



Final Legislative Report – May 11, 2017

Bill: [HB17-1016](#)

Title: Exclude Value Mineral Resources Tax Increment Financing Division

Position Monitor

House Sponsors [L. Saine](#) (R)
[M. Gray](#) (D)

Senate Sponsors [B. Martinez Humenik](#) (R)
[R. Zenzinger](#) (D)

Official Summary The bill permits the governing body of a municipality, as applicable, to provide in an urban renewal plan that the valuation attributable to the extraction of mineral resources located within the urban renewal area is not subject to the division of taxes between base and incremental revenues that accompanies the tax increment financing of urban renewal projects. In such circumstances, the taxes levied on the valuation will be distributed to the public bodies as if the urban renewal plan was not in effect.

House Committee Local Government

Senate Committee Local Government

Hearing Date

Status Governor Signed (03/08/2017)

Fiscal Notes [Fiscal Notes](#) (01/13/2017)

Comment

Bill: [HB17-1026](#)

Title: Reverse Mortgage Repayment When Home Uninhabitable

Position Monitor

House Sponsors [J. Singer](#) (D)

Senate Sponsors [M. Jones](#) (D)

Official Summary **Wildfire Matters Review Committee.** Under current law, the borrower in a reverse mortgage transaction is relieved of the obligation

to occupy the subject property as a principal residence if the borrower is temporarily absent for up to 60 days or, if the property is adequately secured, up to one year. The bill adds a third exception to the principal-residence requirement to cover situations in which a natural disaster or other serious incident beyond the borrower's control renders the property uninhabitable. The maximum time allowable for a temporary absence under these circumstances is 5 years.

House Committee Local Government
 Senate Committee State, Veterans, and Military Affairs

Hearing Date

Status Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (04/24/2017)

Fiscal Notes [Fiscal Notes](#) (04/21/2017)

Comment

Bill: [HB17-1035](#)

Title: Sex Assault And Stalking Victims May Break Leases

Position Support

House Sponsors [D. Jackson](#) (D)

Senate Sponsors [J. Cooke](#) (R)

Official Summary

Under current law, if a tenant notifies his or her landlord in writing that he or she is the victim of domestic violence or domestic abuse and provides to the landlord evidence in the form of a police report written within the prior 60 days or a valid protection order, and the tenant seeks to vacate the premises due to fear of imminent danger for self or children, then the tenant may terminate the rental agreement or lease and vacate the premises with minimal remaining obligations. The bill extends this privilege to victims of unlawful sexual behavior and stalking. The bill also provides that a statement from a medical professional or from an application assistant designated by the address confidentiality program confirming the tenant's victim status is a third means of presenting evidence to the landlord.

Under current law, a dangerous or uninhabitable condition in a rented property does not constitute a breach of the warranty of habitability

if the condition is caused by the misconduct of the tenant, a member of the tenant's household, a guest or invitee of the tenant, or a person under the tenant's direction or control. However, such a condition is not misconduct by a victim of domestic violence or domestic abuse if the condition is the result of domestic violence or domestic abuse and the landlord has been given written notice and evidence of domestic violence or domestic abuse. The bill adds language to provide the same protection for tenants who are victims of unlawful sexual behavior or stalking.

House
Committee Judiciary

Senate
Committee Judiciary

Hearing Date

Status Sent to the Governor (05/02/2017)

Fiscal Notes [Fiscal Notes](#) (03/08/2017)

Comment

Bill: [HB17-1049](#)

Title: Eliminate Property Tax Abatement Refund Interest

Position Monitor

House Sponsors [D. Thurlow](#) (R)
[M. Gray](#) (D)

Senate Sponsors [D. Coram](#) (R)

Official
Summary

If property taxes are levied erroneously or illegally and a taxpayer has not protested the valuation within the time permitted by law, then the taxpayer has 2 years from the start of the property tax year to file a petition for abatement or refund. The board of county commissioners is required to abate the taxes, and the taxpayer is entitled to a refund for the incorrect amount and, in some circumstances, refund interest equal to 1% per month. The bill eliminates the refund interest related to a property tax abatement.

House
Committee Finance

Senate Committee Finance
Hearing Date
Status Governor Signed (04/24/2017)
Fiscal Notes [Fiscal Notes](#) (02/10/2017)
Comment

Bill: [HB17-1067](#)

Title: Update National Standards Citations Accessible Housing
Position Support
House Sponsors [D. Thurlow](#) (R)
Senate Sponsors [A. Kerr](#) (D)
Official Summary **Statutory Revision Committee.** The bill amends references to an out-of-date version of a standard, promulgated by the American national standards institute, that governs construction of accessible housing.
House Committee Local Government
Senate Committee Local Government
Hearing Date
Status Governor Signed (03/08/2017)
Fiscal Notes [Fiscal Notes](#) (01/17/2017)
Comment

Bill: [HB17-1091](#)

Title: Tax Credit Employer-assisted Housing Projects
Position Support
House Sponsors [J. Wilson](#) (R)
[B. McLachlan](#) (D)
Senate Sponsors [D. Coram](#) (R)
[K. Donovan](#) (D)
Official Summary For income tax years commencing on or after January 1, 2017, but prior to January 1, 2021, the bill allows a taxpayer making a donation to an employer-assisted housing project located in a rural area a credit against the taxpayer's state income tax obligations.

The bill defines donation to mean cash, securities, or real or personal property that is donated to a not-for-profit sponsor that is used solely for costs associated with an employer-assisted housing project located within the state.

The bill defines employer-assisted housing project to mean down payment assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are:

- Provided by an employer to employees to assist them in securing affordable housing near the workplace;
- Restricted to housing in geographic areas that are near such workplaces;
- Restricted to employees in households whose adjusted income is less than 120% of the median income of the geographic area of the household's employer-assisted housing project; and
- Restricted to housing that is located in a rural area of the state.

The bill specifies procedures by which a not-for-profit entity that is a sponsor of an employer-assisted housing project (sponsor) applies to either the Colorado housing and finance authority or a municipality or county finance authority for an award of a tax credit allowed under the bill. The bill also specifies procedures governing an agency's review of the application and the process by which the agency, if it approves the application, reserves tax credits for donations to the employer-assisted housing project. The amount of the tax credits reserved must be 50% of the approved amount of the donation or the actual donation, whichever is less.

The bill also specifies procedures by which the donation is documented and achieves proper certification.

For employer-assisted housing projects, the bill allows a sponsor to aggregate a number of donations from multiple employers into a single source of funds for use in assisting eligible employees to secure housing near their workplaces. The tax credits awarded may be divided among the

donors of the individual donations as determined by the sponsor.

The bill specifies that the minimum amount of a donation is \$10,000; except that individual donations in an aggregated donation may be less than that amount.

The bill requires each agency that has allocated tax credits to report to the general assembly on a periodic basis on the overall economic activity, usage, and impact to the state from the employer-assisted

housing projects for which it has allocated tax credits.

House
Committee

Business, Affairs & Labor

Senate
Committee

Finance

Hearing Date

Status

Senate Committee on Finance Postpone Indefinitely (05/09/2017)

Fiscal Notes

[Fiscal Notes](#) (04/04/2017)

Comment

CHFA working on amendments. Note the bill also allows for employee housing to be provided by an entity (such as economic development) in addition to an employer.

Bill: [HB17-1095](#)

Title:

Service Of Process To Secured Dwellings

Position

Monitor

House Sponsors

[J. Melton](#) (D)

Senate Sponsors

[D. Kagan](#) (D)

Official
Summary

The bill sets forth several means by which a process server may serve process on another person when the process server is denied access to the other person's residential community by one or more security officers or security devices. Service of process by any of these alternative means constitutes valid service of process.

House
Committee

Judiciary

Senate
Committee

State, Veterans, and Military Affairs

Hearing Date

Status

Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/04/2017)

Fiscal Notes

[Fiscal Notes](#) (05/02/2017)

Comment

Continue as "monitor." Lobbyists to get additional information from Apartment Association re possible amendments. HC may consider "oppose" position if not amended.

Bill: [HB17-1116](#)

Title:	Continue Low-income Household Energy Assistance
Position	Support
House Sponsors	M. Hamner (D) T. Exum Sr. (D)
Senate Sponsors	B. Martinez Humenik (R)
Official Summary	Current law provides that the department of human services low-income energy assistance fund, the energy outreach Colorado low-income energy assistance fund, and the Colorado energy office low-income energy assistance fund receive conditional funding from the severance tax operational fund through the state fiscal year commencing July 1, 2018. The bill removes the automatic repeal which means that these funds will be eligible for this conditional funding indefinitely.
House Committee	Transportation & Energy
Senate Committee	Agriculture, Natural Resources, and Energy
Hearing Date	
Status	Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Appropriations (01/20/2017)
Fiscal Notes	
Comment	
Bill:	HB17-1159
Title:	Remedies For Forcible Entry And Detainer
Position	Monitor
House Sponsors	J. Becker (R)
Senate Sponsors	J. Cooke (R)
Official Summary	The bill adds to the current descriptions of forcible detainer the act of a person preventing an owner from access to or possession of property by locking or changing the lock on the property. The bill creates a procedure for the plaintiff to seek a temporary, mandatory injunction giving the plaintiff possession of the property if a complaint for forcible entry or detainer is filed. The procedure requires the plaintiff to store any personal property found on the property but allows the plaintiff to recover the costs of the storage. The bill establishes as new crimes related to forcible entry and detainer the crimes of unlawful occupancy and unlawful reentry.

House Committee	Judiciary
Senate Committee	
Hearing Date	
Status	House Committee on Judiciary Postpone Indefinitely (04/27/2017)
Fiscal Notes	Fiscal Notes (02/09/2017)
Comment	monitor for now, get more information from other stakeholders; amendments may be coming which we can review

Bill: [HB17-1161](#)

Title:	TIF Tax Increment Financing Transparency
Position	Monitor
House Sponsors	S. Beckman (R)
Senate Sponsors	

Official Summary

Not later than 90 days after the end of the first fiscal year of an urban renewal authority (authority) after the governing body of a municipality has approved an urban renewal plan (plan) that allocates any incremental property or sales tax revenues of any taxing entity other than the municipality, and on the same day each year thereafter, the bill requires the authority to prepare a report for public distribution. The authority is required to send a copy of the report by first class mail and by e-mail to each taxing entity other than the municipality whose incremental property or sales tax revenues will be allocated under the plan.

The bill specifies items the report is to address.

With the annual report, the bill also requires an authority to submit an independent audit of its financial status that is prepared by a certified public accountant attesting to the accuracy of the annual report. As part of the audit, the certified public accountant is also required to report whether the authority has used any incremental property or sales tax revenues for any unauthorized purposes other than for eligible costs. In connection with the preparation of the report, the authority must also provide any other financial information that is reasonably required by the governing body of the municipality.

If the audit finds that any incremental property or sales tax revenues have been used for any unauthorized purposes, the authority is

liable for the repayment of such incremental tax revenues to the taxing entities whose incremental property or sales tax revenues were allocated under the plan.

House
Committee Business, Affairs & Labor

Senate
Committee

Hearing Date

Status House Committee on Business Affairs and Labor Postpone Indefinitely (02/21/2017)

Fiscal Notes [Fiscal Notes](#) (02/17/2017)

Comment

Bill: [HB17-1169](#)

Title: Construction Defect Litigation Builder's Right To Repair

Position Monitor

House Sponsors [T. Leonard](#) (R)

Senate Sponsors [J. Tate](#) (R)

Official
Summary The bill clarifies that a construction professional has the right to receive notice from a prospective claimant concerning an alleged construction defect; to inspect the property; and then to elect to either repair the defect or tender an offer of settlement before the claimant can file a lawsuit seeking damages.

House
Committee State, Veterans, & Military Affairs

Senate
Committee

Hearing Date

Status House Committee on State, Veterans, & Military Affairs Postpone Indefinitely (03/01/2017)

Fiscal Notes [Fiscal Notes](#) (02/22/2017)

Comment

Bill: [HB17-1170](#)

Title: State Housing Board Rules Eliminate Double Inspections

Position Monitor

House Sponsors [C. Kennedy](#) (D)

Senate Sponsors

Official
Summary

The bill requires the state housing board to work cooperatively with the Colorado housing and finance authority to promulgate rules that will result in the reduction of duplicative inspections required by low-income housing programs.

House
Committee

Local Government

Senate
Committee

Hearing Date

Status

House Committee on Local Government Postpone Indefinitely (03/15/2017)

Fiscal Notes

[Fiscal Notes](#) (03/07/2017)

Comment

Bill: [HB17-1187](#)

Title:

Change Excess State Revenues Cap Growth Factor

Position

Monitor

House Sponsors

[D. Thurlow](#) (R)

Senate Sponsors

[L. Crowder](#) (R)

Official
Summary

In 2005, voters approved Referendum C, which is a voter-approved revenue change to the TABOR fiscal year spending limit. Under the referendum, the state is permitted to retain and spend all state revenues up to the excess state revenues cap. The excess state revenues cap is adjusted annually for inflation and population changes, among other things. The bill modifies the excess state revenues cap by allowing an annual adjustment for an increase based on the average annual change of Colorado personal income over the last 5 years, rather than adjusting for inflation and population. Colorado personal income is the total personal income for Colorado as reported by a federal agency. As the modification may increase the amount that the state retains and spends in a given fiscal year, the bill seeks voter approval for the change, as required by TABOR.

House Committee Finance

Senate Committee State, Veterans, and Military Affairs

Hearing Date

Status Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (03/20/2017)

Fiscal Notes [Fiscal Notes](#) (02/16/2017)

Comment

Bill: [HB17-1199](#)

Title: Foreclosure Sale Processes

Position Monitor

House Sponsors [P. Rosenthal](#) (D)

Senate Sponsors [J. Cooke](#) (R)

The bill excludes information relating to violations of the requirement for a single point of contact or dual tracking from the published notice that precedes a foreclosure sale. The bill also clarifies:

- That the deadline for a public trustee or sheriff (officer) conducting a foreclosure to continue a foreclosure sale is the scheduled date and time of the sale; and
- What happens if a foreclosure sale violates an automatic stay under the federal bankruptcy code, depending on whether full payment of the successful bid amount is received by the officer.

The procedures that apply if a foreclosure sale is set aside by court order are established to mirror the procedures that follow a rescission of a public trustee sale. In addition, a person rescinding a foreclosure sale is no longer required to send envelopes along with their rescission paperwork.

House Committee Local Government

Senate Committee

Hearing Date

Status House Committee on Local Government Postpone Indefinitely (03/08/2017)

Fiscal Notes [Fiscal Notes](#) (03/07/2017)

Comment monitor for now; appears to be a clean-up bill but members are checking with foreclosure experts in their organizations and outside for more detail.

Bill: [HB17-1227](#)

Title: Electric Demand-side Management Program Extension

Position Monitor

House Sponsors [F. Winter](#) (D)
[P. Lawrence](#) (R)

Senate Sponsors [S. Fenberg](#) (D)
[K. Priola](#) (R)

Official Summary To promote demand-side management programs for electricity, the public utilities commission (commission) was authorized in 2007 to establish the following electricity goals for investor-owned electric utilities to achieve by 2018:

- A demonstrated reduction of peak demand by at least 5% of the retail peak demand level in 2006; and
- Demonstrated energy savings of at least 5% compared to the energy sales in 2006.

The bill extends the programs to 2028 and requires the commission to set goals of at least 5% peak demand reduction and 5% energy savings by 2028 for demand-side management programs implemented during 2019 through 2028 when compared to 2018 numbers.

House Committee Transportation & Energy

Senate Committee Agriculture, Natural Resources, and Energy

Hearing Date

Status Senate Third Reading Passed - No Amendments (05/09/2017)

Fiscal Notes [Fiscal Notes](#) (03/20/2017)

Comment

Bill: [HB17-1273](#)

Title: Real Estate Development Demonstrate Water Conservation

Position Monitor

House Sponsors [C. Hansen](#) (D)

	H. Mckean (R)
Senate Sponsors	M. Jones (D) D. Coram (R)
Official Summary	<p>Current law's definition of a water supply that is adequate for purposes of a local government's approval of a real estate development permit merely allows the inclusion of reasonable conservation measures and water demand management measures to account for hydrologic variability. The bill amends the definition to include reasonable conservation measures and water demand management measures to reduce water needs and account for hydrologic variability (section 2 of the bill) and prohibits the local government from approving the permit application unless the applicant demonstrates that appropriate water conservation and demand management measures have been included in the water supply plan (section 3).</p> <p>Current law also requires an applicant for a real estate development permit to demonstrate to the local government issuing the permit:</p> <ul style="list-style-type: none"> • The water conservation measures, if any, that may be implemented within the development; and • The water demand management measures, if any, that may be implemented to account for hydrologic variability. <p>Section 4 requires the applicant to demonstrate:</p> <ul style="list-style-type: none"> • The water conservation measures that will be implemented within the development to reduce indoor and outdoor demand; and • The water demand management measures that will be implemented to account for hydrologic variability.
House Committee	Agriculture, Livestock and Natural Resources
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (04/24/2017)
Fiscal Notes	Fiscal Notes (03/29/2017)
Comment	
Bill:	HB17-1279
Title:	Construction Defect Actions Notice Vote Approval
Position	Amend

House Sponsors [A. Garnett](#) (D)
[L. Saine](#) (R)

Senate Sponsors [L. Guzman](#) (D)
[J. Tate](#) (R)

Official Summary

The bill requires that, before the executive board of a unit owners' association (HOA) in a common interest community brings suit against a developer or builder on behalf of unit owners, the board must:

- Notify all unit owners and the developer or builder against whom the lawsuit is being considered;
- Call a meeting at which the executive board and the developer or builder will have an opportunity to present relevant facts and arguments; and
- Obtain the approval of a majority of the unit owners after giving them detailed disclosures about the lawsuit and its potential costs and benefits.

House Committee State, Veterans, & Military Affairs

Senate Committee Business, Labor and Technology

Hearing Date

Status Senate Third Reading Passed - No Amendments (05/04/2017)

Fiscal Notes [Fiscal Notes](#) (03/24/2017)

Comment SUPPORT IF AMENDED. If not amended, committee will revisit the HC position.

Bill: [HB17-1309](#)

Title: Documentary Fee To Fund Affordable Housing

Position Strongly Support

House Sponsors [D. Jackson](#) (D)
[F. Winter](#) (D)

Senate Sponsors [L. Guzman](#) (D)
[D. Coram](#) (R)

Official Summary

Currently, when the total consideration paid by the purchaser in a real property transaction exceeds \$500, the county clerk and recorder collects a one cent documentary fee for each \$100 of such consideration for the recording of real estate deeds or other instruments in writing. **Section 1** of the bill raises the fee to 2 cents commencing January 1, 2018. **Section 2** specifies that 50% of the moneys generated from the

imposition of the total fee must be deposited with the county treasurer at least once each month and credited by him or her in the manner prescribed by law and the remaining 50% of the moneys generated from the imposition of the fee must be transmitted by the county treasurer to the Colorado housing and finance authority (authority) at least once each month to be credited to the statewide affordable housing investment fund (fund).

Section 3 creates the fund in the authority. The bill specifies the source of moneys to be deposited into the fund and that the authority is to administer the fund.

All moneys in the fund must be expended for the purpose of supporting new or existing programs that:

- Facilitate the construction or rehabilitation of housing containing residential units designated as affordable housing; and
- Provide financial assistance to any nonprofit entity and political subdivision that makes loans to households to enable the financing, purchase, or rehabilitation of residential units.

The bill defines affordable housing to mean housing that is designed to be affordable for households with an income that is:

- Up to 80% of the area median income for rental occupancy; and
- Up to 110% of the area median income for home ownership.

This section of the bill also specifies the intent of the general assembly that, of the moneys made available to the authority to support the programs supported by the bill, the authority shall direct that a portion

of such moneys be expended on programs in counties with a total population of 175,000 or fewer residents.

New or existing programs supported by the fund are to be administered by the authority. The authority may determine how best to allocate and expend the portion of moneys deposited into the fund that support the programs that it administers under the bill.

Section 3 also requires the authority to submit a report, no later than November 1, 2021, and no later than November 1 of the last year of each 3-year period thereafter, specifying the use of the fund during the prior 3-year period. The report is to be sent to the governor and to the senate and house finance committees. The report must include information on all moneys allocated to, and expended from, the fund.

Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/03/2017)
Fiscal Notes	Fiscal Notes (04/24/2017)
Comment	
Bill: HB17-1310	
Title:	Residential Landlord Application Screening Fee
Position	Amend
House Sponsors	C. Kennedy (D) D. Jackson (D)
Senate Sponsors	S. Fenberg (D)
Official Summary	<p>With respect to an application screening fee that a landlord may charge a prospective tenant, the bill:</p> <ul style="list-style-type: none"> • Limits the fee to cover the landlord's actual costs for a personal reference check or for obtaining a consumer credit report or tenant screening report; • Requires the landlord to provide any person who has paid the fee with a receipt that itemizes the landlord's actual expenses incurred. The landlord may provide the person with an electronic receipt, unless the person requests a paper receipt. • Requires the landlord to return any amount of the fee that is not used as authorized by law; and • Establishes a penalty for a landlord that does not comply with the requirements related to the fee.
House Committee	Finance
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/01/2017)
Fiscal Notes	Fiscal Notes (04/26/2017)
Comment	Amend the bill. Consider a position of SUPPORT if the amendments explained by Sara are adopted.

Bill: [HB17-1311](#)

Title: Seller's Disclosure Estimated Future Property Tax

Position Monitor

House Sponsors [D. Michaelson](#) (D)
[M. Weissman](#) (D)

Senate Sponsors [A. Williams](#) (D)

Official Summary For sales of a newly constructed residence, the bill requires a seller to disclose an estimate of future property taxes. The estimate is based on the following factors:

- The purchase price is the actual value of the real property, including the newly constructed residence;
- The ratio of valuation for assessment is the same as the residential real property set forth for the current property tax year; and
- The mill levies are the same as those levied by all local governments for the current property tax year that are applicable to the property; except that, if the seller has actual knowledge that the total mill levies will change in the next year, the seller shall use this new amount for the calculation.

House Committee Local Government

Senate Committee Finance

Hearing Date

Status Senate Committee on Finance Postpone Indefinitely (05/04/2017)

Fiscal Notes [Fiscal Notes](#) (04/07/2017)

Comment

Bill: [HB17-1312](#)

Title: Residential Lease Copy And Rent Receipt

Position Neutral

House Sponsors [T. Exum Sr.](#) (D)
[A. Benavidez](#) (D)

Senate Sponsors [B. Martinez Humenik](#) (R)
[D. Moreno](#) (D)

Official The bill requires a residential landlord to provide each tenant with

Summary a copy of a written rental agreement signed by the parties and to give a tenant a receipt for a payment made with cash or a money order. The landlord may provide the tenant with an electronic copy of the agreement or the receipt, unless the tenant requests a paper copy.

House Committee Local Government

Senate Committee State, Veterans, and Military Affairs

Hearing Date

Status Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/04/2017)

Fiscal Notes [Fiscal Notes](#) (04/11/2017)

Comment

Bill: [HB17-1314](#)

Title: Colorado Right To Rest Act

Position Support

House Sponsors [J. Melton](#) (D)
[J. Salazar](#) (D)

Senate Sponsors

The bill creates the Colorado Right to Rest Act, which establishes basic rights for persons experiencing homelessness, including, but not limited to, the right to use and move freely in public spaces, to rest in public spaces, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy of one's property. The bill does not create an obligation for a provider of services for persons experiencing homelessness to provide shelter or services when none are available.

Official Summary

House Committee Local Government

Senate Committee

Hearing Date

Status House Committee on Local Government Postpone Indefinitely (04/19/2017)

Fiscal Notes [Fiscal Notes](#) (04/13/2017)

Comment

Bill: [HB17-1349](#)

Title: Assessment Ratio For Residential Real Property

Position Monitor

House Sponsors [D. Pabon](#) (D)
[K. Van Winkle](#) (R)

Senate Sponsors [L. Court](#) (D)
[T. Neville](#) (R)

Official Summary The bill sets the ratio of valuation for assessment for residential real property at 7.2% for property tax years commencing on and after January 1, 2017, until the next property tax year that the general assembly adjusts this ratio.

House Committee Finance

Senate Committee Finance

Hearing Date

Status Senate Third Reading Passed - No Amendments (05/09/2017)

Fiscal Notes [Fiscal Notes](#) (04/24/2017)

Comment

Bill: [HB17-1356](#)

Title: Treat Economic Development Income Tax Credits Differently

Position Monitor

House Sponsors [C. Duran](#) (D)
[D. Esgar](#) (D)

Senate Sponsors [L. Garcia](#) (D)
[J. Tate](#) (R)

Official Summary The bill allows the Colorado economic development commission to allow certain businesses that make a strategic capital investment in the state, subject to a maximum amount, and subject to the requirements of the specified income tax credits, to treat any of the following income tax credits allowed to the business as either carryforwardable for a five-year

period or as transferable:

- Colorado job growth incentive tax credit;
- Enterprise zone income tax credit for investment in certain property;
- Income tax credit for new enterprise zone business employees; and
- Enterprise zone income tax credit for expenditures for research and experimental activities.

House
Committee

Finance

Senate
Committee

Finance

Hearing Date

Status

Senate Third Reading Passed - No Amendments (05/10/2017)

Fiscal Notes

[Fiscal Notes](#) (04/26/2017)

Comment

Bill: [HB17-1358](#)

Title:

Disclose Amounts Payable To Real Estate Brokers

Position

Monitor

House Sponsors

[P. Rosenthal](#) (D)

Senate Sponsors

Official
Summary

The bill requires that, in any sale or lease of real estate, the amounts payable to anyone acting as a broker in the transaction (e.g., buyer's agent, seller's agent, transaction-broker) be disclosed in writing, either as part of the contract or otherwise, and accounted for. If the amount payable is allocated between the parties, the portion for which each party is responsible must be separately stated. Brokers are required to disclose their fees or the basis for calculating their fees on all marketing materials relating to any specific property, including on-line multiple listing services.

House
Committee

Business, Affairs & Labor

Senate
Committee

Hearing Date

Status

Introduced In House - Assigned to Business Affairs and Labor (04/24/2017)

Fiscal Notes

Comment

Bill: [SB17-021](#)

Title: Assistance To Released Mentally Ill Offenders

Position Support

House Sponsors [J. Singer](#) (D)

Senate Sponsors [B. Martinez Humenik](#) (R)

Official
Summary

Legislative Oversight Committee Concerning the Treatment of Persons with Mental Illness in the Criminal and Juvenile Justice Systems. The bill directs the division of housing in the department of local affairs to establish a program to provide vouchers and supportive services to persons with a mental illness who are being released from the

department of corrections (DOC) or jails. The program is funded by general fund appropriations and from money unspent by the division of criminal justice (CDPS) for community corrections programs in the previous fiscal year.

The bill directs the behavioral health unit in the department of human services, in conjunction with the DOC, to implement reentry programs to assist persons with a mental illness who are transitioning from incarceration. If necessary, the programs may receive money from the community corrections appropriation to CDPS.

The bill appropriates \$2.7 million to the department of local affairs.

House
Committee Health, Insurance, & Environment

Senate
Committee Judiciary

Hearing Date

Status Senate Considered House Amendments - Result was to Concur - Repass (05/10/2017)

Fiscal Notes [Fiscal Notes](#) (05/09/2017)

Comment

Bill: [SB17-038](#)

Title: Registration Home Inspectors

Position Monitor

House Sponsors

Senate Sponsors [N. Todd](#) (D)

Official Summary Under current law, home inspectors are not subject to regulation by any state agency. **Section 1** of the bill makes it unlawful for a person to act as a home inspector without first registering with the department of regulatory agencies (DORA). **Section 2** requires a review of the board's duties and functions in registering home inspectors after 5 years under the existing sunset laws.

House Committee

Senate Committee State, Veterans, and Military Affairs

Hearing Date

Status Senate Committee on Finance Postpone Indefinitely (02/09/2017)

Fiscal Notes [Fiscal Notes](#) (01/30/2017)

Comment Monitor. CHFA identified a concern and will be working with Sen Todd on clarification.

Bill: [SB17-045](#)

Title: Construction Defect Claim Allocation Of Defense Costs

Position Monitor

House Sponsors [C. Duran](#) (D)
[C. Wist](#) (R)

Senate Sponsors [K. Grantham](#) (R)
[A. Williams](#) (D)

Official Summary In a construction defect action in which more than one insurer has a duty to defend a party, the bill requires the court to apportion the costs of defense, including reasonable attorney fees, among all insurers with a duty to defend. An initial order apportioning costs must be made within 90 days after an insurer files its claim for contribution, and the court must make a final apportionment of costs after entry of a final judgment resolving all of the underlying claims against the insured. An insurer seeking contribution may also make a claim against an insured or additional insured who chose not to procure liability insurance for a period of time relevant to the underlying action. A claim for contribution may be assigned and does not affect any insurer's duty to defend.

House
Committee

Senate
Committee Business, Labor and Technology

Hearing Date

Status Senate Committee on Appropriations Postpone Indefinitely
(05/09/2017)

Fiscal Notes [Fiscal Notes](#) (01/30/2017)

Comment

Bill: [SB17-053](#)

Title: Asbestos Litigation Trust Transparency Priorities

Position Monitor

House Sponsors

Senate Sponsors [J. Sonnenberg](#) (R)

The bill enacts the Asbestos Bankruptcy Trust Claims Transparency Act. Federal bankruptcy law provides companies with asbestos-related liabilities the opportunity to reorganize and emerge from bankruptcy with protection from lawsuits. Asbestos trusts established as part of the bankruptcy process assume the debtor company's asbestos-related liabilities. The trusts then pay present and future asbestos-related claims, thus relieving the reorganized company of all present and future asbestos-related liabilities. Plaintiffs may also file asbestos-related personal injury actions against companies that are still solvent and subject to suit in the civil system. The bill addresses this dual

Official Summary compensation system to give defendants access to information regarding all of a plaintiff's trust-related exposures and give fact finders information

they need to properly assign fault.

The bill requires that a plaintiff must:

- File and disclose all asbestos trust claims before proceeding to trial in any asbestos action;
- Provide all parties with all trust claim materials connected to the plaintiff's exposure to asbestos; and
- If the plaintiff's asbestos trust claim is based on exposure to asbestos through another individual, produce all trust claims materials submitted by that individual to any asbestos trusts.

The bill allows a defendant to file a motion requesting a stay of the

proceedings if the defendant has information that could support the filing of additional trust claims by the plaintiff. If the court determines that there is sufficient basis, the court shall stay the asbestos action until the plaintiff files the asbestos trust claim and produces all related trust claims materials. The bill addresses discovery and access to materials relating to trust claims materials or trust governance documents by defendants. Prior to trial in an asbestos action, the court shall enter into the record a document that identifies every asbestos trust claim made by the plaintiff or on the plaintiff's behalf. If a plaintiff proceeds to trial in an asbestos action before an asbestos trust claim is resolved, there is a rebuttable presumption that the plaintiff is entitled to and will receive compensation specified in the trust governance document applicable to the claim. The court may impose sanctions, including vacating a judgment rendered in an asbestos action, against a plaintiff for failure to comply with the disclosure requirements of this bill. If the plaintiff or a person on the plaintiff's behalf files an asbestos trust claim after the plaintiff obtains a judgment in an asbestos action, and that asbestos trust was in existence at the time the plaintiff obtained the judgment, the trial court, on motion by a defendant or a judgment debtor, has jurisdiction to reopen the judgment in the asbestos action and adjust the judgment or order other appropriate relief. The bill also establishes procedures for the prioritization of asbestos-related claims. An asbestos action involving a nonmalignant condition shall not be brought or maintained in the absence of prima facie evidence that the exposed person has an asbestos-related physical impairment based on objective criteria developed by the medical community. When filing an asbestos-related claim, the plaintiff must submit signed medical reports from qualified physicians who have a doctor-patient relationship with the plaintiff. If the plaintiff has not established that he or she is sick as a result of the asbestos exposure, the court shall dismiss the action. The bill prevents the filing of class action lawsuits for asbestos-related exposures. The bill sets forth the elements of proof for asbestos-related actions and the evidence needed to establish evidence of physical impairment. Until a court enters an order establishing that the exposed person has established prima facie evidence of impairment, an asbestos action

is not subject to discovery, except for discovery relating to establishing or challenging the prima facie evidence or by order of the trial court, upon motion of one of the parties and for good cause. A defendant in an asbestos action is not liable for exposures from a product or component part made or sold by a third party, even if the third party is insolvent or otherwise not amenable to suit.

The bill provides that an exposed person's cause of action shall not accrue and the statute of limitations does not begin running for a person who has been exposed to asbestos prior to the earlier of the date:

- The exposed person receives a medical diagnosis of asbestos-related impairment; or
- The exposed person discovers facts that would have led a reasonable person to obtain a medical diagnosis with respect to the asbestos-related impairment; or
- Of the death of the exposed person having an asbestos-related impairment.

The bill states that an asbestos action arising out of a nonmalignant condition is a distinct cause of action from an action for an asbestos-related cancer. Damages shall not be awarded in an asbestos action based upon the plaintiff's fear of or increased risk for future disease.

House
Committee

Senate
Committee

Judiciary

Hearing Date

Status Senate Second Reading Lost - No Amendments (02/22/2017)

Fiscal Notes [Fiscal Notes](#) (02/13/2017)

Comment

Bill: [SB17-057](#)

Title: Colorado Healthcare Affordability & Sustainability Enterprise

Position Monitor

House Sponsors

Senate Sponsors [L. Guzman](#) (D)

Official
Summary

The bill creates the Colorado healthcare affordability and sustainability enterprise (enterprise) as a **type 2** agency and government-owned business within the department of health care policy and financing (HCPF) for the purpose of participating in the

implementation and administration of a state Colorado healthcare affordability and sustainability program (program) on and after July 1, 2017, and creates a board consisting of 13 members appointed by the governor with the advice and consent of the senate to govern the enterprise. The business purpose of the enterprise is, in exchange for the payment of a new healthcare affordability and sustainability fee (fee) by hospitals to the enterprise, to administer the program and thereby support

hospitals that provide uncompensated medical services to uninsured patients and participate in publicly funded health insurance programs by:

- Participating in a federal program that provides additional matching money to states;

- Using fee revenue, which must be credited to a newly created healthcare affordability and sustainability fee fund and used solely for purposes of the program, and federal matching money to:

- Reduce the amount of uncompensated care that hospitals provide by increasing the number of individuals covered by publicly funded health insurance; and

- Increase publicly funded insurance reimbursement rates to hospitals; and

- Providing or contracting for or arranging advisory and consulting services to hospitals and coordinating services to hospitals to help them more effectively and efficiently participate in publicly funded insurance programs.

The bill does not take effect if the federal centers for medicare and medicaid services determine that it does not comply with federal law. The enterprise is designated as an enterprise for purposes of the taxpayer's bill of rights (TABOR) so long as it meets TABOR requirements. The primary powers and duties of the enterprise are to:

- Charge and collect the fee from hospitals;
- Leverage fee revenue collected to obtain federal matching money;

- Utilize and deploy both fee revenue and federal matching money in furtherance of the business purpose of the enterprise;

- Issue revenue bonds payable from its revenues;

- Enter into agreements with HCPF as necessary to collect and expend fee revenue;

- Engage the services of private persons or entities serving as contractors, consultants, and legal counsel for professional and technical assistance and advice and to supply other services related to the conduct of the affairs of the enterprise, including the provision of additional business

services to hospitals; and

- Adopt and amend or repeal policies for the regulation of its affairs and the conduct of its business.

The existing hospital provider fee program is repealed and the existing hospital provider fee oversight and advisory board is abolished, effective July 1, 2017.

The bill specifies that so long as the enterprise qualifies as a TABOR-exempt enterprise, fee revenue does not count against either the

TABOR state fiscal year spending limit or the referendum C cap, the higher statutory state fiscal year spending limit established after the voters

of the state approved referendum C in 2005. The bill clarifies that the creation of the new enterprise to charge and collect the fee is the creation

of a new government-owned business that provides business services to hospitals as an enterprise for purposes of TABOR and related statutes and

does not constitute the qualification of an existing government-owned business as a new enterprise that would require or authorize downward adjustment of the TABOR state fiscal year spending limit or the referendum C cap.

House
Committee

Senate
Committee

Finance

Hearing Date

Status

Senate Committee on Finance Postpone Indefinitely (03/21/2017)

Fiscal Notes

[Fiscal Notes](#) (02/01/2017)

Comment

not directly a housing issue but tracking this legislation as a big issue for the session and the budget, which could impact the housing grants line item appropriation

Bill: [SB17-085](#)

Title:

Increase Documentary Fee & Fund Attainable Housing

Position

Support

House Sponsors

Senate Sponsors

[R. Zenzinger](#) (D)

Official
Summary

Currently, each county clerk and recorder collects a surcharge of one dollar for each document received for recording or filing in his or

her office. The surcharge is in addition to any other fees permitted by statute.

Section 2 of the bill raises the amount of the surcharge to \$5 for documents received for recording or filing on or after January 1, 2018. Out of each \$5 collected, the bill requires the clerk to retain one dollar to be used to defray the costs of an electronic or core filing system

in accordance with existing law. The bill requires the clerk to transmit the

other \$4 collected to the state treasurer, who is to credit the same to the statewide attainable housing investment fund (fund).

Section 3 creates the fund in the Colorado housing and finance authority (authority). The bill specifies the source of moneys to be deposited into the fund and that the authority is to administer the fund. The bill directs that, of the moneys transmitted to the fund by the state treasurer, on an annual basis, not less than 25% of such amount must be expended for the purpose of supporting new or existing programs that provide financial assistance to persons in households with an income of up to 80% of the area median income for the purpose of allowing such persons to finance, purchase, or rehabilitate single family residential homes as well as to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons to finance, purchase, or rehabilitate single family residential homes.

Section 3 also requires the authority to submit a report, no later than June 1 of each year, specifying the use of the fund during the prior calendar year to the governor and to the senate and house finance committees.

House
Committee

Senate
Committee

State, Veterans, and Military Affairs

Hearing Date

Status

Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (02/13/2017)

Fiscal Notes

[Fiscal Notes](#) (02/06/2017)

Comment

Bill: [SB17-086](#)

Title:

Authorize Local Governments Inclusionary Housing Programs

Position

Support

House Sponsors

Senate Sponsors [S. Fenberg](#) (D)

In 1981, the general assembly enacted legislation that prohibits counties and municipalities (local governments) from enacting any ordinance or resolution that would control rent on private residential property.

The bill clarifies that an ordinance or resolution that would control rent on either private residential property or a private residential housing unit does not include an ordinance or resolution enacted by a county or a municipality that establishes, as a condition of obtaining approval for the

Official
Summary

development of a project, inclusionary housing or inclusionary zoning requirements.

As used in the bill, inclusionary housing or inclusionary zoning means a program enacted legislatively and with opportunity for public input that requires, as a condition of obtaining approval for the development of a project, the provision of residential units affordable to and occupied by owners or tenants whose household incomes do not exceed a limit that is established in the ordinance or resolution.

The bill specifies different components that may be included in an inclusionary housing program.

House
Committee

Senate
Committee

State, Veterans, and Military Affairs

Hearing Date

Status

Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (02/06/2017)

Fiscal Notes

[Fiscal Notes](#) (01/31/2017)

Comment

Bill: [SB17-097](#)

Title:

Vacated Alleys Presume Included In All Deeds

Position

Monitor

House Sponsors

[J. Coleman](#) (D)

Senate Sponsors

[B. Martinez Humenik](#) (R)

Official
Summary

Under current law, a conveyance by warranty deed carries the presumption that the grantor's interest in an adjoining vacated street, alley, or other right-of-way is included with the property whose legal

description is contained in the deed. However, this presumption does not apply to other types of deeds or to a lease, mortgage, or other conveyance or encumbrance.

The bill removes the language containing the presumption from the warranty deed statute and relocates it, with amendments, so as to broaden the application of the presumption of conveyance of an adjoining vacated right-of-way to include not only warranty deeds but also all forms of deeds, leases, and mortgages and other liens.

House Committee	Local Government
Senate Committee	Judiciary
Hearing Date	
Status	Governor Signed (04/06/2017)
Fiscal Notes	Fiscal Notes (02/06/2017)
Comment	

Bill: [SB17-098](#)

Title:	Mobile Home Parks
Position	Support
House Sponsors	J. Ginal (D)
Senate Sponsors	J. Kefalas (D)

Official Summary	<p>Notice of sale of a mobile home park. Where the home owners within a mobile home park (park) have formed either a homeowners' association or a cooperative, section 2 of the bill specifies that, not less than 30 days nor more than one year prior to, an owner of a park either entering into a written listing agreement for the sale of the park or making an offer to sell the park to any party must provide written notice to the president, secretary, and treasurer of any homeowners' association or cooperative of the owner's intention to sell the park. The bill specifies certain circumstances in which the park owner is not required to satisfy these notice requirements.</p> <p>During the notice period required by the bill, the owner or management of the park may consider any offer to purchase the park that has been made by a homeowners' association or cooperative of such</p>
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home

owners as long as the association or cooperative is open to all home owners. The owner of the park may consider any reasonable offer made by an association or cooperative representing the home owners and negotiate in good faith with them. If an agreement to purchase the community is reached during the notice period specified in the bill, the association or cooperative has a reasonable time beyond the expiration of

such period, if necessary, to obtain financing for the purchase. The bill explicitly specifies that these provisions do not give any home owner or group of home owners within a park any right of first refusal.

Terms of written rental agreement. Section 3 permits a written rental agreement for a tenancy in a park to contain a clause that encourages the use of mediation or another form of alternative dispute resolution to resolve any controversy by or among owners, management, and home owners within parks.

Alternative dispute resolution. In any controversy between management and a home owner of a park arising out of the bill, except for

the nonpayment of rent or in cases in which the health or safety of other home owners is in imminent danger, **section 4** permits the parties to submit the dispute to another form of alternative dispute resolution in addition to mediation prior to the filing of a forcible entry and detainer lawsuit. The choice of alternative dispute resolution methods is dependent

upon agreement of the parties.

Under section 4, the general assembly also encourages the owners and management of parks and home owners within such parks to make use of the state office of dispute resolution to resolve any controversy by or among them in addition to local government agencies and community-based nonprofit organizations that are created and empowered

to mediate disputes between or among the owners and management of parks and home owners within such parks.

Subtraction of gain from sale of park from calculation of federal taxable income for state income tax purposes. For income tax years commencing on or after January 1, 2018, **section 5** subtracts from federal taxable income the following amount of the gain recognized from

the sale or exchange of a park where the party purchasing the park is a county, municipality, local housing authority, nonprofit corporation, homeowners' association, or a cooperative:

- 100% of the recognized gain for a mobile home park with 50 or fewer lots; and
- 50% of the recognized gain for a mobile home park with more than 50 lots.

Encouragement of the preservation and development of mobile and manufactured home parks through county and municipal master

plans. Recognizing the importance of manufactured housing as an option for many households, under **sections 6 and 7**, counties and municipalities, as applicable, are required to encourage through either their master plans or other land use or planning documents adopted by the particular governmental body the preservation of existing parks and the development of new manufactured home parks within their territorial boundaries, including increasing opportunities for parks that are owned by the owners of homes within the park. Whenever an existing park is located in a hazardous area, the county or municipality, as applicable, is required to make every reasonable effort to reduce or eliminate the hazard, when feasible, or to help mitigate the loss of housing through the relocation of affected households.

House
Committee

Senate
Committee

State, Veterans, and Military Affairs

Hearing Date

Status

Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (02/13/2017)

Fiscal Notes

[Fiscal Notes](#) (02/08/2017)

Comment

Bill: [SB17-105](#)

Title:

Consumer Right To Know Electric Utility Charges

Position

Monitor

House Sponsors

[K. Becker](#) (D)
[D. Esgar](#) (D)

Senate Sponsors

[L. Garcia](#) (D)

Official
Summary

The bill requires an investor-owned electric utility to file with the public utilities commission (commission) for the commission's review a comprehensive billing format that the investor-owned electric utility has developed for its monthly billing of customers. An investor-owned electric utility shall file the comprehensive billing format at the time of filing a rate schedule with the commission. The comprehensive billing

format must include the following:

- A line-item representation of all monthly charges and credits applied to the customer;
- For months in which tiered rates are applied, a breakdown of the tiered rates and the amount of usage to which each rate was applied for the month;
- The rate and usage for the current month and each of the previous 12 months, as shown in a bar graph or other visual format; and
- For customers to which demand rates apply, a listing of the demand charge, aggregated data about the range and average of kilowatts used during the various demand periods of the billing period, and, if the customer is a residential customer, a calculation of the amount that the customer would have been billed had standard residential rates applied.

The bill sets forth procedures for the commission's review of a filed comprehensive billing format and provides that once a comprehensive billing format has been approved by the commission, the investor-owned utility need not refile it unless changes have been made to it.

House
Committee

Transportation & Energy

Senate
Committee

Agriculture, Natural Resources, and Energy

Hearing Date

Status

Sent to the Governor (05/01/2017)

Fiscal Notes

[Fiscal Notes](#) (03/02/2017)

Comment

Bill: [SB17-127](#)

Title:

Originator Exemption Mortgages To Family Members

Position

Monitor

House Sponsors

[D. Pabon](#) (D)

Senate Sponsors

[J. Tate](#) (R)

Official
Summary

Current law defines a mortgage loan originator as an individual who offers or negotiates terms of a residential mortgage loan, including to any family member, but there is an exemption for a parent who acts as a loan originator in providing loan financing to his or her child. The bill

expands the exemption to include up to 3 loans per year without compensation, other than interest, between family members, and directs the board of mortgage loan originators to define family member by rule.

House Committee	Business, Affairs & Labor
Senate Committee	Business, Labor and Technology
Hearing Date	
Status	Governor Signed (03/16/2017)
Fiscal Notes	Fiscal Notes (02/02/2017)
Comment	

Bill: [SB17-156](#)

Title:	Homeowners' Association Construction Defect Lawsuit Approval Timelines
Position	Support
House Sponsors	L. Saine (R) C. Wist (R)
Senate Sponsors	O. Hill (R)

Official Summary	<p>The bill states that when the governing documents of a common interest community require mediation or arbitration of a construction defect claim and the requirement is later amended or removed, mediation or arbitration is still required for a construction defect claim. These provisions are in section 3 of the bill. Section 3 also specifies that the mediation or arbitration must take place in the judicial district in which the community is located and that the arbitrator must:</p> <ul style="list-style-type: none"> • Be a neutral third party; • Make certain disclosures before being selected; and • Be selected as specified in the common interest community's governing documents or, if not so specified, in accordance with applicable state or federal laws governing mediation or arbitration. <p>Section 1 of the bill specifies that, in the arbitration of a construction defect action, the arbitrator is required to follow the substantive law of Colorado with regard to any applicable claim or defense and any remedy granted, and a failure to do so is grounds for a district court to vacate or refuse to confirm the arbitrator's award.</p> <p>Section 4 of the bill requires that, before a construction defect claim is filed on behalf of the association:</p>
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- The parties must submit the matter to mediation before a neutral third party; and
- The board must give advance notice to all unit owners, together with a disclosure of the projected costs, duration, and financial impact of the construction defect claim, and must obtain the written consent of the owners of units to which at least a majority of the votes in the association are allocated.

Section 5 of the bill adds to the disclosures required prior to the purchase and sale of property in a common interest community a notice that the community's governing documents may require binding arbitration of certain disputes.

House Committee	State, Veterans, & Military Affairs
Senate Committee	Business, Labor and Technology
Hearing Date	
Status	House Committee on State, Veterans, & Military Affairs Postpone Indefinitely (04/20/2017)
Fiscal Notes	Fiscal Notes (02/16/2017)
Comment	

Bill: [SB17-157](#)

Title:	Construction Defect Actions Notice Vote Approval
Position	Monitor
House Sponsors	J. Melton (D)
Senate Sponsors	A. Williams (D)

Official Summary	<p>The bill requires that, before the executive board of a unit owners' association (HOA) in a common interest community brings suit against a developer or builder on behalf of unit owners, the board must:</p> <ul style="list-style-type: none"> • Notify all unit owners; and • Except when the HOA contracted with the developer or builder for the work complained of or the amount in controversy is less than \$100,000, obtain the approval of a majority of the unit owners after giving them detailed disclosures about the lawsuit and its potential costs and benefits. <p>The bill also limits the amount and type of contact that a developer or builder that is potentially subject to a lawsuit may have with individual</p>
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unit owners while the HOA is seeking their approval for the lawsuit.

House
Committee

Senate
Committee

Business, Labor and Technology

Hearing Date

Status

Senate Committee on Business, Labor, & Technology Postpone
Indefinitely (03/13/2017)

Fiscal Notes

[Fiscal Notes](#) (02/27/2017)

Comment

Bill: [SB17-211](#)

Title:

Contractor Surety Bonds For Public Projects

Position

Monitor

House Sponsors

[T. Kraft-Tharp](#) (D)
[P. Lawrence](#) (R)

Senate Sponsors

[R. Scott](#) (R)

Prospective contractors for public projects are often required to obtain a bid security bond executed by a surety company as a prerequisite for responding to a competitive solicitation issued by a state agency.

Official
Summary

The bill specifies that if such a bond is required, the state agency is required accept the full amount of the bond and shall not reduce the amount of the bond for the purposes of determining whether the contractor satisfies any prequalification criteria established by the state agency.

House
Committee

Transportation & Energy

Senate
Committee

Transportation

Hearing Date

Status

Senate Considered House Amendments - Result was to Concur - Repass
(05/09/2017)

Fiscal Notes

[Fiscal Notes](#) (04/20/2017)

Comment

Bill: [SB17-215](#)

Title: Sunset Licensed Real Estate Brokers & Subdivision Developers

Position Monitor

House Sponsors [M. Gray](#) (D)

Senate Sponsors [K. Priola](#) (R)

Official
Summary

Sunset Process - Senate Business, Labor, and Technology Committee. Sections 1 through 4 of the bill continue the division of real estate, the real estate commission, and the regulation of real estate brokers and subdivision developers for 9 years, until 2026. **Sections 5 and 6** specifically identify, and create a license endorsement for, brokers who act as property managers, including prescribed education and financial surety as conditions for the endorsement. **Section 7** directs the real estate commission (commission) to establish, by rule, the number of transactions that a broker must have completed before becoming an employing broker. **Section 12** amends the current provisions on referral fees to conform to the requirements of federal law. **Sections 10 and 13 through 20** consolidate the various cash funds used for several licensing functions and programs administered by the division of real estate into a single cash fund. **Section 9** makes broker licenses expire uniformly on December 31 rather than requiring licensees to apply for renewal at various times throughout the year on their individual anniversary dates. **Section 11** defines conviction to include deferred judgments and deferred sentences, in provisions listing factors the commission may consider when determining whether to discipline a licensee. **Section 8** modifies the composition of the commission to require that one of the 3 broker members be a broker with experience and an active practice in property management.

House Committee Business, Affairs & Labor

Senate Committee Business, Labor and Technology

Hearing Date

Status Sent to the Governor (05/01/2017)

Fiscal Notes [Fiscal Notes](#) (03/21/2017)

Comment

Bill: [SB17-216](#)

Title: Sunset Continue Fair Debt Collections Act

Position Support

House Sponsors [K. Becker](#) (D)
[S. Lontine](#) (D)

Senate Sponsors [R. Gardner](#) (R)

Sunset Process - Senate Judiciary Committee. The bill implements the recommendations of the sunset review and report on the continuation of the Colorado Fair Debt Collection Practices Act (Act) by:

- Continuing the Act through 2028;
- Defining what is expected of a collection agency that purchases, sells, or attempts to collect on a purchased debt;
- Clarifying that when a collection agency attempts to collect on a debt, the Act applies, by removing language from the definition of debt;
- Clarifying that the statute of limitations for private actions and actions by the administrator of the Act is 4 years;
- Repealing the collection agency board; and
- Allowing consumers who have monetary judgments against a collection agency to access surety bond funds.

Official
Summary

House
Committee Finance

Senate
Committee Judiciary

Hearing Date

Status Senate Considered House Amendments - Result was to Concur - Repass (05/04/2017)

Fiscal Notes [Fiscal Notes](#) (04/25/2017)

Comment

Bill: [SB17-245](#)

Title: Tenancies One Month To One Year Notice

Position Monitor

House Sponsors [D. Pabon](#) (D)

Senate Sponsors [K. Priola](#) (R)

Official Currently, a tenancy of one month or more but less than 6 months

Summary may be terminated by either party with 7 days' notice. The bill extends the notice to 21 days. The bill also requires 21 days' notice for a landlord to increase rent in tenancies of one month or longer but less than one year.

House Committee Local Government

Senate Committee Local Government

Hearing Date

Status Sent to the Governor (05/01/2017)

Fiscal Notes [Fiscal Notes](#) (03/22/2017)

Comment

Bill: [SB17-254](#)

Title: 2017-18 Long Appropriations Bill

Position Monitor

House Sponsors [M. Hamner](#) (D)

Senate Sponsors [K. Lambert](#) (R)

Official Summary

House Committee Appropriations

Senate Committee Appropriations

Hearing Date

Status Senate Consideration of First Conference Committee Report result was to Adopt Committee Report - Repass (05/03/2017)

Fiscal Notes

Comment

Bill: [SB17-267](#)

Title: Sustainability Of Rural Colorado

Position Monitor

House Sponsors [J. Becker](#) (R)

[K. Becker](#) (D)

Senate Sponsors [L. Guzman](#) (D)
[J. Sonnenberg](#) (R)

Section 3 of the bill eliminates annual statutory transfers of general fund revenue to the highway users tax fund (HUTF) and the capital construction fund for state fiscal years 2017-18, 2018-19, and 2019-20. **Section 1** makes statutory general fund transfers to the state public school fund in amounts equal to the amounts of the eliminated statutory transfers to the HUTF for the sole purpose of reducing, proportionally to the extent feasible, the financial impacts of inconsistent

funding of the state share of district total program on rural and small rural school districts.

Section 2 requires executive branch departments to submit 2018-19 budget requests to the office of state planning and budgeting (OSPB) that are at least 2% lower than their 2017-18 budgets. The OSPB

must strongly consider the budget reduction proposals made by each department when preparing the annual executive budget proposals to the general assembly and shall seek to ensure that the executive budget proposal for each department is at least 2% lower than the department's actual budget for the 2017-18 fiscal year.

Section 5 authorizes the state to execute lease-purchase agreements for eligible state facilities to generate up to \$1.35 billion of net proceeds, with maximum annual lease payments of \$100 million for up to 20 years. Lease payments must be paid first from any legally available money under the control of the transportation commission and next from the general fund or any other legally available source of money.

\$1.2 billion of the net proceeds are credited to the HUTF and allocated to the state highway fund and \$150 million of the net proceeds are credited to the capital construction fund, with such amounts being reduced proportionally if the full \$1.35 billion of net proceeds is not received. As specified in **section 19**, the department of transportation (CDOT) may use

the net proceeds only for qualified federal aid highway projects, with at least 25% of the money being used for projects that are located in counties with populations of 50,000 or less.

Section 6 creates the Colorado healthcare affordability and sustainability enterprise (enterprise) as a **type 2** agency and government-owned business within the department of health care policy and financing (HCPF) for the purpose of participating in the implementation and administration of a Colorado healthcare affordability

Official
Summary

and sustainability program (program) on and after July 1, 2017, and creates a board consisting of 13 members appointed by the governor with the advice and consent of the senate to govern the enterprise. The business purpose of the enterprise is, in exchange for the payment of a new healthcare affordability and sustainability fee (fee) by hospitals to the enterprise, to administer the program and thereby support hospitals that provide uncompensated medical services to uninsured patients and participate in publicly funded health insurance programs by:

- Participating in a federal program that provides additional matching money to states;
- Using fee revenue, which must be credited to a newly created healthcare affordability and sustainability fee fund and used solely for purposes of the program, and federal matching money to:
 - Reduce the amount of uncompensated care that hospitals provide by increasing the number of individuals covered by publicly funded health insurance; and
 - Increase publicly funded insurance reimbursement rates to hospitals; and
 - Providing or contracting for or arranging advisory and consulting services to hospitals and coordinating services to hospitals to help them more effectively and efficiently participate in publicly funded insurance programs.

The bill does not take effect if the federal centers for medicare and medicaid services determine that it does not comply with federal law. The enterprise is designated as an enterprise for purposes of the taxpayer's bill of rights (TABOR) so long as it meets TABOR requirements. The primary powers and duties of the enterprise are to:

- Charge and collect the fee from hospitals;
- Leverage fee revenue collected to obtain federal matching money;
- Utilize and deploy both fee revenue and federal matching money in furtherance of the business purpose of the enterprise;
 - Issue revenue bonds payable from its revenues;
 - Enter into agreements with HCPF as necessary to collect and expend fee revenue;
 - Engage the services of private persons or entities serving as contractors, consultants, and legal counsel for professional and technical assistance and advice and to supply other services related to the conduct of the affairs of the enterprise, including the provision of additional business services to hospitals;

- Seek any federal waiver necessary to fund and, in cooperation with HCPF and hospitals, support the implementation, no earlier than October 1, 2019, of a health care delivery reform incentive payments program that will improve health care access and outcomes for individuals served by HCPF while efficiently utilizing available financial resources. The health care delivery reform incentive payments program must include, at a minimum, an initial planning phase to assess needs and develop achievable outcome-based metrics to be used to measure progress towards specified program goals and address specified focus areas.

- Adopt and amend or repeal policies for the regulation of its affairs and the conduct of its business.

The existing hospital provider fee program is repealed by **section 18** and the existing hospital provider fee oversight and advisory board is abolished, effective July 1, 2017.

So long as the enterprise qualifies as a TABOR-exempt enterprise, fee revenue does not count against either the TABOR state fiscal year spending limit or the referendum C cap, the higher statutory state fiscal year spending limit established after the voters of the state approved referendum C in 2005. The bill clarifies that the creation of the new enterprise to charge and collect the fee is the creation of a new government-owned business that provides business services to hospitals as an enterprise for purposes of TABOR and related statutes and does not

constitute the qualification of an existing government-owned business as a new enterprise that would require or authorize downward adjustment of

the TABOR state fiscal year spending limit or the referendum C cap.

Section 4 lowers the referendum C cap for the 2017-18 fiscal year and subsequent fiscal years. **Section 16** requires HCPF, within 120 days of the enactment of the federal Advancing Care of Exceptional Kids Act, to seek any federal waiver necessary to fund, in cooperation with hospitals that meet the specified requirements, the implementation of an enhanced pediatric health home for children with complex medical conditions.

House
Committee

Finance

Senate
Committee

Finance

Hearing Date

Status

House Third Reading Passed - No Amendments (05/10/2017)

Fiscal Notes

[Fiscal Notes](#) (05/05/2017)

Comment

Bill: [SB17-279](#)

Title: Applicability Recent Urban Renewal Legislation

Position Support

House Sponsors [M. Gray](#) (D)
[S. Beckman](#) (R)Senate Sponsors [B. Martinez Humenik](#) (R)
[R. Zenzinger](#) (D)Official
Summary

The bill clarifies the applicability provisions of legislation enacted in 2015 and 2016 to promote an equitable financial contribution among affected public bodies in connection with urban redevelopment projects allocating tax revenues in the following respects:

- The bill clarifies that a substantial modification of an urban renewal plan (plan) is a proposed modification that substantially changes provisions of the plan regarding land area, land use, authorization to collect incremental tax revenue, the extent of the use of tax increment financing, the scope or nature of the urban renewal project, the scope of method of financing, design, building requirements, timing, or procedure, as previously approved, or where the modification will substantially clarify a plan that, when approved, was lacking in specificity as to the urban renewal project or financing. If the modification is substantial, the modification is subject to pertinent requirements of the urban renewal law addressing modifications. For plans to which a pledge of the revenues deposited into the special fund was made by an indenture or other legally binding document that is separate from the plan itself prior to January 1, 2016, a pledge to secure the payment of refunding bonds is not a substantial modification and is not subject to the modification requirements of the urban renewal law.

- Not less than 30 days prior to approving any modification of a plan, the bill requires the governing body or an urban renewal authority (authority) to provide a detailed written description of the proposed modification to each taxing entity that levies taxes on property located within the urban renewal area and a notice of the date and time of the meeting at which the governing body will consider the modification. Any taxing entity that levies taxes on property located within the urban renewal area may file an action in the state district court exercising jurisdiction over

the county in which the urban renewal area is located for an order determining, under a de novo standard of review, whether the modification is a substantial modification. Further, if requested by the taxing entity, the court is required to enjoin any action by the authority pursuant to the modification until the court has determined whether the modification is a substantial modification and, if so, the court is required to further enjoin any action by the authority until there has been compliance with statutory provisions addressing the sharing of incremental property tax revenues.

- The bill prohibits any action from being brought to enjoin any undertaking or activity of the authority to a plan, including the issuance of bonds, the incurrence of other financial obligations, or the pledge of revenue, unless the action is commenced within 45 days after the date the authority provided notice of its intention regarding such undertaking or activity. The notice must describe the undertaking or activity proposed to be engaged in by the authority and specify that any action to enjoin the undertaking or activity must be brought within 45 days from the date of the notice. The notice must be published one time in a newspaper of general circulation within the county. On or before the date of publication of the notice, the bill also requires the authority to mail a copy of the notice to each taxing entity that levies taxes on property within the urban renewal area.

- Finally, the bill clarifies that legislation enacted in 2015 to promote an equitable financial contribution among affected public bodies in connection with urban redevelopment projects allocating tax revenues, legislation adopted in 2016 to clarify such 2015 legislation, and the bill apply to municipalities, authorities, and any plans created on or after January 1, 2016, and to any substantial modification of any plan approved on or after January 1, 2016.

House Committee	Business, Affairs & Labor
Senate Committee	Local Government
Hearing Date	
Status	House Third Reading Passed - No Amendments (04/28/2017)
Fiscal Notes	Fiscal Notes (04/05/2017)
Comment	

Bill: [SB17-285](#)

Title: Downtown Development Authorities Fairness Act

Position: Oppose

House Sponsors: [P. Lawrence](#) (R)
[K. Becker](#) (D)

Senate Sponsors: [K. Grantham](#) (R)

Official
Summary

The bill modifies certain statutory requirements applicable to a downtown development authority (authority) in the following respects:

- In all cases where any plan of development managed by the authority includes an allocation of property tax increment generated by the mill levy imposed by one or more public bodies that are not municipalities, the bill requires that one director of the board of such authority be appointed by agreement of the boards of county commissioners of each county other than a city and county whose property taxes are subject to allocation under any such plan. One director must also be appointed by agreement of the boards of education of each school district whose property taxes are subject to allocation under any such plan and one director must also be appointed by agreement of the boards of directors of each special district whose property taxes are subject to allocation under any such plan.
- The bill specifies additional requirements applicable to the appointment of board members.
- In connection with existing statutory procedures permitting an authority to allocate taxes it collects to a special fund to finance a plan of development, the bill clarifies that the taxes that may be allocated are the property taxes of specifically designated public bodies.
- Before any plan of development containing any tax allocation provisions that allocates any taxes of any taxing entity other than the municipality may be approved by the municipal governing body, the bill requires the authority to notify the governing boards of each other taxing entity whose incremental property tax revenues would be allocated under such proposed plan. Representatives of the authority and the governing body of the municipality and of each taxing entity are then required to meet and attempt to negotiate an agreement governing the sharing of incremental property tax revenue collected within the plan of development area. The agreement may be entered into separately among the municipality, the authority, and each such taxing entity, or through a joint agreement among the

municipality, the authority, and any taxing entity that has chosen to enter into that agreement. Any such shared incremental tax revenues governed by any agreement are limited to incremental revenue that may be allocated to a plan of development.

- The bill gives the parties 120 days to negotiate an agreement. If, after such period has passed, the parties fail to enter into an agreement, the bill requires the parties to participate in mediation on the issue of the appropriate sharing of incremental property tax revenues and the costs of a development project among the municipality, the authority, and any such taxing entities whose incremental property tax revenues will be allocated pursuant to a plan of development and with whom an intergovernmental agreement with the municipality and the authority has not been reached.

- The mediation is to be conducted by a mediator jointly selected by the parties. If the parties are unable to agree on the appointment of a single mediator, the bill specifies requirements governing the appointment by the parties of a 3-mediator panel, payment of the mediator's fees and costs, and issues the mediator is to consider in making his or her determination.

- Within 90 days, the bill requires the mediator to issue his or her findings of fact as to the appropriate sharing of costs and incremental property tax revenues, and to promptly transmit such information to the parties. With respect to the use of incremental property tax revenues of each other taxing entity, following the issuance of findings by the mediator, the governing body of the municipality is required to:

- Incorporate the mediator's findings on the use of incremental property tax revenues of any taxing body into the plan of development and an intergovernmental agreement and proceed to adopt the plan;

- Amend the plan of development to delete authorization of the use of the incremental property tax revenues of any taxing body with whom an agreement has not been reached; or

- Direct the authority to either incorporate the mediator's findings into one or more intergovernmental agreements with other taxing entities or enter into new negotiations with one or more taxing entities and enter into one or more intergovernmental agreements with such taxing

entities that incorporate such new or different provisions concerning the sharing of costs and incremental property tax revenues with which the parties are in agreement.

- The bill prohibits any incremental property tax revenues from being allocated to and paid into the special fund of the authority unless the municipality and the authority have satisfied the mediation and other requirements of the bill.

1

House
Committee

Senate
Committee

Finance

Hearing Date

Status Senate Committee on Finance Postpone Indefinitely (04/18/2017)

Fiscal Notes [Fiscal Notes](#) (04/17/2017)

Comment

Bill: [SB17-SCR002](#)

Title: Real Estate Transfer Tax For Affordable Housing

Position Support

House Sponsors

Senate Sponsors [J. Kefalas](#) (D)

The concurrent resolution deletes the prohibition in the state constitution on new or increased transfer tax rates on real property. The concurrent resolution imposes a tax upon the recording of each real property deed at the rate of 1/10 of one percent of the value of the real property as specified in the deed for the privilege of transferring the title to real property (tax). A conveyance from one spouse or other marital partner to another or a correction deed are exempt from payment of the tax.

Official
Summary

At the time any deed evidencing a transfer of title subject to the tax imposed is offered for recording, the county clerk and recorder is required to ascertain and compute the amount of the tax due and to collect the same from the purchaser of the real property as a prerequisite to acceptance of the deed for recording. The amount of tax is computed on the basis of the value of the transferred property as specified in the deed. The county clerk and recorder is required to collect the amount due under the tax and certify the date of payment and the amount collected

on the deed. The county clerk and recorder is authorized to retain 5% of the amount collected as his or her fee for collection and to further remit the balance on a quarterly basis to the county treasurer. The county treasurer is then required to transmit the same to the state treasurer for the deposit of such money into the already existing state housing investment trust fund (fund).

Under existing legal requirements not changed by the concurrent resolution, the fund is administered by the division of housing within the department of local affairs (division). In addition to the permissible uses of money deposited into the fund under existing statutory requirements, the concurrent resolution specifies that permissible uses of the money collected from the imposition of the tax that are deposited into the fund pursuant to the resolution include the uses specified in the resolution.

The concurrent resolution specifies the type of new or existing programs that must be supported with money collected by the tax.

The concurrent resolution requires that any new or existing programs supported by the tax are to be administered by the division.

The concurrent resolution contains additional requirements governing the use of money in the fund.

The concurrent resolution specifies that its approval by the registered electors of the state voting on the ballot issue at the general election held in November 2017 constitutes a voter-approved revenue change to allow the retention and expenditure of state revenues in excess of the limitation on state fiscal year spending.

The general assembly may modify any of the provisions as necessary in order to facilitate a more effective administration of the SCR17-002

provisions. However, such legislation shall not limit or restrict the imposition of the tax or the use of the money raised by the tax to promote

the provision of affordable housing.

House
Committee

Senate
Committee

Agriculture, Natural Resources, and Energy

Hearing Date

Status

Senate Committee on Agriculture, Natural Resources, & Energy
Postpone Indefinitely (05/03/2017)

Fiscal Notes

[Fiscal Notes](#) (04/24/2017)

Comment