SB23-213

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Gonzales

Amend the Appropriations Committee Report, dated April 26, 2023, page 27, after line 16 insert:

- "29-32-116. Legislative Oversight Committee Concerning Affordable Housing and Homelessness creation duties.
- (1) **Creation.** (a) There is created a legislative oversight committee concerning affordable housing and homelessness, which is referred to in this section as the "committee".
 - (b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:
- (I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND
- (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.
- (c) As soon as practicable after the convening date of the second regular session of the seventy-fourth general assembly, but no later than the end of the legislative session, the speaker, the president, and the minority leader of the senate shall each appoint members to the committee pursuant to subsection (1)(b) of this section. Thereafter, the terms of members appointed or reappointed by the speaker, the president, and the minority leader of the senate expire on the convening date of the first regular session of the next general assembly, and all subsequent appointments and reappointments by the speaker, the president, and the minority leader of the senate must be made as soon as practicable after the convening date, but no later than the end of the legislative session.
- (d) The Person Making the original appointment or reappointment shall fill any vacancy by appointment for the remainder of an unexpired term. Members appointed or reappointed serve at the pleasure of the appointing authority and continue in office until the member's successor is appointed.
- (e) The president of the senate shall select the first chair of the committee, and the speaker of the house of representatives shall select the first vice-chair. The chair and vice-chair shall alternate annually thereafter between the two houses.
- 38 (f) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY 39 ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY 40 FOR THE OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH

THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION 29-33-117, GUIDELINES AND EXPECTATIONS FOR ONGOING COLLABORATION WITH THE TASK FORCE.

- (g) (I) Members of the committee may receive payment of Per Diem and reimbursement for actual and necessary expenses authorized pursuant to section 2-2-307.
- (II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.
- (2) **Duties.** (a) (I) THE COMMITTEE SHALL MEET AT LEAST THREE, BUT NO MORE THAN SIX, TIMES EACH YEAR AND AT SUCH OTHER TIMES AS IT DEEMS NECESSARY. ALL MEETINGS OF THE COMMITTEE ARE OPEN TO THE PUBLIC AND MUST BE RECORDED.
- (II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND OR CALL INTO AT LEAST ONE REGULAR TASK FORCE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS MEETING. COMMITTEE MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK FORCE.
- (b) The committee is responsible for the oversight of the task force concerning affordable housing and homelessness created in section 29-33-117, and shall submit annual reports pursuant to subsection (2)(c) of this section to the general assembly regarding the task force's findings and recommendations. In addition, the committee may recommend legislative changes that are treated as bills recommended by an interim legislative committee for purposes of any introduction deadlines or bill limitations imposed by the joint rules of the general assembly.
- (c) (I) On or before January 15 of Each Year, the committee is required to submit a report to the General Assembly and Make such report publicly available on its website; however, during any interim in which the general assembly has suspended interim committee activities, the committee is not required to submit such a report. The annual report must briefly summarize the study issues, recommendations considered, and any actions taken by the committee and the task force during the previous year.
- (II) THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION 24-1-117 (9). NOTWITHSTANDING SECTION 24-1-117 (11)(a)(I), THE REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY CONTINUES INDEFINITELY.

- (d) As Necessary, the committee may request public testimony and testimony and reports from state agencies.
- (3) This section is repealed, effective September 1, 2027. Before the Repeal, this section is scheduled for review, along with section 29-33-117, in accordance with section 24-34-104.
- **29-33-117.** Task force concerning affordable housing and homelessness creation membership duties. (1) Creation. There is created a task force concerning affordable housing and homelessness, which is referred to in this section as the "task force". The task force consists of twenty-five members appointed as provided in subsection (2) of this section and any staff support as provided for in section 29-33-116.
- (2) **Membership terms.** (a) The following nine members must be appointed on or before August 1, 2024:
- (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION OF HOUSING;
- (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION OF HOUSING'S OFFICE OF HOMELESSNESS INITIATIVES;
- (III) THE EXECUTIVE DIRECTOR OF THE COLORADO HOUSING AND FINANCE AUTHORITY SHALL APPOINT ONE MEMBER TO REPRESENT THE AUTHORITY;
- (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;
- (V) THE COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION SHALL APPOINT ONE MEMBER REPRESENTING THE BEHAVIORAL HEALTH ADMINISTRATION;
- (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;
- (VII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EDUCATION SHALL APPOINT ONE MEMBER TO REPRESENT THE DEPARTMENT;
- (VIII) THE GOVERNOR SHALL APPOINT ONE MEMBER TO REPRESENT EITHER THE DEPARTMENT OF LABOR AND EMPLOYMENT OR THE DEPARTMENT OF HUMAN SERVICES; AND
- (IX) THE GOVERNOR SHALL APPOINT ONE MEMBER TO REPRESENT EITHER THE COLORADO ENERGY OFFICE OR THE OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE.
- (b) THE CHAIR AND VICE-CHAIR OF THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS

- 1 CREATED IN SECTION 29-33-116, REFERRED TO IN THIS SECTION AS THE
- 2 "COMMITTEE", SHALL APPOINT SIXTEEN ADDITIONAL MEMBERS.
- 3 COMMITTEE STAFF IS RESPONSIBLE FOR PUBLICLY ANNOUNCING
- 4 VACANCIES FOR THE FOLLOWING POSITIONS, AND REQUESTING
- 5 CANDIDATES SUBMIT A LETTER OF INTEREST FOR THE SPECIFIC POSITION,
- 6 SO THAT THE LETTERS OF INTEREST ARE DUE NO LATER THAN ONE WEEK
- 7 AFTER THE EFFECTIVE DATE OF THIS SECTION. THE LEGISLATIVE
- 8 OVERSIGHT COMMITTEE, BY MAJORITY VOTE, SHALL APPROVE THE
- 9 APPOINTMENTS FOR THESE POSITIONS. THE TASK FORCE MEMBERS TO BE
- 10 APPOINTED PURSUANT TO THIS SUBSECTION (2)(b) INCLUDE:
- 11 (I) ONE MEMBER WHO REPRESENTS A HOMELESS SERVICES 12 PROVIDER IN AN URBAN AREA;
 - (II) ONE MEMBER WHO REPRESENTS A HOMELESS SERVICES PROVIDER IN A RURAL OR RURAL RESORT AREA;
 - (III) ONE MEMBER WHO REPRESENTS A FOR-PROFIT DEVELOPER OF AFFORDABLE RENTAL HOUSING;
 - (IV) ONE MEMBER WHO REPRESENTS A NOT-FOR-PROFIT DEVELOPER OF AFFORDABLE RENTAL HOUSING;
 - (V) ONE MEMBER WHO REPRESENTS A FOR-PROFIT DEVELOPER OF AFFORDABLE FOR-SALE HOUSING;
 - (VI) ONE MEMBER WHO REPRESENTS A NOT-FOR-PROFIT DEVELOPER OF AFFORDABLE FOR-SALE HOUSING;
 - (VII) ONE MEMBER WHO REPRESENTS A PROVIDER OF SUPPORTIVE HOUSING OR SUPPORTIVE SERVICES;
 - (VIII) ONE MEMBER WHO REPRESENTS AN OPERATOR OF MULTIFAMILY AFFORDABLE HOUSING;
 - (IX) ONE MEMBER FROM A LOCAL GOVERNMENT IN AN URBAN AREA;
 - (X) ONE MEMBER FROM A LOCAL GOVERNMENT IN A RURAL AREA;
- 30 (XI) ONE MEMBER FROM A LOCAL GOVERNMENT IN A RURAL RESORT AREA;
 - (XII) ONE MEMBER WHO REPRESENTS AN AFFORDABLE HOUSING ADVOCACY ORGANIZATION;
 - (XIII) ONE MEMBER WHO REPRESENTS EITHER A HOMELESSNESS ADVOCACY ORGANIZATION OR AN ANTI-POVERTY ADVOCACY ORGANIZATION;
 - (XIV) ONE MEMBER WITH LIVED EXPERIENCE OF HOMELESSNESS WHO IS LIVING IN PERMANENT SUPPORTIVE HOUSING AT THE TIME OF THEIR APPOINTMENT;
- 40 (XV) ONE MEMBER WHO, AT THE TIME OF THEIR APPOINTMENT, IS
 41 LIVING IN AFFORDABLE RENTAL HOUSING THAT IS RESTRICTED TO EIGHTY
 42 PERCENT OR LESS OF AREA MEDIAN INCOME; AND
- 43 (XVI) ONE MEMBER WHO, AT THE TIME OF THEIR APPOINTMENT,

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IS LIVING IN AFFORDABLE RENTAL HOUSING THAT IS RESTRICTED TO ONE HUNDRED AND TWENTY PERCENT OR LESS OF AREA MEDIAN INCOME.

- (c) Beginning on the effective date of this section, members appointed to the task force pursuant to subsection (2)(b) of this section shall serve no more than three consecutive two-year terms, with the appointing authority's approval for each specific term. With the appointing authority's approval, a member of the task force who is serving on the task force as of the effective date of this section is considered to be beginning the member's first two-year term.
- (d) (I) A VACANCY OCCURRING IN A POSITION THAT IS APPOINTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE INITIAL APPOINTING OFFICIAL. IN ADDITION, THE INITIAL APPOINTING OFFICIAL MAY REMOVE AND REPLACE ANY APPOINTMENT THE OFFICIAL MADE TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.
- (II) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. IN ADDITION, THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.
- (e) In Making appointments to the task force, the appointing authorities shall ensure that the membership of the task force includes persons who have experience with or interest in the study areas of the task force as set forth in subsection (3) of this section; persons who reflect the ethnic, cultural, and gender diversity of the state; persons representing of all areas of the state; and, to the extent practicable, persons with disabilities.
- (f) (I) All task force members are expected to seek input from the various networks or organizational structures of the body they represent, if any. Every appointing officer is encouraged to nominate a representative who can participate in making task force subject matter expert recommendations, yet still appropriately represent the relevant state agency.
- (II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE, TASK FORCE MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING, WITH THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE ISSUES ARE BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT REPRESENTATIVE AGENCIES OR ORGANIZATIONS TO ANY POSITION OR

ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED UPON PROCEDURAL RULES AND GUIDELINES.

- (g) Members of the task force serve without compensation. However, members of the task force appointed pursuant to subsection (2)(b) of this section may receive reimbursement for actual and necessary expenses associated with their duties on the task force.
- (3) **Issues for study.** (a) The task force shall track the implementation of, impacts of, and state expenditures concerning this article 33 and legislation related to the final report of the affordable housing transformational task force from February 2020, and proposition 123 as approved by Colorado voters during the 2022 general election.
- (b) THE TASK FORCE SHALL EVALUATE, REVIEW, AND MAKE RECOMMENDATIONS ON AFFORDABLE HOUSING AND HOMELESSNESS POLICIES.
- (c) In evaluating the issues set forth in subsection (3)(b) of this section, the task force shall specifically consider the following related issues, including:
- (I) STATEWIDE HOUSING NEEDS AND GAPS AS IDENTIFIED BY THE STATE, REGIONAL, AND HOUSING NEEDS ASSESSMENT REQUIRED IN SECTION 29-33-104, INCLUDING ANY LOCAL, REGIONAL, OR STATE PLANS DERIVED OF THESE ASSESSMENTS;
- (II) BEST PRACTICES FOR AND BARRIERS TO AFFORDABLE HOUSING PRODUCTION AND PRESERVATION INCLUDING DEVELOPMENT AND LONG-TERM AFFORDABILITY STRATEGIES AND DISPLACEMENT MITIGATION MEASURES AS DESCRIBED IN SECTIONS 29-33-106 AND 29-33-107;
- (III) BEST PRACTICES FOR STABILIZING CURRENTLY HOUSED INDIVIDUALS AT RISK OF ENTERING HOMELESSNES;
- (IV) STATEWIDE HOMELESSNESS ANALYSIS AS CONDUCTED BY A CONTRACTOR SELECTED BY THE OFFICE OF HOMELESS INITIATIVES WITHIN THE DEPARTMENT OF LOCAL AFFAIRS;
- (V) BEST PRACTICES FOR RESOLVING AND PREVENTING HOMELESSNESS;
- (VI) THE ADMINISTRATION BY THE DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS AND THE COLORADO HOUSING AND FINANCE AUTHORITY OF STATE AND FEDERAL FUNDS RELATED TO HOUSING;
- 39 (VII) THE IMPACT OF HOUSING AND HOMELESSNEES ON STATE 40 AGENCIES; AND
- 41 (VIII) THE IMPACT AND PROGRESS OF ANY LAND USE REFORMS, 42 INCLUDING THOSE IN THIS SECTION, ON HOUSING AVAILABILITY AND 43 AFFORDABILITY INCLUDING REVIEW AND RESPONSE TO ANY

RECOMMENDATIONS, ANALYSES, ASSESSMENTS, AND PLANS THAT ARE RELEASED BY THE MULTI-AGENCY COMMITTEE CREATED IN SECTION 29-33-103 AND USED TO IMPLEMENT LONG-TERM AND DEVELOPMENT AFFORDABILITY STRATEGIES AND DISPLACEMENT MITIGATION MEASURES.

- (d) The requirements set forth in this subsection (3) do not prohibit the task force, at any time during its existence, from requesting permission from the committee to study, present findings, and make recommendations on any issue related to the scope of the task force and oversight committee.
- (e) As necessary, the task force may request testimony and reports from state agencies and the multi-agency committees created in section 29-33-103, as approved by the committee.
- (4) Additional duties of the task force. The task force shall annually deliver policy and legislative recommendations to the committee pursuant to this section. In addition, the task force shall:
- (a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS;
- (b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS DIRECTED BY THE CHAIR OF THE COMMITTEE, SUCH MEETINGS MUST BE BOTH OPEN TO THE PUBLIC AND RECORDED;
- (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE COMMITTEE;
- (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT COMPLEMENT OR RELATE TO THE TASK FORCE'S IDENTIFIED AREAS OF STUDY;
- (e) Create no more than three subcommittees as needed to carry out the duties of the task force. The subcommittees may consist, in part, of persons who are not members of the task force. Such persons may vote on issues before the subcommittee but are not entitled to a vote at task force meetings.
- (f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION PASSED BY THE GENERAL ASSEMBLY;
- (g) Upon request by a committee member, provide evidence-based feedback on the potential benefits or consequences of a legislative or other policy proposal not directly affiliated with or generated by the task force. The feedback must be delivered within two weeks to the entire committee and remain as concise as possible while capturing any available evidence. If the task force cannot identify evidence to

EFFECTIVELY INFORM A RESPONSE, THE FEEDBACK WILL INDICATE A LACK OF EVIDENCE AND REPORT ON ANY ACTIONS TAKEN.

- (h) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, PREPARE AND SUBMIT TO THE COMMITTEE, A REPORT THAT, AT A MINIMUM, INCLUDES:
- (A) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS FOR LEGISLATIVE OR OTHER RECOMMENDATIONS;
- (B) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES REQUIRED FOR IMPLEMENTATION;
- (C) A SUMMARY OF TASK FORCE MEETING ACTIVITIES AND DISCUSSIONS:
- (D) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE COMMITTEE PURSUANT TO SUBSECTION (4)(g) OF THIS SECTION; AND
- A SUMMARY OF EFFORTS MADE TO COMMUNICATE, COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR STATE INITIATIVES.
- (II) THE TASK FORCE MAY POST THE REPORT ON THE COMMITTEE'S WEBSITE.
- (5) **Coordination.** The task force may work with other GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN SUBSECTION (3) OF THIS SECTION. THE TASK FORCE MAY DEVELOP RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES THROUGH COLLABORATIVE EFFORTS.
- (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE TASK FORCE IS NOT REQUIRED TO MEET, SUBMIT ANNUAL POLICY AND LEGISLATIVE RECOMMENDATIONS, OR SUBMIT AN ANNUAL REPORT TO THE COMMITTEE DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS SUSPENDED INTERIM COMMITTEE ACTIVITIES.
- 32 (7) This section is repealed, effective September 1, 2027. 33 Before the repeal, this section is scheduled for review along 34 WITH SECTION 29-33-116 IN ACCORDANCE WITH SECTION 24-34-104.".
- 35 Page 27, after line 33 insert:
- 36 "SECTION 5. In Colorado Revised Statutes, 24-34-104, add 37 (28)(a)(XI) as follows:
- 38 24-34-104. General assembly review of regulatory agencies 39 and functions for repeal, continuation, or reestablishment - legislative 40 declaration - repeal. (28) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2027:

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- 1 (XI) THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING
 2 AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION
 3 29-33-116 AND THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND
 4 HOMELESSNESS CREATED IN SECTION 29-33-117.".
- 5 Renumber succeeding sections accordingly.

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