

Weekly Legislative Report for the week of January 22, 2018

**for bills introduced as of January 22, 2018*

Note: All positions on bills must be recommended by the Legislative Committee and ratified by Housing Colorado's Board of Directors before a public position is taken. In 2018, the first Legislative Committee meeting is on 1/17/18 and the first Board Meeting on 1/18/18. While we expect to take positions on the many pieces of legislation affecting affordable housing, this early report only catalogues the bills up for discussion.

Bill: [HB18-1021](#)

Title: Task Force For Youth Experiencing Homelessness

Position Support

House Sponsors [E. Hooton](#) (D)

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

Official Summary The bill establishes the task force concerning youth who are experiencing homelessness (task force) to study and make recommendations on issues related to the issue of youth experiencing homelessness in Colorado. The membership of the task force is set forth, as well as reporting requirements and a repeal date. The bill makes conforming amendments to correct citations to an earlier relocation of the office of homeless youth services to the department of local affairs.

House Committee Public Health Care and Human Services

Senate Committee

Hearing Date 2018-01-30

Hearing Room House Committee Room 0107

Hearing Time 1:30 PM

Status Introduced In House - Assigned to Public Health Care & Human Services (01/10/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [HB18-1054](#)

Title: Affordable Housing Plastic Shopping Bag Tax

Position: Monitor

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

Senate Sponsors: [L. Court](#) (D)

Official Summary

Contingent on prior voter approval, if a store that meets certain criteria provides any plastic shopping bags to a customer, then the store is required to collect a tax of 25 cents from the customer. The tax is the same regardless of the number of bags provided as part of a transaction, but does not apply if the customer is enrolled in the federal supplemental nutrition assistance program. The store is required to remit the tax revenue to the department of revenue (department) after keeping 1% of the taxes to cover the store's collection and remittance expenses. The department may require a store to make returns and payments electronically. To comply with the Taxpayer's Bill of Rights (TABOR), a ballot issue about the plastic shopping bag tax is referred to the voters at the November 2018 election. If the voters reject the tax, then the entire article containing the tax is repealed. If the voters approve the tax, then the tax will be imposed beginning January 1, 2019. The tax revenue is deposited in the general fund via the old age pension fund. Then, an amount equal to the department's administrative expenses is transferred to the newly created plastic shopping bag tax administration cash fund and the remainder of the tax revenue is deposited in the housing development grant fund. The division of housing in the department of local affairs is required to use the money in the housing development grant fund for the existing purposes of the fund, which is to improve, preserve, or expand the supply of affordable housing in Colorado.

House Committee: Local Government

Senate Committee:

Hearing Date: 2018-01-31

Hearing Room: House Committee Room 0107

Hearing Time: 1:30 PM

Status Introduced In House - Assigned to Local Government + Finance + Appropriations (01/10/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [HB18-1067](#)

Title: Right To Rest Act

Position Support

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

[J. Salazar](#) (D)

Senate Sponsors

Official Summary 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.

House Committee Local Government

Senate Committee

Hearing Date

Hearing Room

Hearing Time

Status Introduced In House - Assigned to Local Government (01/10/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [HB18-1084](#)

Title: County Lodging Tax Revenue Allowable Uses

Position Monitor

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

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

Official Summary Counties are currently authorized, with prior voter approval, to levy a county lodging tax for the purpose of advertising and marketing local tourism. The bill eliminates the requirement that the lodging tax be used for advertising and marketing local tourism. If a county already has a lodging tax that is limited to advertising and marketing local tourism, then the county would need prior voter approval to begin using the lodging tax revenues for any other purpose. The requirement that election costs be reimbursed from a county lodging tax tourism fund, which will no longer be the sole depository of the county tourism tax revenue, is discontinued.

House Committee Finance

Senate Committee

Hearing Date 2018-02-05

Hearing Room Legislative Services Building Hearing Room A

Hearing Time 1:30 PM

Status Introduced In House - Assigned to Finance (01/18/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [HB18-1107](#)

Title: Prewire Residence For Electric Vehicle Charging Port

Position Monitor

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

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

Official Summary Under existing law, builders must offer a solar prewire option to purchasers of certain newly constructed residences. The bill applies a similar requirement to facilitate the installation of electric vehicle charging systems by purchasers of new residences, both in traditional

detached, single-family homes and also in buildings that contain owner-occupied condominium units.

House Committee

Transportation & Energy

Senate Committee

Hearing Date

Hearing Room

Hearing Time

Status

Introduced In House - Assigned to Transportation & Energy (01/18/2018)

Fiscal Notes

Comment

Votes

[Votes all Legislators](#)

Bill: [HB18-1125](#)

Title:

Tax Credit Employer-assisted Housing Pilot Program

Position

Monitor

House Sponsors

[J. Wilson](#) (R)

Senate Sponsors

As a pilot program to promote employer-assisted housing projects in rural areas, for income tax years commencing on or after January 1, 2018, but prior to January 1, 2022, the bill creates a state income tax credit for a donation a taxpayer makes to a sponsor that is used solely for the costs associated with an employer-assisted eligible activity in a rural

Official Summary

area. The bill defines sponsor to mean the Colorado housing and finance authority, a housing authority operated by a county or municipality, or a nonprofit corporation that has been designated as a community development corporation under the federal tax code. The amount of the credit allowed by the bill is 20% of the approved amount of the donation as documented in a form and manner acceptable to the department of revenue (department); except that the aggregate amount of the credit awarded to any one taxpayer is limited to \$400 in any one income tax year. If the amount of the credit allowed exceeds the amount of the taxpayer's income tax liability in the income tax year for which the credit

is being claimed, the amount of the credit not used as an offset against income taxes in such income tax year is not allowed as a refund but may be carried forward and applied against the income tax due in each of the 5 succeeding income tax years, but must first be applied against the income tax due for the earliest of the income tax years possible. A taxpayer claiming the credit allowed by the bill is required to submit, maintain, and record any information that the department may require by rule regarding the taxpayer's donation to the sponsor, including the certificate received evidencing the donation. The bill specifies various verification procedures that the taxpayer and sponsor must follow for the taxpayer to be able to claim the credit. The bill requires each sponsor that has issued certificates evidencing donations in a calendar year in the cumulative amount of \$10,000 or more to report to the general assembly by the deadlines specified in the bill on the overall economic activity, usage, and impact to the state from the employer-assisted eligible activity for which it has certified a donation eligible for a tax credit under the bill. The bill requires the department and the division of housing within the department of local affairs (division) to promulgate any rules necessary to facilitate the effective implementation of this tax credit. The department and the division may each develop policies and procedures necessary to facilitate the effective implementation of the tax credit. The bill prohibits a taxpayer from claiming the tax credit under the bill for a donation for which the taxpayer is claiming any other state tax credit or deduction. By the deadlines specified in the bill, the division is required to provide the department with an electronic report on the taxpayers who have received a tax credit under the bill for the calendar year that conforms to the income tax year for which the credit is allowed. The bill specifies information the report must contain. The tax credit is repealed, effective July 1, 2032.

House
Committee

Finance

Senate
Committee

Hearing Date

Hearing Room

Hearing Time

Status

Introduced In House - Assigned to Finance + Appropriations
(01/19/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [HB18-1126](#)

Title: Limit Homeowners' Association Regulation Of Dogs By Size Or Breed

Position Monitor

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

Senate Sponsors

Official Summary

In the law governing common interest communities, the bill invalidates any covenant that prohibits the keeping of certain types of dogs based solely on a breed, weight, or size classification. Other regulations, such as the prevention of nuisance barking and requirements concerning the number of dogs per household and the disposal of waste, remain valid.

House Committee Local Government

Senate Committee

Hearing Date

Hearing Room

Hearing Time

Status Introduced In House - Assigned to Local Government (01/19/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [HB18-1127](#)

Title: Residential Landlord Rental Application

Position Monitor

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

Senate Sponsors

Official The bill:

Summary

- Limits the fee to cover a landlord's costs for a personal reference check or for obtaining a consumer credit report or tenant screening report;
- Requires a landlord to provide each prospective tenant with written notice of the landlord's tenant selection criteria and

the grounds upon which a rental application may be denied before accepting an application or collecting an application fee; and

- Requires a landlord to provide a prospective tenant with an adverse action notice if the landlord takes adverse action on a prospective tenant after reviewing the prospective tenant's rental application.

House Committee Finance

Senate Committee

Hearing Date

Hearing Room

Hearing Time

Status Introduced In House - Assigned to Finance (01/19/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-002](#)

Title: Financing Rural Broadband Deployment

Position Monitor

House Sponsors [C. Duran](#) (D)
[K. Becker](#) (D)

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

Official Summary

Section 1 of the bill amends the definition of broadband network to increase the speed of downstream broadband internet service from at least 4 megabits per second to at least 10 megabits per second and the definition of unserved area to refer to areas that are unincorporated, or within a city with a population of fewer than 7,500 inhabitants, and that are not receiving federal broadband support.

Section 2 requires the public utilities commission, on January 1, 2019, to allocate 20% of the total amount of high cost support mechanism

(HCSM) money that nonrural incumbent local exchange carriers would otherwise receive to the HCSM account dedicated to broadband deployment, and to allocate an additional 20% of the total money that nonrural incumbent local exchange carriers would otherwise receive on January 1 of each subsequent year until, on January 1, 2023, all of the money that nonrural incumbent local exchange carriers would otherwise receive is allocated to the HCSM account dedicated to broadband deployment. Section 2 also removes a requirement that the commission reduce the amount of the HCSM surcharge by a certain percentage of the money transferred from the HCSM to the broadband fund for the deployment of broadband into rural areas. Section 2 requires that the HCSM surcharge amount that existed on January 1, 2019, be maintained as the surcharge amount; except that, on and after July 1, 2023, the commission may reduce the rate to ensure that the amount of money collected by the surcharge does not exceed \$25 million per year. Finally, for the period of January 1, 2019, through January 1, 2023, section 2 maintains the amount of support received by rural telecommunications providers for basic service at the level of support they received on January 1, 2016.

Section 3 updates language regarding the use of money from the HCSM for broadband deployment grant applications approved by the broadband deployment board (board) to have money transferred directly from the HCSM to approved broadband deployment grant applicants. Section 3 also allows a grant applicant to apply for grants for multiple projects in a single year; however, the broadband deployment board may only award an applicant grants for more than one project if money is available for broadband deployment grants after the first round of broadband deployment grants have been awarded and disbursed in that year. Section 3 also prohibits the department of local affairs from implementing a broadband deployment program or approving a grant application concerning broadband deployment unless the board has determined that the program or application does not involve the same or a duplicate of any projects approved and funded.

Section 4 repeals the public utilities commission's functions of administering the high cost support mechanism on September 1, 2024, subject to the department of regulatory agencies' review of the functions through its sunset review process.

House
Committee

Senate
Committee

Business, Labor and Technology

Hearing Date

2018-01-29

Hearing Room

Senate Committee Room 354

Hearing Time 2:00 PM

Status Introduced In Senate - Assigned to Business, Labor, & Technology (01/10/2018)

Fiscal Notes [Fiscal Notes](#) (01/19/2018)

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-005](#)

Title: Rural Economic Advancement Of Colorado Towns

Position Monitor

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

Senate Sponsors [K. Donovan](#) (D)

Official Summary

The bill authorizes the executive director of the department of local affairs (executive director) or the executive director's designee to coordinate the provision of nonmonetary resources to assist with job retention or creation in a rural community experiencing a significant economic event, such as a plant closure or layoffs, including industry-wide layoffs, that has a significant, quantifiable impact on jobs within that community.

The bill also authorizes the executive director or the executive director's designee to award money to qualifying rural communities experiencing a significant economic event and creates the rural economic advancement of Colorado towns fund (fund), to be administered by the executive director for grant-making purposes over the next 3 years. For the 2018-19, 2019-20, and 2020-21 state fiscal years, \$500,000 is transferred each year from the general fund to the fund and the money in the fund is continuously appropriated to the department of local affairs.

House Committee

Senate Committee State, Veterans, and Military Affairs

Hearing Date

Hearing Room

Hearing Time

Status Introduced In Senate - Assigned to State, Veterans, & Military Affairs (01/10/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-006](#)

Title: Recording Fee To Fund Attainable Housing

Position Support

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

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

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 allows counties to impose an increased surcharge in the amount of \$5 for documents received for recording or filing on or after January 1, 2019.

In a county that has elected to collect the increased surcharge of \$5, 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 money to be deposited into the fund and that the authority is to administer the fund. The bill directs that, of the money 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.

Official Summary

House Committee

Senate Committee State, Veterans, and Military Affairs

Hearing Date 2018-01-31

Hearing Room Senate Committee Room 357

Hearing Time 1:30 PM

Status Introduced In Senate - Assigned to State, Veterans, & Military Affairs (01/10/2018)

Fiscal Notes [Fiscal Notes](#) (01/16/2018)

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-007](#)

Title: Affordable Housing Tax Credit

Position Support

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

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

The bill changes the name of the existing low-income housing tax credit to the affordable housing tax credit. This change is reflected in **sections 1 and 3** of the bill. **Section 2** extends the period during which the Colorado housing and finance authority may allocate affordable housing tax credits from December 31, 2019, to December 31, 2024.

House Committee

Senate Committee Finance

Hearing Date 2018-01-23

Hearing Room Senate Committee Room 357

Hearing Time 2:00 PM

Status Introduced In Senate - Assigned to Finance (01/10/2018)

Fiscal Notes [Fiscal Notes](#) (01/22/2018)

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-009](#)

Title: Allow Electric Utility Customers Install Energy Storage Equipment

Position Monitor

House Sponsors

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

Official Summary

The bill declares that consumers of electricity have a right to install, interconnect, and use electricity storage systems on their property, and that this will enhance the reliability and efficiency of the electric grid, save money, and reduce the need for additional electric generation facilities.

The bill directs the Colorado public utilities commission to adopt rules governing the installation, interconnection, and use of customer-sited distributed electricity storage systems.

House Committee

Senate Committee Agriculture, Natural Resources, and Energy

Hearing Date 2018-01-25

Hearing Room Senate Committee Room 357

Hearing Time 1:30 PM

Status Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy (01/10/2018)

Fiscal Notes [Fiscal Notes](#) (01/17/2018)

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-010](#)

Title: Residential Lease Copy And Rent Receipt

Position Support

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

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

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 contemporaneous receipt for any payment made in person with cash or a money order. For payments not made in person with cash or a money order, the landlord must provide a receipt if the tenant requests it. 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

Senate Committee Local Government

Hearing Date 2018-01-23

Hearing Room Senate Committee Room 354

Hearing Time 1:30 PM

Status Introduced In Senate - Assigned to Local Government (01/10/2018)

Fiscal Notes [Fiscal Notes](#) (01/16/2018)

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-015](#)

Title: Protecting Homeowners And Deployed Military

Position Monitor

House Sponsors [L. Liston](#) (R)
[D. Williams](#) (R)

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

Official Summary

The bill directs a peace officer to remove a person from a residential premises and to order the person to remain off the premises if the owner or owner's authorized agent (declarant) swears to a declaration making specified statements concerning ownership of the premises and the lack of authority for the person or persons who are on the premises to

be there. The peace officer must allow the person a reasonable opportunity to obtain evidence of his or her authority to be on the premises.

A declarant:

- Agrees to indemnify a peace officer and his or her agency

for acts and omissions made in reliance upon the declaration; and

- Is liable for actual damages, attorney fees, and costs for any false statements made in the declaration.

If the declaration includes a statement that the property has been altered or damaged, or if the peace officer sees evidence of alteration or

damage, the peace officer shall collect the personal information of the persons removed and provide it to the declarant. A person removed from

the property pursuant to the bill who alters or damages the property is guilty of a class 1 misdemeanor.

House
Committee

Senate
Committee

Judiciary

Hearing Date

2018-01-22

Hearing Room

Senate Committee Room 352

Hearing Time

1:30 PM

Status

Introduced In Senate - Assigned to Judiciary (01/10/2018)

Fiscal Notes

[Fiscal Notes](#) (01/18/2018)

Comment

Votes

[Votes all Legislators](#)

Bill: [SB18-057](#)

Title:

Use Of Criminal Records With Respect To Housing

Position

Monitor

House
Sponsors

Senate
Sponsors

[D. Kagan](#) (D)

Official
Summary

Under current law, it is an unfair housing practice to honor or exercise, or attempt to honor or exercise, any restrictive covenant pertaining to housing. **Section 1** of the bill adds to the definition of restrictive covenant limitations on the transfer, rental, or lease of housing based on records of any arrest or charge that did not result in a conviction and the criminal case is not actively pending (arrest records)

or criminal justice records that have been sealed or expunged. **Section 2** makes it an unfair housing practice to inquire about or take an adverse action based on arrest records or sealed or expunged criminal justice records. **Section 3** prohibits landlords from requiring an applicant to disclose any information contained in sealed criminal

records. **Section 4** prohibits housing authorities from denying or terminating dwelling accommodations, or taking adverse action against a person, on the basis of arrest records or certain conviction records. **Section 6** requires a landlord to provide applicants with access to records that are used as the basis for denying a rental application. **Section 5** prevents certain tenant criminal records from being admitted as evidence in a civil case against a landlord that is based on the tenant's conduct.

House
Committee

Senate
Committee State, Veterans, and Military Affairs

Hearing Date

Hearing Room

Hearing Time

Status Introduced In Senate - Assigned to State, Veterans, & Military Affairs (01/11/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)

Bill: [SB18-061](#)

Title: Reduce The State Income Tax Rate

Position Monitor

House
Sponsors

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

Official Summary For income tax years commencing on and after January 1, 2018, the bill reduces both the individual and the corporate state income tax rate from 4.63% to 4.43%. The bill also reduces the state alternative minimum tax by 0.2% for income tax years commencing on and after January 1, 2018.

House
Committee

Senate
Committee Finance

Hearing Date 2018-01-30
Hearing Room Senate Committee Room 357
Hearing Time 2:00 PM
Status Introduced In Senate - Assigned to Finance (01/11/2018)
Fiscal Notes
Comment
Votes [Votes all Legislators](#)

Bill: [SB18-064](#)

Title: Require 100% Renewable Energy By 2035
Position Monitor
House Sponsors [M. Foote](#) (D)
Senate Sponsors [M. Jones](#) (D)

The bill updates the renewable energy standard to require that all electric utilities, including cooperative electric associations and municipally owned utilities, derive their energy from 100% renewable sources by 2035. The bill also:

- Removes recycled energy from the types of energy sources

Official Summary eligible for meeting the renewable energy standard;

- Allows a utility to obtain energy efficiency credits equal in value to renewable energy credits based on any energy efficiency upgrades made for a low-income residential customer;
- Removes multipliers used for counting certain renewable energy generated; and
- Phases out the system of tradable renewable energy credits so that renewable energy generated after 2035 is not eligible for renewable energy credits.

House Committee

Senate Committee Agriculture, Natural Resources, and Energy

Hearing Date 2018-02-01
Hearing Room Senate Committee Room 357
Hearing Time 1:30 PM
Status Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy (01/12/2018)

Fiscal Notes

Comment

Votes [Votes all Legislators](#)