 SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1) FOR A PERIOD
23 COMMENCING AFTER THE TERMINATION OF THE SALES TAX LEVIED AND
24 COLLECTED BY THE METROPOLITAN FOOTBALL STADIUM DISTRICT
25 PURSUANT TO SECTION 32-15-110 AND CONTINUING FOR A PERIOD OF
26 TWENTY YEARS NOT TO EXTEND BEYOND JANUARY 1, 2032; AND

27 (II) THE MONTH, DAY, AND YEAR ON WHICH THE SALES TAX LEVIED

1 AND COLLECTED BY THE METROPOLITAN FOOTBALL STADIUM DISTRICT IS
2 PROJECTED TO TERMINATE AND THE MONTH, DAY, AND YEAR ON WHICH THE
3 SALES TAX LEVIED AND COLLECTED BY THE METROPOLITAN AFFORDABLE
4 HOUSING DISTRICT IS PROJECTED TO COMMENCE.

5 (2) (a) FOR PURPOSES OF COMPLYING WITH THE PROVISIONS OF
6 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND UPON THE
7 ADOPTION OF A RESOLUTION BY THE BOARD, THE BOARD MAY SUBMIT TO
8 THE REGISTERED ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF
9 THE DISTRICT, AT A GENERAL ELECTION OR AT AN ELECTION HELD ON THE
10 FIRST TUESDAY IN NOVEMBER OF AN ODD-NUMBERED YEAR, THE QUESTION
11 OF WHETHER THE DISTRICT IS AUTHORIZED TO COLLECT AND SPEND
12 REVENUES IN EXCESS OF THE FISCAL YEAR SPENDING LIMITATION OF THE
13 DISTRICT.

14 (b) IF AT ANY SUCH ELECTION A MAJORITY OF THE REGISTERED
15 ELECTORS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT
16 VOTING ON THE QUESTION VOTE AFFIRMATIVELY ON THE QUESTION OF
17 WHETHER THE DISTRICT IS AUTHORIZED TO COLLECT AND SPEND EXCESS
18 REVENUES, THEN THE DISTRICT SHALL COLLECT AND SPEND SUCH
19 REVENUES AS PROVIDED FOR IN THIS ARTICLE.

20 (3) THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION
21 CONCERNING THE SALES TAX SHALL NOT BE APPLICABLE IF THE AUTHORITY
22 OF THE DISTRICT TO LEVY AND COLLECT ANY SALES TAX APPROVED BY THE
23 REGISTERED ELECTORS HAS EXPIRED PURSUANT TO THE PROVISIONS OF THIS
24 ARTICLE.

25 (4) PRIOR TO THE ELECTION AT WHICH ANY QUESTION IS TO BE
26 SUBMITTED TO THE REGISTERED ELECTORS PURSUANT TO SUBSECTIONS (1)
27 OR (2) OF THIS SECTION, THE BOARD SHALL HOLD AT LEAST TWO PUBLIC

1 HEARINGS IN EACH OF THE COUNTIES INCLUDED, IN WHOLE OR IN PART,
2 WITHIN THE DISTRICT.

3 (5) NO PUBLIC MONEYS FROM THE STATE, ANY CITY, TOWN, CITY
4 AND COUNTY, OR COUNTY SHALL BE EXPENDED BY THE DISTRICT OR BY
5 ANY PRIVATE ENTITY OR PRIVATE PERSON TO ADVERTISE, PROMOTE, OR
6 PURCHASE A COMMERCIAL PROMOTION OR ADVERTISEMENT TO URGE
7 ELECTORS TO VOTE IN FAVOR OF OR AGAINST ANY QUESTION SUBMITTED AT
8 AN ELECTION PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

9 **32-17-108. Records of board - audits.** THE BOARD SHALL KEEP
10 AN ACCOUNT OF ALL MONEYS RECEIVED BY AND DISBURSED ON BEHALF OF
11 THE DISTRICT, AND SAID ACCOUNT SHALL BE A PUBLIC RECORD AS DEFINED
12 IN SECTION 24-72-202 (6), C.R.S. ALL RECORDS OF THE DISTRICT SHALL
13 BE SUBJECT TO AUDIT AS PROVIDED BY PART 6 OF ARTICLE 1 OF TITLE 29,
14 C.R.S., FOR POLITICAL SUBDIVISIONS.

15 **32-17-109. Sales tax imposed - collection - administration of tax**
16 **- discontinuance.** (1) UPON THE APPROVAL OF THE REGISTERED
17 ELECTORS PURSUANT TO THE PROVISIONS OF SECTION 32-17-107, THE
18 BOARD SHALL HAVE THE POWER TO LEVY SUCH UNIFORM SALES TAX FOR A
19 PERIOD COMMENCING AFTER THE TERMINATION OF THE SALES TAX LEVIED
20 AND COLLECTED BY THE METROPOLITAN FOOTBALL STADIUM DISTRICT
21 PURSUANT TO SECTION 32-15-110 AND CONTINUING FOR A PERIOD OF
22 TWENTY YEARS NOT TO EXTEND BEYOND JANUARY 1, 2032, THROUGHOUT
23 THE DISTRICT CREATED IN SECTION 32-17-104 UPON EVERY TRANSACTION
24 OR OTHER INCIDENT WITH RESPECT TO WHICH A SALES TAX IS LEVIED BY
25 THE STATE, PURSUANT TO THE PROVISIONS OF ARTICLE 26 OF TITLE 39,
26 C.R.S.; EXCEPT THAT SUCH SALES TAX SHALL BE LEVIED ON:

27 (a) PURCHASES OF MACHINERY OR MACHINE TOOLS THAT ARE

1 OTHERWISE EXEMPT PURSUANT TO SECTION 39-26-114(11), C.R.S., TO THE
2 EXTENT THAT SUCH SALES AND PURCHASES ARE SUBJECT TO THE SALES TAX
3 LEVIED BY THE REGIONAL TRANSPORTATION DISTRICT PURSUANT TO
4 SECTION 29-2-105 (1) (d), C.R.S.;

5 (b) SALES OF LOW-EMITTING MOTOR VEHICLES, POWER SOURCES,
6 OR PARTS USED FOR CONVERTING SUCH POWER SOURCES AS SPECIFIED IN
7 SECTION 39-26-114 (22), C.R.S.; AND

8 (c) VENDING MACHINE SALES OF FOOD THAT ARE OTHERWISE
9 EXEMPT PURSUANT TO SECTION 39-26-114 (7.5), C.R.S.

10 (2) (a) THE COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF
11 THE SALES TAX SHALL BE PERFORMED BY THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF REVENUE IN THE SAME MANNER AS THAT FOR THE
13 COLLECTION, ADMINISTRATION, AND ENFORCEMENT OF THE STATE SALES
14 TAX IMPOSED PURSUANT TO ARTICLE 26 OF TITLE 39, C.R.S., INCLUDING,
15 WITHOUT LIMITATION, THE RETENTION BY A VENDOR OF THE PERCENTAGE
16 OF THE AMOUNT REMITTED TO COVER THE VENDOR'S EXPENSE IN THE
17 COLLECTION AND REMITTANCE OF THE SALES TAX AS PROVIDED IN SECTION
18 39-26-105, C.R.S. THE EXECUTIVE DIRECTOR SHALL MAKE MONTHLY
19 DISTRIBUTIONS OF SUCH SALES TAX COLLECTIONS TO THE DISTRICT. THE
20 DISTRICT SHALL PAY THE NET INCREMENTAL COST INCURRED BY THE
21 DEPARTMENT OF REVENUE IN THE ADMINISTRATION AND COLLECTION OF
22 SUCH SALES TAX.

23 (b) (I) A QUALIFIED PURCHASER MAY PROVIDE A DIRECT PAYMENT
24 PERMIT NUMBER ISSUED PURSUANT TO SECTION 39-26-103.5, C.R.S., TO
25 ANY VENDOR OR RETAILER THAT IS LIABLE AND RESPONSIBLE FOR
26 COLLECTING AND REMITTING ANY SALES TAX LEVIED ON ANY SALE MADE
27 TO THE QUALIFIED PURCHASER PURSUANT TO THE PROVISIONS OF THIS

1 ARTICLE. A VENDOR OR RETAILER THAT HAS RECEIVED IN GOOD FAITH
2 FROM A QUALIFIED PURCHASER A DIRECT PAYMENT PERMIT NUMBER SHALL
3 NOT BELIEABLE OR RESPONSIBLE FOR COLLECTION AND REMITTANCE OF ANY
4 SALES TAX IMPOSED ON SUCH SALE THAT IS PAID FOR DIRECTLY FROM SUCH
5 QUALIFIED PURCHASER'S FUNDS AND NOT THE PERSONAL FUNDS OF ANY
6 INDIVIDUAL.

7 (II) A QUALIFIED PURCHASER THAT PROVIDES A DIRECT PAYMENT
8 PERMIT NUMBER TO A VENDOR OR RETAILER SHALL BE LIABLE AND
9 RESPONSIBLE FOR THE AMOUNT OF SALES TAX LEVIED ON ANY SALE MADE
10 TO THE QUALIFIED PURCHASER PURSUANT TO THE PROVISIONS OF THIS
11 ARTICLE IN THE SAME MANNER AS LIABILITY WOULD BE IMPOSED ON A
12 QUALIFIED PURCHASER FOR STATE SALES TAX PURSUANT TO SECTION
13 39-26-105 (3), C.R.S.

14 **32-17-110. Sales tax revenues - use.** (1) SALES TAX REVENUES
15 LEVIED AND COLLECTED PURSUANT TO THE PROVISIONS OF SECTION
16 32-17-109 SHALL BE USED BY THE BOARD TO:

- 17 (a) AWARD GRANTS IN ACCORDANCE WITH SECTION 32-17-111;
18 (b) MAKE LOANS IN ACCORDANCE WITH SECTION 32-17-112; AND
19 (c) PAY FOR THE DAY-TO-DAY ADMINISTRATIVE COSTS OF THE
20 DISTRICT, BUT SUCH COSTS SHALL NOT EXCEED THREE-FOURTHS OF ONE
21 PERCENT OF THE AMOUNT OF SALES TAX REVENUES COLLECTED ANNUALLY.

22 **32-17-111. Grants for low- or moderate-income housing.**
23 (1) ANY PRIVATE ENTERPRISE OR PUBLIC OR PRIVATE AGENCY MAY APPLY
24 TO THE BOARD FOR A GRANT FOR THE REHABILITATION, CONSTRUCTION,
25 ACQUISITION, OR WEATHERIZATION OF LOW- OR MODERATE-INCOME
26 HOUSING LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE
27 DISTRICT. THE BOARD, IN CONSULTATION WITH THE DIVISION, SHALL

1 DETERMINE WHETHER TO APPROVE A GRANT APPLICATION SUBMITTED
2 PURSUANT TO THIS SUBSECTION (1) AND IN ACCORDANCE WITH RULES
3 ADOPTED BY THE BOARD. ANY GRANT AWARDED PURSUANT TO THIS
4 SUBSECTION (1) SHALL BE IN ADDITION TO AND SHALL NOT REDUCE ANY
5 GRANTS OTHERWISE AVAILABLE OR AWARDED TO THE APPLICANT
6 PURSUANT TO SECTION 24-32-705 (1) (a), C.R.S.

7 (2) ANY MEMBER OF A LOW- OR MODERATE-INCOME FAMILY
8 SEEKING TO PURCHASE A HOME WITHIN THE GEOGRAPHICAL BOUNDARIES
9 OF THE DISTRICT MAY APPLY TO THE BOARD FOR A GRANT FOR HOME
10 PURCHASING ASSISTANCE. THE BOARD MAY DETERMINE THE TYPES OF
11 HOME PURCHASING ASSISTANCE TO BE MADE AVAILABLE TO APPLICANTS
12 PURSUANT TO THIS SUBSECTION (2), AND SUCH ASSISTANCE MAY INCLUDE,
13 BUT NEED NOT BE LIMITED TO, CASH ASSISTANCE FOR DOWN-PAYMENT
14 COSTS OR CLOSING COSTS. THE BOARD, IN CONSULTATION WITH THE
15 DIVISION, SHALL DETERMINE WHETHER TO APPROVE A GRANT APPLICATION
16 SUBMITTED PURSUANT TO THIS SUBSECTION (2) AND IN ACCORDANCE WITH
17 RULES ADOPTED BY THE BOARD.

18 **32-17-112. Loans for low- or moderate-income housing.**

19 (1) ANY LOCAL HOUSING AUTHORITY, PUBLIC NONPROFIT CORPORATION,
20 OR PRIVATE NONPROFIT CORPORATION MAY APPLY TO THE BOARD FOR A
21 LOAN FOR THE DEVELOPMENT OR REDEVELOPMENT COSTS INCURRED PRIOR
22 TO THE COMPLETION OR OCCUPANCY OF LOW- OR MODERATE-INCOME
23 HOUSING LOCATED WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE
24 DISTRICT OR FOR THE REHABILITATION OF SUCH HOUSING. THE BOARD, IN
25 CONSULTATION WITH THE DIVISION, SHALL DETERMINE WHETHER TO
26 APPROVE A LOAN APPLICATION SUBMITTED PURSUANT TO THIS SECTION AND
27 IN ACCORDANCE WITH RULES ADOPTED BY THE BOARD.

1 (2) THE INTEREST RATE ON ANY LOAN MADE PURSUANT TO
2 SUBSECTION (1) OF THIS SECTION SHALL BE DETERMINED BY THE BOARD
3 AND SET FORTH IN THE LOAN AGREEMENT SIGNED BY THE APPLICANT. IN
4 CONJUNCTION WITH THE MAKING OF SUCH LOAN, THE BOARD SHALL
5 REQUIRE THE BORROWER TO FURNISH COLLATERAL SECURITY IN SUCH
6 AMOUNTS AND IN SUCH FORM AS THE BOARD SHALL DETERMINE TO BE
7 NECESSARY TO ENSURE THE PAYMENT OF SUCH LOAN AND THE INTEREST
8 THEREON AS THE SAME BECOME DUE. THE LOAN SHALL BE SUBJECT TO THE
9 TERMS AND CONDITIONS IMPOSED BY THE BOARD AND SHALL BE REPAID
10 WITHIN THE TIME AND IN THE MANNER SPECIFIED BY THE BOARD IN THE
11 LOAN AGREEMENT.

12 (3) AS PRINCIPAL AND INTEREST PAYMENTS ARE RECEIVED BY THE
13 BOARD FROM THE BORROWER, SUCH MONEYS SHALL BE DEPOSITED IN A
14 FUND CREATED BY THE BOARD FOR SUCH PURPOSE.

15 **32-17-113. Report.** ON OR BEFORE MARCH 1 IMMEDIATELY
16 FOLLOWING THE LEVY AND COLLECTION OF THE SALES TAX BY THE
17 DISTRICT AND ON AND AFTER MARCH 1 OF EACH YEAR THEREAFTER, THE
18 BOARD SHALL FILE A REPORT WITH THE GENERAL ASSEMBLY INDICATING
19 THE AMOUNT OF ANY REVENUES RAISED BY ANY SALES TAX LEVIED AND
20 COLLECTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE, THE AMOUNT
21 OF ANY REVENUES RECEIVED FROM ALL OTHER SOURCES AND SPECIFYING
22 SUCH SOURCES, AND THE DISTRIBUTION AND USE OF SUCH REVENUES.

23 **32-17-114. Repeal of article.** (1) THIS ARTICLE IS REPEALED,
24 EFFECTIVE AS OF THE EARLIEST OCCURRENCE OF THE FOLLOWING:

25 (a) JANUARY 1, 2014, IF THE BOARD HAS NOT SUBMITTED THE
26 QUESTION SET FORTH IN SECTION 32-17-107 (1) TO THE REGISTERED
27 ELECTORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE DISTRICT

1 PURSUANT TO THE PROVISIONS OF SAID SECTION; OR

2 (b) AT SUCH TIME AS A MAJORITY OF THE REGISTERED ELECTORS
3 WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT VOTE
4 NEGATIVELY ON THE QUESTION SET FORTH IN SECTION 32-17-107 (1) AND
5 THE BOARD HAS ADOPTED A RESOLUTION DECLARING THAT THE AFFAIRS OF
6 THE DISTRICT HAVE BEEN WOUND UP OR NINETY DAYS HAVE PASSED SINCE
7 SUCH NEGATIVE VOTE, WHICHEVER OCCURS FIRST; OR

8 (c) JANUARY 1, 2033.

9 (2) UPON REPEAL OF THIS ARTICLE, ANY FUNDS COLLECTED BY THE
10 DISTRICT BUT NOT USED FOR THE PURPOSES SET FORTH IN THIS ARTICLE
11 SHALL BE CREDITED TO THE GENERAL FUND OF EACH COUNTY, CITY AND
12 COUNTY, CITY, AND TOWN THAT IS INCLUDED, IN WHOLE OR IN PART, IN THE
13 DISTRICT BASED UPON THE PROPORTION OF THE TOTAL AMOUNT OF SALES
14 TAX REVENUES COLLECTED PURSUANT TO SECTION 32-17-109 WITHIN SUCH
15 COUNTY, CITY AND COUNTY, CITY, AND TOWN TO THE TOTAL AMOUNT OF
16 SALES TAX REVENUES COLLECTED PURSUANT TO SECTION 32-17-109
17 WITHIN THE DISTRICT. FOR PURPOSES OF THIS SUBSECTION (2), THE TOTAL
18 AMOUNT OF SALES TAX REVENUES COLLECTED WITHIN A COUNTY SHALL
19 NOT INCLUDE ANY SALES TAX REVENUES COLLECTED IN ANY CITY OR TOWN
20 LOCATED WITHIN SUCH COUNTY. IN ADDITION, IN COMPUTING SAID
21 PROPORTION, ANY SALES TAX REVENUES COLLECTED IN ANY COUNTY, CITY,
22 OR TOWN THAT IS NOT INCLUDED, IN WHOLE OR IN PART, WITHIN THE
23 GEOGRAPHICAL BOUNDARIES OF THE DISTRICT SHALL NOT BE INCLUDED IN
24 THE TOTAL AMOUNT OF SALES TAX REVENUES COLLECTED WITHIN THE
25 DISTRICT.

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

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

3 (p) TO CONSULT WITH AND PROVIDE ASSISTANCE TO THE
4 METROPOLITAN AFFORDABLE HOUSING DISTRICT CREATED PURSUANT TO
5 SECTION 32-17-104, C.R.S.

6 **SECTION 3. Effective date.** This act shall take effect at 12:01
7 a.m. on the day following the expiration of the ninety-day period after
8 final adjournment of the general assembly that is allowed for submitting
9 a referendum petition pursuant to article V, section 1 (3) of the state
10 constitution; except that, if a referendum petition is filed against this act
11 or an item, section, or part of this act within such period, then the act,
12 item, section, or part, if approved by the people, shall take effect on the
13 date of the official declaration of the vote thereon by proclamation of the
14 governor.