Second Regular Session Seventy-third General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House HOUSE BILL 22-1377

LLS NO. 22-1001.01 Chelsea Princell x4335

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A BILL FOR AN ACT

101	CONCERNING THE CREATION OF THE CONNECTING COLORADANS
102	EXPERIENCING HOMELESSNESS WITH SERVICES, RECOVERY
103	CARE, AND HOUSING SUPPORTS GRANT PROGRAM, AND, IN
104	CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <u>http://leg.colorado.gov/</u>.)

The bill creates the connecting Coloradans experiencing homelessness with services, treatment, and housing supports grant program (grant program), administered by the division of housing SENATE 3rd Reading Unamended May 9, 2022

SENATE 2nd Reading Unamended May 6, 2022

> Reading Unamended May 2, 2022

3rd

Amended 2nd Reading April 29, 2022

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(division) in the department of local affairs (department).

The grant program provides grants to local governments and nonprofit organizations to enable those entities to make investments and improvements in their communities or regions of the state to address and respond to the needs of people experiencing homelessness.

The bill requires the division to develop policies, procedures, and guidelines governing the administration of the grant program. The bill specifies how grant funding is to be awarded and the eligible uses of grant money awarded under the grant program. The bill specifies requirements for grant recipients.

The bill creates the connecting Coloradans experiencing homelessness with services, treatment, and housing supports fund (fund) in the department. The bill specifies requirements pertaining to the administration of the fund. The bill requires a transfer of \$105 million from the economic recovery and relief cash fund to the fund to administer the grant program.

The bill sets forth specified reporting requirements pertaining to the grant program.

The bill requires the department, in conjunction with the department of health care policy and financing, to report to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, and to its committee of reference during its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing, any results, recommendations, and federal implications concerning any supportive housing pilot program currently being administered by the department in conjunction with the department of health care policy and financing.

The bill requires the division to report on the activities of the grant program as part of the regular annual public report prepared by the division on affordable and emergency housing spending.

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

2

SECTION 1. Legislative declaration. (1) The general assembly

3 finds, determines, and declares that:

4

(a) The state of Colorado is focused on supporting communities

5 to create proven responses to homelessness that are designed to connect

6 people without stable housing to services, care, and housing to help

7 ensure that when homelessness occurs, it is rare and brief, and that no one

1 gets left behind;

2 (b) The COVID-19 pandemic has exacerbated Colorado's 3 homelessness and behavioral health crisis. Many communities do not 4 have sufficient responses to address housing and behavioral health needs 5 for their community members.

6 (c) People experiencing homelessness with chronic behavioral 7 health issues face many challenges in accessing long-term treatment and 8 are far more likely to receive care in hospital emergency departments. 9 Without trained and dedicated providers or advocates, people 10 experiencing homelessness often end up in a cycle of expensive treatment 11 with little or no follow-up.

(d) Housing and support services are crucial for the safety, health,
and well-being of Coloradans. Extensive research shows that housing is
an essential social determinant of health. Stable housing improves health
outcomes and decreases health-care costs.

16 (2) Therefore, it is the intent of the general assembly to facilitate 17 investments in local communities across the state of Colorado to quickly 18 connect people experiencing homelessness with services, treatment, and 19 temporary and permanent housing to put them on a path to economic 20 self-sufficiency.

(3) The general assembly further finds and declares that the grant
program described in this act is an important government service.

23 SECTION 2. In Colorado Revised Statutes, add 24-32-726 as
24 follows:

25 24-32-726. Connecting Coloradans experiencing homelessness
 26 with services, recovery care, and housing supports grant program 27 funding - report - definitions - repeal. (1) Definitions. As USED IN THIS

1 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

2 (a) "COMMUNITY PARTNER" MEANS A NONPROFIT ORGANIZATION
3 THAT UNDERTAKES ANY OF THE ACTIVITIES OR SERVICES DESCRIBED IN
4 SUBSECTION (2)(c) OF THIS SECTION.

5

(b) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

6 (c) "ELIGIBLE RECIPIENT" MEANS A LOCAL GOVERNMENT OR A
7 COMMUNITY PARTNER THAT APPLIES FOR A GRANT THROUGH THE GRANT
8 PROGRAM.

9 (d) "FUND" MEANS THE CONNECTING COLORADANS EXPERIENCING
10 HOMELESSNESS WITH SERVICES, RECOVERY CARE, AND HOUSING SUPPORTS
11 FUND CREATED IN SUBSECTION (5)(a) OF THIS SECTION.

(e) "GRANT PROGRAM" MEANS THE CONNECTING COLORADANS
EXPERIENCING HOMELESSNESS WITH SERVICES, RECOVERY CARE, AND
HOUSING SUPPORTS GRANT PROGRAM CREATED IN SUBSECTION (2)(a) OF
THIS SECTION.

(f) "LOCAL GOVERNMENT" MEANS A COUNTY, MUNICIPALITY, CITY
AND COUNTY, TRIBAL GOVERNMENT, SPECIAL DISTRICT ORGANIZED
PURSUANT TO TITLE 32, SCHOOL DISTRICT, DISTRICT, HOUSING AUTHORITY,
COUNCIL OF GOVERNMENTS, REGIONAL PLANNING COMMISSION
ORGANIZED PURSUANT TO TITLE 30, OR ANY OTHER POLITICAL
SUBDIVISION OF THE STATE.

(g) "MATCH" MEANS MONETARY AND NONMONETARYCONTRIBUTIONS TO A PROJECT.

(2) Creation of the grant program - projects or programs
 eligible for funding. (a) THERE IS CREATED IN THE DIVISION THE
 CONNECTING COLORADANS EXPERIENCING HOMELESSNESS WITH
 SERVICES, RECOVERY CARE, AND HOUSING SUPPORTS GRANT PROGRAM TO

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PROVIDE GRANTS TO ELIGIBLE RECIPIENTS TO ENABLE THEM TO MAKE
 INVESTMENTS OR IMPROVEMENTS IN THEIR COMMUNITIES OR REGIONS OF
 THE STATE TO:

4 (I) QUICKLY CONNECT PEOPLE EXPERIENCING HOMELESSNESS TO
5 SERVICES, VOCATIONAL OPPORTUNITIES, RECOVERY CARE, AND
6 TEMPORARY AND PERMANENT HOUSING IN ACCORDANCE WITH THE
7 REQUIREMENTS OF THIS SECTION; AND

8 (II) ENSURE COLORADO HAS A COMMUNITY-BASED CONTINUUM OF
9 RESPONSES FOR PEOPLE EXPERIENCING HOMELESSNESS, INCLUDING
10 OUTREACH SUPPORT, EMERGENCY SHELTERS, TRANSITIONAL HOUSING,
11 RECOVERY CARE AND RELATED RESIDENTIAL PROGRAMS, TRAINING AND
12 EMPLOYMENT SERVICE PROGRAMS, AND PERMANENT HOUSING WITH
13 WRAPAROUND SUPPORTIVE SERVICES.

(b) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM.

14

15 (c) THE DIVISION MAY AWARD GRANTS UNDER THE GRANT
16 PROGRAM TO SUPPORT ELIGIBLE RECIPIENTS IN PROJECTS OR PROGRAMS
17 THAT:

(I) PROVIDE GAP FINANCING FOR THE PURCHASE OR CONVERSION
OF UNDERUTILIZED PROPERTIES IN COMMUNITIES WHERE EFFORTS HAVE
BEEN MADE TO ENCOURAGE CONVERSION OF UNDERUTILIZED PROPERTIES
INTO TRANSITIONAL OR SUPPORTIVE HOUSING THAT PROVIDES
WRAPAROUND SERVICES;

(II) PROVIDE SUPPORTIVE SERVICES SO LONG AS THE SUPPORTIVE
SERVICES MEET THE GRANT PROGRAM GOALS OUTLINED IN SUBSECTION (4)
OF THIS SECTION. SUCH SUPPORTIVE SERVICES INCLUDE THOSE DESCRIBED
IN 42 CFR 578.53, OR ANY SUCCESSOR REGULATION, AND THOSE
DETERMINED BY THE DIVISION. FUNDS MAY BE USED TO PROVIDE

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1 SUPPORTIVE SERVICES IN CONJUNCTION WITH CAPITAL IMPROVEMENTS 2 AND HOUSING DEVELOPMENT PROJECTS OR AS STANDALONE SERVICES 3 THAT ARE PROVIDED TO AN INDIVIDUAL THROUGH A SERVICE PROVIDER. 4 (III) INVEST IN DATA COLLECTION, MANAGEMENT, AND ANALYSIS 5 PROCESSES TO UNDERSTAND THE SCALE OF THE NEED THROUGHOUT 6 THE STATE AND WHETHER THE ACTIVITIES AND INVESTMENTS THROUGH 7 THIS GRANT AND OTHER STATEWIDE PROGRAMS COULD BE EFFECTIVE AT 8 REDUCING THE NUMBER OF PEOPLE EXPERIENCING HOMELESSNESS; 9 (IV) SUPPORT THE COORDINATION AND INTEGRATION OF SYSTEMS 10 TO HELP CONNECT PEOPLE EXPERIENCING HOMELESSNESS WITH SERVICES 11 AND PROGRAMS THAT BEST FIT THEIR INDIVIDUAL NEEDS; AND 12 (V) FUND HOUSING DEVELOPMENT PROJECTS AND HOMELESS 13 RESPONSE PROGRAMS THAT INCLUDE BUT ARE NOT LIMITED TO: 14 (A) EMERGENCY HOMELESS SHELTERS; 15 (B) TRANSITIONAL AND BRIDGE HOUSING; 16 (C) LONG-TERM HOUSING; 17 (D) PERMANENT SUPPORTIVE HOUSING WITH SUPPORTIVE 18 SERVICES; 19 (E) RECOVERY CARE AND RELATED RESIDENTIAL PROGRAMS; 20 (F) AFFORDABLE HOME OWNERSHIP ASSISTANCE; 21 (G) AFFORDABLE RENTAL HOUSING, INCLUDING SECURITY DEPOSIT 22 ASSISTANCE; 23 (H) EDUCATIONAL AND VOCATIONAL OPPORTUNITIES; AND 24 (I) WORK-BASED LEARNING OPPORTUNITIES. 25 (d) IN ORDER TO RECEIVE A GRANT, AN ELIGIBLE RECIPIENT MUST 26 PROVIDE A MATCH IN RESOURCES, AS DETERMINED BY THE DIVISION. 27 (3) Policies, procedures, and guidelines. (a) THE DIVISION

SHALL DEVELOP POLICIES, PROCEDURES, AND GUIDELINES FOR THE GRANT
 PROGRAM THAT, WITHOUT LIMITATION:

3 (I) DETERMINE HOW GRANTS FUNDED BY THE GRANT PROGRAM
4 MUST BE USED;

5 (II) ESTABLISH CRITERIA THAT THE DIVISION MUST CONSIDER IN
6 AWARDING GRANTS PURSUANT TO THIS SECTION. AT A MINIMUM, THE
7 CRITERIA MUST INCLUDE THE CONSIDERATION OF:

8 (A) THE POTENTIAL IMPACT OF A PROJECT THAT AN ELIGIBLE
9 RECIPIENT FUNDS WITH A GRANT AWARD AND HOW THE PROJECT MEETS
10 THE GOALS OF THE GRANT PROGRAM; AND

11 (B) BEST PRACTICES, DATA, AND REGIONAL AND LOCAL12 COLLABORATION.

(III) ESTABLISH THE PROCEDURES AND TIMELINES BY WHICH AN
ELIGIBLE RECIPIENT MAY APPLY FOR A GRANT;

15 (IV) REQUIRE GRANT RECIPIENTS TO OFFER A MATCH;

16 (V) REQUIRE ELIGIBLE RECIPIENTS TO DEMONSTRATE HOW THE
17 GRANT FUNDS WILL BE USED TO INCREASE HOUSING AND ECONOMIC
18 SECURITY FOR INDIVIDUALS BEING SERVED THROUGH THE GRANT
19 PROGRAM ACTIVITIES AND EFFORTS;

20 (VI) ESTABLISH REPORTING REQUIREMENTS FOR GRANT 21 RECIPIENTS;

(VII) ESTABLISH PERFORMANCE CRITERIA FOR GRANT RECIPIENTS'
 PROJECTS;

(VIII) PROVIDE ANY ADDITIONAL REQUIREMENTS THAT THE
DIVISION DEEMS NECESSARY TO ADMINISTER THE GRANT PROGRAM; AND
(IX) DEMONSTRATE THE ABILITY TO LEVERAGE PRIVATE CAPITAL,
WHEN POSSIBLE.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
 THE AMOUNT OF ANY GRANT AWARDED UNDER THE GRANT PROGRAM AND
 ANY RESTRICTIONS OR CONDITIONS PLACED UPON THE USE OF GRANT
 MONEY AWARDED IS WITHIN THE DISCRETION OF THE DIVISION IN
 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

6 (4) **Grant program goals.** The GRANT PROGRAM MUST BE 7 ADMINISTERED WITH THE GOAL OF REDUCING THE RATE AND EXPERIENCE 8 OF HOMELESSNESS BY SUPPORTING COMMUNITIES TO DEVELOP AND 9 IMPLEMENT ADEQUATE SUPPORT SYSTEMS TO EFFECTIVELY RESPOND TO 10 THE **BARRIERS** PEOPLE EXPERIENCING HOMELESSNESS FACE.

11 (5) Connecting Coloradans experiencing homelessness with 12 services, recovery care, and housing supports fund - transfer of 13 **money to the fund - appropriation.** (a) THE CONNECTING COLORADANS 14 EXPERIENCING HOMELESSNESS WITH SERVICES, RECOVERY CARE, AND 15 HOUSING SUPPORTS FUND IS CREATED IN THE DEPARTMENT. THE FUND 16 CONSISTS OF MONEY TRANSFERRED TO THE FUND IN ACCORDANCE WITH 17 SUBSECTION (5)(d) OF THIS SECTION; MONEY APPROPRIATED TO THE FUND 18 BY THE GENERAL ASSEMBLY; AND ANY GIFTS, GRANTS, OR DONATIONS 19 FROM ANY PUBLIC OR PRIVATE SOURCES, INCLUDING GOVERNMENTAL 20 ENTITIES, THAT THE DIVISION IS AUTHORIZED TO SEEK AND ACCEPT.

(b) THE DEPARTMENT SHALL CREDIT ALL INTEREST AND INCOME
DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO
THE FUND. ALL MONEY NOT EXPENDED OR ENCUMBERED, AND ALL
INTEREST EARNED ON THE INVESTMENT OR DEPOSIT OF MONEY IN THE
FUND, REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL
FUND OR ANY OTHER FUND AT THE END OF ANY FISCAL YEAR. THE MONEY
IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR

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1 THE PURPOSES SPECIFIED IN THIS SECTION.

2 (c) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
3 OR DONATIONS FROM ANY PUBLIC OR PRIVATE RESOURCE FOR THE
4 PURPOSES OF THIS SECTION. THE DIVISION SHALL TRANSMIT ALL MONEY
5 RECEIVED FROM GIFTS, GRANTS, OR DONATIONS TO THE DEPARTMENT, AND
6 THE DEPARTMENT SHALL CREDIT THE MONEY TO THE FUND.

7 (d) WITHIN THREE BUSINESS DAYS OF THE EFFECTIVE DATE OF THIS 8 SECTION, THE STATE TREASURER SHALL TRANSFER ONE HUNDRED FIVE 9 MILLION DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH 10 FUND CREATED IN SECTION 24-75-228 THAT ORIGINATES FROM THE MONEY 11 THE STATE RECEIVED FROM THE FEDERAL CORONAVIRUS STATE FISCAL 12 RECOVERY FUND TO THE FUND FOR THE PURPOSE OF IMPLEMENTING THIS 13 SECTION. THE DEPARTMENT SHALL ONLY USE THE MONEY TRANSFERRED 14 PURSUANT TO THIS SUBSECTION (5)(d) FOR:

(I) MAKING GRANTS TO ELIGIBLE RECIPIENTS PURSUANT TO THE
 GRANT PROGRAM; AND

(II) THE COSTS OF ADMINISTERING THE GRANT PROGRAM AS MAY
BE INCURRED BY THE DIVISION. THE DIVISION MAY EXPEND UP TO SEVEN
PERCENT OF THE MONEY APPROPRIATED OR TRANSFERRED TO THE FUND TO
PAY FOR THE DIRECT AND INDIRECT COSTS IN ADMINISTERING THE GRANT
PROGRAM. ALL ADMINISTRATIVE COSTS MUST BE PAID OUT OF THE MONEY
TRANSFERRED TO THE FUND PURSUANT TO THIS SUBSECTION (5)(d)(II).

(e) THE DIVISION MAY EXPEND UP TO FIVE MILLION DOLLARS OF
THE MONEY APPROPRIATED TO THE FUND FOR DATA COLLECTION AND
OUTREACH EFFORTS DETAILED IN SUBSECTION (2)(c)(III) OF THIS SECTION.
(f) MONEY SPENT PURSUANT TO THIS SUBSECTION (5)(f) MUST
CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL

"AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED.
 THE DIVISION SHALL SPEND OR OBLIGATE SUCH APPROPRIATION PRIOR TO
 DECEMBER 30, 2024, AND EXPEND THE APPROPRIATION ON OR BEFORE
 DECEMBER 31, 2026.

5 (g) THE EXPENDITURES MADE PURSUANT TO THIS SECTION
6 CONSTITUTE GOVERNMENT SERVICES.

7 (h) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE DECEMBER 31,
8 2026.

9 (6) **Reporting.** (a) THE DIVISION SHALL INCLUDE IN THE PUBLIC 10 REPORT THE DIVISION PREPARES IN ACCORDANCE WITH SECTION 11 24-32-705.5 (1) INFORMATION SUMMARIZING THE USE OF ALL THE MONEY 12 THAT WAS AWARDED AS GRANTS FROM THE GRANT PROGRAM IN THE 13 PRECEDING STATE FISCAL YEAR. AT A MINIMUM, THE INFORMATION MUST 14 SPECIFY:

(I) THE NUMBER OF LOCAL GOVERNMENTS OR COMMUNITY
PARTNERS THAT APPLIED FOR A GRANT, INCLUDING THE NUMBER OF LOCAL
GOVERNMENTS OR COMMUNITY PARTNERS THAT WERE NOT AWARDED A
GRANT;

(II) THE AMOUNT OF THE GRANT MONEY DISTRIBUTED TO EACHGRANT RECIPIENT;

21 (III) A DESCRIPTION OF EACH GRANT RECIPIENT'S USE OF THE
22 GRANT MONEY;

(IV) How the use of the grant awarded furthered the
GOALS OF THE GRANT PROGRAM DESCRIBED IN SUBSECTION (4) OF THIS
SECTION; AND

26 (V) RECOMMENDATIONS CONCERNING FURTHER ADMINISTRATION
27 OF THE GRANT PROGRAM.

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(b) THE DIVISION AND ANY ENTITY THAT RECEIVES MONEY FROM
 THE DIVISION SHALL COMPLY WITH THE COMPLIANCE, REPORTING,
 RECORD-KEEPING, AND PROGRAM EVALUATION REQUIREMENTS
 ESTABLISHED BY THE OFFICE OF STATE PLANNING AND BUDGETING AND
 THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 24-75-226 (5).

6 (c) IN THE 2023 LEGISLATIVE SESSION, THE DEPARTMENT, IN 7 CONJUNCTION WITH THE DEPARTMENT OF HEALTH CARE POLICY AND 8 FINANCING, SHALL SHARE ANY RESULTS, RECOMMENDATIONS, AND 9 FEDERAL IMPLICATIONS CONCERNING ANY CURRENT SUPPORTIVE HOUSING 10 PILOT PROGRAMS BEING ADMINISTERED BY THE DEPARTMENT AND 11 DIVISION AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING 12 AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, 13 AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING PURSUANT 14 TO SECTION 2-7-203. IN THE 2023 LEGISLATIVE SESSION, THE DEPARTMENT 15 AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL 16 SUBMIT A REPORT DETAILING ANY SUCH RESULTS, RECOMMENDATIONS, 17 AND FEDERAL IMPLICATIONS CONCERNING ANY CURRENT SUPPORTIVE 18 HOUSING PILOT PROGRAMS BEING OPERATED BY THE DEPARTMENT AND 19 DIVISION AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING 20 TO THE HOUSE OF REPRESENTATIVES PUBLIC AND BEHAVIORAL HEALTH 21 AND HUMAN SERVICES COMMITTEE AND THE SENATE HEALTH AND HUMAN 22 SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEES.

(7) Repeal. THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.
SECTION 3. In Colorado Revised Statutes, 24-32-705, amend
(7) as follows:

26 24-32-705. Functions of division. (7) The division shall
27 administer:

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(a) The affordable housing guided toolkit and local officials guide
 program in accordance with section 24-32-721.5 SECTION 24-32-721.7;
 AND

4 (b) THE CONNECTING COLORADANS EXPERIENCING HOMELESSNESS
5 WITH SERVICES, RECOVERY CARE, AND HOUSING SUPPORTS GRANT
6 PROGRAM CREATED IN SECTION 24-32-726.

7 SECTION 4. In Colorado Revised Statutes, 24-32-705.5, add
8 (3.5) as follows:

9 24-32-705.5. Annual public report on funding of affordable 10 housing preservation and production - definition. (3.5) FOR THE 11 PUBLIC REPORT REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE 12 DIVISION SHALL INCLUDE IN THE REPORT FOR EACH YEAR OF THE 13 CONNECTING COLORADANS EXPERIENCING HOMELESSNESS WITH 14 SERVICES, RECOVERY CARE, AND HOUSING SUPPORTS GRANT PROGRAM'S 15 OPERATION, THE INFORMATION REQUIRED PURSUANT TO SECTION 16 24-32-726.

17 **SECTION 5.** Appropriation. For the 2022-23 state fiscal year, 18 \$9.218 is appropriated to the office of the governor for use by the office 19 of information technology. This appropriation is from reappropriated 20 funds received from the department of local affairs from the connecting 21 Coloradans experiencing homelessness with services, recovery care, and 22 housing supports fund created in section 24-32-726 (5)(a), C.R.S., that 23 originate from money the state received from the federal coronavirus state 24 fiscal recovery fund. To implement this act, the office may use this 25 appropriation to provide information technology services for the 26 department of local affairs.

27

SECTION 6. Safety clause. The general assembly hereby finds,

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- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.