Violence free COLORADO™

Together we can end relationship abuse

2019 Legislative Report

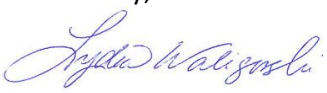
It is my pleasure to share with you the news of some fantastic and interesting bills recently passed into law this Spring. Many of these bills will support the survivors we serve as well as the staff of the programs and our larger communities. The Colorado legislative session officially started January 3rd and ended May 3rd, although it is safe to say the Policy Team at Violence Free Colorado has been heartily preparing nonstop since the 2018 summer. Several of the policy team's successes are presented in this report.

We have thrived in concert with a multitude of stakeholders. As advocates we all worked tirelessly with state and national partners to pass the Extreme Risk Protection Order bill that includes the ability of an intimate partner to petition the court. The culmination of several years' efforts created Colorado's first ever affordable housing trust fund (70 million dollars!), which highlighted domestic violence as a priority housing need. I am proud to report we supported efforts to construct more balanced protections for renters in Colorado. Finally, we also painstakingly collaborated with over 100 different groups to include specific protections for domestic violence, sexual assault and stalking survivors within a paid family leave bill. All of this work continues today, as several of these laws will begin to be implemented over the summer and later.

This brief document will highlight several key pieces of 2019 state level legislation. For the complete list of bills Violence Free Colorado engaged on, please find the three-page legislative summary document at the back of this report. As always if you have questions related to policy, including how the new laws will impact your practice, or have policy ideas to improve outcomes for survivors you would like to discuss please contact myself or a member of the Violence Free Colorado Policy Team.

Over the 2019 summer, the Policy Team hopes to be expanding its membership and expertise. I hope you will consider selecting and supporting a member of your diverse community to join the policy team and engage with us as we plan for 2020 and beyond. Thank you for supporting our policy work with your time and voices.

In Solidarity,



Lydia Waligorski, MPA
Public Policy Director
Violence Free Colorado

HB19-1032 Comprehensive Human Sexuality Education

Position: Support

Sponsors: S. Lontine | Y. Caraveo / N. Todd | D. Coram

Summary: The bill moves provisions of the statutory legislative declaration to a non-statutory legislative declaration.

The bill clarifies content requirements for public schools that offer comprehensive human sexuality education and prohibits instruction from explicitly or implicitly teaching or endorsing religious ideology or sectarian tenets or doctrines, using shame-based or stigmatizing language or instructional tools, employing gender norms or gender stereotypes, or excluding the relational or sexual experiences of lesbian, gay, bisexual, or transgender individuals.

Current law provides for a comprehensive human sexuality education grant program. The bill amends certain provisions of the grant program to:

Require the department of public health and environment to submit an annual report concerning the outcomes of the grant program indefinitely;
Add 8 representatives to the oversight entity and require membership of the oversight entity to be comprised of at least 7 members who are members of groups of people who have been or might be discriminated against;
Require grant applicants to demonstrate a need for money to implement comprehensive human sexuality education; and
Require that rural public schools or public schools that do not currently offer comprehensive human sexuality education receive priority when selecting grant applicants.

The bill provides a general appropriation of at least $1 million annually for the grant program.

The bill prohibits the state board of education from waiving the content requirements for any public school that provides comprehensive human sexuality education.

HB19-1120 Youth Mental Health Education And Suicide Prevention

Position: Active Support

Sponsors: D. Michaelson Jenet | D. Roberts / S. Fenberg

Summary:

The bill allows a minor 12 years of age or older to seek and obtain psychotherapy services with or without the consent of the minor's parent or guardian if the mental health professional determines the minor is knowingly and voluntarily seeking the psychotherapy services and the psychotherapy services are clinically necessary. A mental health professional providing psychotherapy services to a minor may, with the consent of the minor, advise the minor's parent or legal guardian of the psychotherapy services provided, unless notifying the parent or legal guardian would be inappropriate or detrimental to the minor's care and treatment. However, the mental health professional is permitted to notify the minor's parent or legal guardian without the minor's consent if, in the opinion of the mental health professional, the minor is unable to manage the minor's care or treatment.

The mental health professional is required to engage the minor in a discussion about the importance of involving and notifying the minor's parent or legal guardian and document any attempt to contact the minor's parent or legal guardian. If a minor communicates a clear and imminent threat to commit suicide, the mental health professional is required to notify the minor's parent or legal guardian of the minor's suicidal ideation.

The bill requires the department of education, in consultation with the office of suicide prevention (office), the youth advisory council, and the suicide prevention commission, to create and maintain a mental health education literacy resource bank. The resource bank is available to the public free of charge.

The bill requires the state board of education to adopt standards related to mental health, including suicide prevention.

HB19-1145 Revise Traumatic Brain Injury Program

Sponsors: M. Snyder / P. Lee | L. Crowder

Summary:
The bill makes revisions to the Colorado traumatic brain injury program (program), including:

Renaming the program, the trust fund board, and the trust fund to remove "traumatic" from the titles and making conforming amendments in other statutes to reflect the new names;
Defining "brain injury" to replace the definition of "traumatic brain injury";
Requiring the trust fund board to include members who have experienced a brain injury, family members of persons who have experienced brain injury, and those with specific personal or professional experience with traumatic brain injury;
Removing obsolete dates relating to trust fund board appointments;
Removing the specific statutory listing of potential services under the program and clarifying that all persons served by the program receive service coordination and skills training and may receive other services as determined by the trust fund board;
Allowing the trust fund board to prioritize services and eligibility for services while ensuring fidelity to the program's original intent to serve individuals with traumatic brain injuries;

Removing a restriction on the use of general fund money for the program trust fund;
Removing general provisions relating to the administration of the program; and

Removing the fee collected by municipalities for speeding traffic offenses and increasing fees currently collected for other offenses for the benefit of the trust fund.

HB19-1177 Extreme Risk Protection Orders

Position: Active Support

Sponsors: T. Sullivan | A. Garnett / L. Court | B. Pettersen
Summary:

The bill creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO) beginning January 1, 2020. The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed.

After issuance of a temporary ERPO, the court must schedule a second hearing no later than 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer, or, if the firearm is an antique or relic or curio, the firearm may be surrendered to a family member who is eligible to possess a firearm and who does not reside with the respondent. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The respondent can motion the court once during the 364-day ERPO for a hearing to terminate the ERPO. The respondent has the burden of proof at a termination hearing. The court shall terminate the ERPO if the respondent establishes by clear and convincing evidence that he or she no longer poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. The court may continue the hearing if the court cannot issue an order for termination at that time but believes there is a strong possibility the court could issue a termination order prior to the expiration of the ERPO.

The petitioner requesting the original ERPO may request an extension of the ERPO before it expires. The petitioner must show by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having a firearm in his or her custody or control or by

purchasing, possessing, or receiving a firearm. If the ERPO expires or is terminated, all of the respondent's firearms must be returned within 3 days of the respondent requesting return.

The bill provides a respondent who had a malicious or false petition for a temporary extreme risk protection order or extreme risk protection order filed against him or her with a private cause of action against the petitioner. In the action, the plaintiff is entitled to actual damages, attorney fees, and costs.

The bill requires the state court administrator to develop and prepare standard petitions and ERPO forms. Additionally, the state court administrator at the judicial department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing shall provide statistics related to petitions for ERPOs.

The bill appropriates $119,392 from the general fund to the judicial department for court costs and court-appointed counsel costs.

HB19-1275 Increased Eligibility For Criminal Record Sealing

Position: Amend

Sponsors: M. Weissman | M. Soper / P. Lee

Summary: The bill repeals and reenacts the statutes related to sealing criminal justice records. The bill creates a simplified process to seal criminal justice records when:

A case against a defendant is completely dismissed because the defendant is acquitted of all counts in the case;
The defendant completes a diversion agreement when a criminal case has been filed; or
The defendant completes a deferred judgment and sentence and all counts are dismissed.

The court seals those records within the criminal case without requiring the defendant to file a separate civil action.
The bill allows a defendant to petition for sealing criminal justice records when there is a criminal conviction and without requiring the defendant to file a separate civil action as follows:

If the offense is a petty offense or a drug petty offense, the motion may be filed one year after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The court seals the records if the defendant has not been convicted of a criminal offense since the later of the above dates.
If the offense is a class 2 or 3 misdemeanor or any drug misdemeanor, the motion may be filed 2 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object and the crime is not a victims' rights act crime, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects or the victim request a hearing, the court makes the determination after a hearing.

If the offense is a class 4, 5, or 6 felony, a level 3 or 4 drug felony, or a class 1 misdemeanor, the motion may be filed 3 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object and the crime is not a victims' rights act crime, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects or the victim request a hearing, the court makes the determination after a hearing and considering the district attorney's position.
For all other offenses, the petition may be filed 5 years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a criminal conviction. The district attorney can object to the sealing. If the district attorney does not object, the court seals the case if the defendant has not been convicted of a criminal offense since the later of the above dates. If the district attorney objects, the court makes the determination after a hearing and considering the district attorney's position.

The bill specifies the offenses for which sealing is not eligible including class 1, 2, and 3 felonies and level 1 drug felonies. The bill states a defendant is not required to waive his or her right to file a motion to seal as a condition of a plea agreement.

The bill appropriates $47,361 to the judicial department from the judicial stabilization cash fund for the trial courts. The bill appropriates
$443,847 to the department of public safety from the Colorado bureau of investigation identification unit fund for the biometric identification and records unit.

HB19-1316 Modernizing Marriage Laws For Minors

Position: Support

Sponsors: C. Hansen | L. Landgraf / F. Winter | J. Cooke

Summary: The bill prohibits persons under 16 years of age from obtaining a marriage license.

A person who is 16 or 17 years of age may only obtain a marriage license if a juvenile court determines that the underage party is capable of assuming the responsibilities of marriage and that the marriage would serve the underage party's best interests. Prior to making this determination, the court shall appoint a guardian ad litem for the underage party to investigate the underage party's circumstances and best interests and to file a report with the court addressing the factors listed in the bill and stating a position regarding whether the issuance of a marriage license is in the underage party's best interests.

The bill clarifies that both parties to a proxy marriage must be 18 years of age.

The bill prohibits complete social security numbers from appearing on marriage forms and certificates issued by county clerks and recorders, and allows certain documents to prove the applicant's identity.

The bill authorizes the juvenile court to appoint a guardian ad litem for purposes of judicial consent for underage marriage.

The bill clarifies that an underage married person has certain rights under law, including the right to establish a separate domicile from the married person's parents; the right to file motions and petitions in the married person's own name; the right to enter into enforceable contracts, including leases for housing; and the right to consent to their own medical care.

SB19-007 Prevent Sexual Misconduct At Higher Ed Campuses

Position: Monitor

Short Title: Prevent Sexual Misconduct At Higher Ed Campuses

Sponsors: B. Pettersen | F. Winter / B. McLachlan | J. Buckner

Summary:
The bill requires each institution of higher education (institution) to adopt, periodically review, and update a policy on sexual misconduct (policy). The bill establishes minimum requirements for the policies, including reporting options, procedures for investigations and adjudications, and protections for involved persons. Institutions shall promote the policy by posting information on their websites and annually distributing the policy and information.

Institutions are required to provide training on awareness and prevention of sexual misconduct, the policy, and resources available to discuss such misconduct.

The bill requires institutions to report to the department of higher education (department) on their policies and training, and the department shall post the reports on its website and report to the general assembly during its SMART Act hearing.

The department is to host biennial summits on sexual misconduct on institution campuses to facilitate communication, share information, and hear from experts. The bill identifies the membership of the planning committee for the summits. The planning committees are to report to specified committees of the general assembly on the summits.

The bill creates a sexual misconduct advisory committee to make recommendations to the general assembly and institutions on sexual misconduct policies at institutions following the promulgation of new federal rules by the federal department of education and annually thereafter.

SB19-085 Equal Pay For Equal Work Act

Position: Active Support

Sponsors: J. Danielson | B. Pettersen / J. Buckner | S. Gonzales-Gutierrez

Summary: The bill removes the authority of the director of the division of labor standards and statistics in the department of labor and employment (director) to enforce wage discrimination complaints based on an employee's sex and instead permits an aggrieved person to bring a civil action in district court to pursue remedies specified in the bill.

The bill allows exceptions to the prohibition against a wage differential based on sex if the employer demonstrates that a wage differential is based upon one or more factors, including:

A seniority system;
A merit system;
A system that measures earnings by quantity or quality of production;
The geographic location where the work is performed;

Education, training, or experience to the extent that they are reasonably related to the work in question; or
Travel, if the travel is a regular and necessary condition of the work performed.

The bill prohibits an employer from:

Seeking the wage rate history of a prospective employee;
Relying on a prior wage rate to determine a wage rate;
Discriminating or retaliating against a prospective employee for failing to disclose the employee's wage rate history; and
Discharging or retaliating against an employee for actions by an employee asserting the rights established by the bill against an employer.

The bill requires an employer to announce to all employees employment advancement opportunities and job openings and the pay range for the openings. The director is authorized to enforce actions against an employer concerning transparency in pay and employment opportunities, including fines of between $500 and $10,000 per violation.

SB19-188 FAMLI Family Medical Leave Insurance Program

Position: Active Support

Sponsors: F. Winter | A. Williams / M. Gray | M. Duran

Summary: The bill creates a study of the implementation of a paid family and medical leave program in the state by:

Requiring the department of labor and employment (department) to contract with experts in the field of paid family and medical leave;
Requiring the department to make requests for information from third parties that may be willing to administer all or part of a paid family and medical leave program;
Creating the family and medical leave implementation task force (task force) that is responsible for recommending a plan to implement a paid family and medical leave program for the state; and
Requiring an actuarial study of the final plan recommended by the task force.

SB19-235 Automatic Voter Registration

Position : Active Amend

Sponsors: Sen. S. Fenberg | Sen. J. Danielson | Rep. D. Esgar | Rep. K. Mullica

Summary:
The bill requires the department of revenue to transfer to the secretary of state (secretary) the electronic record of each eligible elector who applies for the issuance, renewal, or correction of a Colorado driver's license or identification card. If the individual has provided documentation of citizenship, the elector's county clerk reviews the record for completeness and sends the elector a notice advising that the elector has been registered to vote. The elector can return the notice to either decline to be registered or affiliate with a party. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the elector is registered to vote.

The department of health care policy and financing is also required to begin transferring to the secretary the electronic records of electors who apply for medicaid. The elector's county clerk reviews the record for completeness and sends the elector a notice advising that the elector has been registered to vote. The elector can return the notice to decline to be registered, affiliate with a party, or provide a signature if necessary for their record. If the elector does not decline to be registered within 20 days after the notice is mailed and the form is not returned as undeliverable, the elector is registered to vote.

Agencies that oversee offices designated as voter registration agencies are required to begin reporting information to the secretary related to the number of people who apply for benefits or programs, the number of voter registration choice forms the offices collect, and the number of people who receive voter registration forms. The office of information technology is required to assess and report to the secretary which voter registration agencies collect sufficient information for voter registration purposes. When the office of information technology and the secretary determine that an agency collects sufficient information, the agency is required to begin transferring records to the secretary for voter registration purposes.

Unless a person who knows they are ineligible to vote intentionally takes voluntary action to become registered, the transfer of the person's record by a voter registration agency does not constitute completion of a voter registration form by that person.

The bill creates a process for electors who are registered through a voter registration agency to provide a signature for verification if they return a ballot in an election but a copy of their signature is not found in the statewide voter registration system. The bill makes conforming amendments to provisions related to voter registration requirements.

Housing Bills

HB19-1106 Rental Application Fees

Position: Passive Support

Sponsors: B. Titone | S. Gonzales-Gutierrez / B. Pettersen

Summary: The bill states that a landlord may not charge a prospective tenant a rental application fee unless the landlord uses the entire amount of the fee to cover the landlord's costs in processing the rental application. A landlord also may not charge a prospective tenant a rental application fee that is in a different amount than a rental application fee charged to another prospective tenant who applies to rent:

The same dwelling unit; or
If the landlord offers more than one dwelling unit for rent at the same time, any other dwelling unit offered by the landlord.

The bill requires a landlord to provide to any prospective tenant who has paid a rental application fee either a disclosure of the landlord's anticipated expenses for which the fee will be used, or an itemization of the landlord's actual expenses incurred. The landlord is required to make a good-faith effort to refund any unused portion of an application fee within 20 days.

The bill states that if a landlord uses rental history or credit history as criteria in consideration of an application, the landlord shall not consider any rental history or credit history beyond 7 years immediately preceding the date of the application. If a landlord considers criminal history as a criterion, the landlord shall not consider an arrest record of a prospective tenant from any time or any conviction of a prospective tenant that occurred more than 5 years before the date of the application; except that a landlord may consider any criminal conviction record relating to certain criminal offenses involving methamphetamine, any felony offense that required the prospective tenant to register as a sex offender, or any offense that is classified as a homicide.

If a landlord denies a rental application, the landlord shall provide the prospective tenant a written notice of the denial that states the reasons for the denial.

A landlord who violates any of the requirements created in the bill is liable to the person who is charged a rental application fee for triple the amount of the rental application fee, plus court costs. A landlord who corrects or cures a violation not more than 7 calendar days after receiving notice of the violation is immune from liability.

HB19-1118 Time Period To Cure Lease Violation

Position: Active Support

Sponsors: D. Jackson | R. Galindo / A. Williams

Summary:
Current law requires a landlord to provide a tenant 3 days to cure a violation for unpaid rent or any other condition or covenant of a lease agreement, other than a substantial violation, before the landlord can initiate eviction proceedings based on that unpaid rent or other violation. Current law also requires 3 days' notice prior to a tenancy being terminated for a subsequent violation of a condition or covenant of a lease agreement.

The bill requires a landlord, except for a landlord pursuant to a nonresidential agreement or an employer-provided housing agreement, to provide a tenant 10 days to cure a violation for unpaid rent or for a first violation of any other condition or covenant of a lease agreement, other than a substantial violation, before the landlord can initiate eviction proceedings. The bill requires 10 days' notice prior to the landlord terminating a lease agreement for a subsequent violation of the same condition or covenant of the agreement. For a nonresidential agreement or an employer-provided housing agreement, three days' notice is required to cure a violation for unpaid rent or for a first violation of any other condition or covenant of a lease agreement, or to terminate a lease for a subsequent violation of the same condition or covenant.

HB19-1170 Residential Tenants Health And Safety Act

Position: Passive Support

Sponsors: D. Jackson | M. Weissman / A. Williams | J. Bridges

Summary: Under current law, a warranty of habitability (warranty) is implied in every rental agreement for a residential premises, and a landlord commits a breach of the warranty (breach) if:

The residential premises is uninhabitable or otherwise unfit for human habitation;
The residential premises is in a condition that is materially dangerous or hazardous to the tenant's life, health, or safety; and
The landlord has received written notice of the condition and failed to cure the problem within a reasonable time.

The bill states that a landlord breaches the warranty if a residential premises is:

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.

Current law provides a list of conditions that render a residential premises uninhabitable. To this list, the bill adds 2 conditions; specifically, a residential premises is uninhabitable if:

The premises lacks functioning appliances that conformed to applicable law at the time of installation and that are maintained in good working order; or
There is mold that is associated with dampness, or there is any other condition causing the premises to be damp, which condition, if not remedied, would materially interfere with the health or safety of the tenant.

The bill grants to county courts jurisdiction to provide injunctive relief related to a breach.

Current law requires a tenant to serve written notice upon a landlord before the landlord may be held liable for a breach. The bill expands the acceptable form of such notice to include electronic notice.

The bill also:

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;
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; Creates an exception for single-family residence premises for which a landlord does not receive a subsidy from any governmental source, by which exception a landlord and tenant may agree in writing that the tenant is to perform specific repairs, maintenance tasks, alterations, and remodeling, subject to certain requirements:
Prohibits a landlord from retaliating against a tenant in response to the tenant having made a good-faith complaint to the landlord or to a governmental agency alleging a condition that renders the premises uninhabitable or any condition that materially interferes with the health or safety of the tenant; and
Repeals certain presumptions and specifies monetary damages that may be available to a tenant against whom a landlord retaliates.

The bill 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. In the case of a condition that merely involves a nonfunctioning appliance, if the landlord remedies the condition within 14 days after receiving the notice, the tenant may not terminate the rental agreement.

Creates an exception for single-family residence premises for which a landlord does not receive a subsidy from any governmental source, by which exception a landlord and tenant may agree in writing that the tenant is to perform specific repairs, maintenance tasks, alterations, and remodeling, subject to certain requirements:

Prohibits a landlord from retaliating against a tenant in response to the tenant having made a good-faith complaint to the landlord or to a governmental agency alleging a condition that renders the premises uninhabitable or any condition that materially interferes with the health or safety of the tenant; and

Repeals certain presumptions and specifies monetary damages that may be available to a tenant against whom a landlord retaliates.

The bill 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. In the case of a condition that merely involves a nonfunctioning appliance, if the landlord remedies the condition within 14 days after receiving the notice, the tenant may not terminate the rental agreement.

HB19-1322 Expand Supply Affordable Housing

Position: Active Support

Sponsors: D. Roberts | P. Will / D. Moreno | D. Coram

Summary:
Assuming certain conditions are satisfied affecting the state's fiscal situation, section 1 of the bill requires the state treasurer to transfer $30 million commencing with the 2020-21 state fiscal year and through and including the 2022-23 state fiscal year from the unclaimed property trust fund to the division of housing in the department of local affairs (division) to be deposited by the division into the housing development grant fund (housing fund) to finance the uses described in the statute.

For each state fiscal year that a transfer is not made, the bill specifies that the last year in which a transfer may be made is extended for an additional state fiscal year. The bill prohibits any transfer permitted from being made in more than 3 total state fiscal years.

Section 2 makes updates that are technical in nature to statutory provisions governing the division.

In addition to the other sources of money to be deposited into the housing fund, section 3 specifies that the housing fund also consists of money transferred by the state treasurer from the unclaimed property trust fund to the division to be deposited into the housing fund to supplement existing money in such fund to be expended for any of the purposes specified in the bill. This section also expands the source of money that may be deposited into the housing fund.

Subject to the limitation on the percentage of money appropriated from the housing fund that may be expended for the administrative costs of the division in administering the housing fund, the bill authorizes the division to expend money from the housing fund to hire and employ individuals in order to fulfill the purposes of the bill.

SB19-180 Eviction Legal Defense Fund

Position: Active Support

Sponsors: F. Winter / J. McCluskie

Summary:
The bill creates the eviction legal defense fund (fund). The state court administrator will award grants from the fund to qualifying nonprofit organizations (organizations) that provide legal advice, counseling, and representation for, and on behalf of, indigent clients who are experiencing an eviction or are at immediate risk of an eviction. The bill lists permissible uses of grant money awarded from the fund.

Organizations that receive a grant from the fund are required to report to the state court administrator certain information about services provided by the organization. The state court administrator is required to evaluate the use of grants from the fund every 5 years and submit that evaluation to the general assembly. The bill includes a legislative declaration.