

2019 Housing Legislation

This was a big year for housing. Not only did the legislators provide significant funding for affordable housing, they also tackled manufactured housing, landlord-tenant issues, supportive services, developers incentives, and a host of other related issues. Housing Colorado played a unique role in the process by unifying the voice of organizations engaged in the development, financing, and management of affordable housing. We leveraged our extensive partnerships with related industries to ensure legislation was effective, based on good business practices, and balanced the needs of those who manage properties with residents. Following is a brief synopsis of housing related bills, the date the bill takes effect, and a link to the full text.

Funding

[HB1228 – Increase Tax Credit Allocation Affordable Housing](#)

- Doubles the state tax credit from \$5 million to \$10 million.
- Although legislation takes effect January 1, 2020, CHFA has committed that if bill is signed in time, could include in 2019 round of 4% awards.

[HB1245 – Affordable Housing Funding From Vendor Fee Changes](#)

Goes into effect January 1, 2020.

- Raises estimated \$45-55 million per year. No sunset.
- At least one-third for households whose annual income is less than or equal to 30% AMI.
- Fiscal year 2019-2020 - funding reduced by \$55 million for reinsurance

[HB1322 – Expand Supply Affordable Housing](#)

Goes into effect: July 1, 2020

- \$30 million /year from FY 2020 - 2023 (3 years) when certain budget conditions are met.
- In addition to existing programs for land acquisition and infrastructure financing for affordable housing, includes Acquisition, construction and renovation of for sale homes in non-urban areas for households making up to 120% AMI, and downpayment assistance programs for households up to 100% of AMI
- Rental assistance programs for homeless families with dependent children Medicaid clients in nursing homes wishing to transition to independent living, family unification, homeless or disabled veterans, households below 60% AMI and survivors of domestic violence.

Developer incentives

[HB19-1319 - Incentives Developers Facilitate Affordable Housing](#)

- Requires each state agency and state institution of higher education to submit list of all nondeveloped real property owned by or under their control.

- Eliminates “clawback” provision for property tax exemption granted on affordable housing properties that either distribute income or sell property.

Supportive Services

[HB19-1009 -- Substance Use Disorders Recovery](#)

- Amends existing legislation to include individuals with substance use disorders, those transitioning from a mental health institute, psychiatric hospital, residential treatment program or engaged in the community transition specialist program eligible for housing vouchers.
- Increases amount of general funds from the Marijuana Tax Cash program by \$1 million for the voucher program for four years starting with state fiscal year 2019-2020.

Landlord – Tenant

[SB19-180 – Eviction Legal Defense Fund](#)

- Creates a statewide eviction legal defense grant program that awards grants to qualifying organizations to provide legal advice, counseling and representation for indigent clients who are experiencing or at immediate risk of an eviction.
- Appropriates \$750,000 in FY209-2020 from the General Fund.

[HB19-1106 - Rental Application Fees](#)

Goes into effect August 2, 2019

- Prohibits landlords from charging rental application fees unless the landlord uses the fees to cover the cost of processing the application.
- Limits the time-frame of using credit or rental history checks to 7 years and limits the time-frame for background checks to 5 years except for certain convictions.
- Requires landlords to provide documentation for every denied rental application.

[HB19-1118 - Time Period To Cure Lease Violation](#)

- Requires a landlord (with a few exceptions) to provide a tenant 10 days to cure a violation for unpaid rent or for a first violation of any other non-substantial condition or covenant of a lease agreement, before the landlord can initiate eviction proceedings.

[HB19-1170 Residential Tenants Health And Safety Act](#)

Revises current definition of warranty of habitability breach if residential premises:

- Uninhabitable or otherwise unfit for human habitation or in a condition that is materially dangerous or hazardous to the tenant's life, health, or safety; and
- The landlord has received reasonably complete written or electronic notice of the condition and failed to commence remedial action by employing reasonable efforts within 24 hours, where the condition is materially dangerous or hazardous to the tenant's life, health, or safety; or 72 hours, where the premises is uninhabitable or otherwise unfit for human habitation.

- Adds two conditions to the list of conditions that render a residential premises uninhabitable: lacking functioning appliances, or there is mold that is associated with dampness, which if not remedied, would materially interfere with the health or safety of the tenant.
- Includes electronic notification to list of acceptable forms of tenant notification.
- Grants to county courts jurisdiction to provide injunctive relief related to a breach.
- States that if a tenant gives a landlord notice of a condition that is imminently hazardous to life, health, or safety the landlord, at the request of the tenant, shall move the tenant to a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or to a hotel room, as selected by the landlord, at no expense or cost to the tenant.
- Allows a tenant who satisfies certain conditions to deduct from one or more rent payments the cost to repair or remedy a condition causing a breach, with the exception of those tenants living in rental housing funded with federal, state, regional or local grant or loan programs;
- Repeals the requirement that a tenant notify a local government before seeking an injunction for a breach;
- Repeals provisions that allow a rental agreement to require a tenant to assume certain responsibilities concerning conditions and characteristics of a premises;
- Prohibits a landlord from retaliating against a tenant in response to the tenant having made a good-faith complaint.
- States that if the same condition that substantially caused a breach recurs within 6 months after the condition is repaired or remedied, other than a condition that merely involves a nonfunctioning appliance, the tenant may terminate the rental agreement 14 days after providing the landlord written or electronic notice of the tenant's intent to do so.

[HB19-1328 – Landlord and Tenant Duties Regarding Bed Bugs](#)

January 1, 2020

Requires prompt notification of landlord by tenant of bed bugs and requires a response from landlord within 96 hours.

Manufactured Housing

[HB19-1011 - Scope Of Manufactured Home Sales Tax Exemption](#)

Goes into effect September 1, 2019.

Clarifies the scope of an existing state sales and use tax exemption for manufactured homes.

[HB19-1238 – Clarification of Manufactured Housing Standards](#)

Goes into effect August 2, 2019

Technical amendments to inter-state building requirements for significant alterations to manufactured housing.

Other

[HB19-1003 - Community Solar Gardens Modernization Act](#)

Goes into effect August 2, 2019, with the exception of Section 4.

Amends current statute authorizing the creation of community solar gardens (CSGs):

- Increases the maximum size of a CSG from 2 megawatts to 5 megawatts;
- Removes the requirement that a CSG subscriber's identified physical location be in the same county as, or a county adjacent to, that of the CSG, while retaining the requirement that it be within the service territory of the same electric utility; and
- Requires all photovoltaic electrical work on a CSG of greater than 2 megawatts to be supervised by a licensed master electrician, licensed journeyman electrician, or licensed residential wireman, and comply with all applicable electrical codes and standards.

[HB19-1050 - Encourage use of xeriscaping in common areas](#)

Augments existing law that establishes the right of unit owners in common interest communities to use water-efficient landscaping.

[HB19-1084 - Notice to Property Owners Whether Area Blighted](#)

Goes into effect September 1, 2019

Reduces time frame established in current law within which an urban renewal authority must notify a property owner from within 30 days if their property designation is changed from blighted to unblighted to 5 days.

[HB19-1085 - Grants For Property Tax Rent And Heat](#)

Goes into effect August 2, 2019

Expands existing program for rebates on property tax, rent, or heat and fuel expenses for low-income seniors or individuals with disabilities. Repeals requirement that landlord must pay property taxes for eligibility. Increases grant amounts and establishes annual inflation adjustment.

[HB19-1135 - Clarify Income Tax Credit for Retrofitting A Home](#)

Goes into effect August 2, 2019

Clarifies income tax credit for retrofitting a residence is available for changes made to a residence that benefit a qualified individual's dependent.

[HB19-1272 – Housing Authority Property in Colorado New Energy Improvement](#)

Goes into effect August 2, 2019

Clarifies that Housing Authority exemption from payment of special assessments does not preclude them from applying to include eligible properties into the NEID.

[HB19-1309 – Mobile Home Park Act Oversight](#)

Increases regulation and oversight of mobile home parks, and grants counties the power to enact ordinances for mobile home parks, extending the time to move or sell a mobile home after eviction

proceedings, creating the "Mobile Home Park Act Dispute Resolution and Enforcement Program", and makes an appropriation.

[HB19-1320 – Hospital Community Benefit Accountability](#)

Goes into effect August 2, 2019.

Establishes a 15-member hospital community accountability board for each of Colorado's 7 regions. Requires nonprofit hospitals to complete annual community health needs assessment and annual community benefit implementation plan. In other states housing has been identified as a critical element to the implementation plan thus becoming eligible for federal funding.

Didn't pass

[HB19-1075 - Tax Credit Employer-assisted Housing Pilot Program](#)

Establishes pilot program to that creates a state income tax credit for a donation made to a sponsor that is used solely for the costs associated with employer-assisted affordable housing in rural areas

[HB19-1096 - Colorado Right to Rest](#)

Establishes rights for people experiencing homelessness

[SB19-067 - Rural Development Grant Program Creation](#)

Creates a rural development grant program for early stage rural businesses. Grants can be used for prototypes, proof of business models.

[SB19-225 Authorize Local Governments to Stabilize Rent](#)

Repeals statutory language prohibiting local governments from controlling rent on private residential property and allows local governments to enact regulations that would stabilize rent.

[SB19-226 Voluntary Housing Agreements Unincorporated Areas](#)

Enables voluntary housing agreements to be entered into between counties and developers to increase the supply of affordable housing.