

# COLORADO COALITION FOR THE HOMELESS STATE ADVOCACY UPDATE

For the Period of: 2/15/10-3/5/10

Of the 536 bills that have been introduced this legislative session, **the Coalition is following 30 related to housing, health care, criminal justice reform, benefits acquisition and balancing the state budget.** This week's highlights include:

- A bill to restore some of the FY2009-10 cuts to Federally Qualified Health Centers passed its final hurdle in the Senate this week. It is now headed to the Governor's desk for his signature.
- A bill that would **allow developers and local governments to enter into voluntary contracts to build affordable housing passed out of the House on Monday, March 1st.** The Coalition provided testimony in support of the bill in front of the House Local Government Committee, reiterating the need for additional affordable housing to serve the needs of Colorado's rising numbers of low-income families. The bill now moves to the Senate for further debate.
- A bill that would allow the Economic Opportunity Poverty Reduction Task Force to continually evaluate their progress toward reducing poverty in Colorado passed out of its first committee on Thursday, March 4<sup>th</sup>. The Coalition testified in support of the bill, **noting the importance of continuing to study the issue of poverty in Colorado, especially during times when funding sources are decreasing while the demand for services is increasing.** This bill now moves to the full House for further debate.
- A bill that would create an incentive for individuals and businesses to make contributions to help nonprofits add jobs has been introduced in the House. With the economic downturn impacting charitable giving from individuals and businesses, nonprofits are finding it challenging to raise the necessary revenue to grow, much less retain staff. **As nonprofits help support people impacted by the economic downturn by helping them secure employment, develop skills, and maintain their quality of life, supporting their capacity is a critical way to help ensure economic recovery.** This bill has passed out of the House Finance Committee and was sent to the House Appropriations Committee for further debate.

<u>Bill/ Resolution #</u>	<u>Sponsor</u>	<u>Title/Description</u>	<u>Status</u>
<b>HB 10-1017 Housing</b>	Kagan/Boyd	<u>Voluntary Agreements Affecting Rent on Private Residential Property</u> – Current law prohibits counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property. This bill clarifies that the rent control statute applies only to private residential housing. The bill also clarifies that nothing in the rent control statute shall prohibit or restrict the right of a property owner and a state agency, county, municipality, or housing authority from voluntarily entering into and enforcing an agreement that controls rent on a private residential housing unit.	3/1/10 – House 3 <sup>rd</sup> Reading Passed  **This bill comes out of the Economic Opportunity and Poverty Reduction Task Force
<b>HB10-1143 Housing</b>	McNulty/ Johnston	<u>Uses at RTD Transfer Facilities</u> – Under existing law, RTD may negotiate and enter into agreements with any person or public entity for the provision of retail and commercial goods and services to the public at transfer facilities. This bill would permit RTD to negotiate and enter into similar agreements for the provision of residential and other uses at transfer facilities, as long as such uses are consistent with local laws relating to planning and zoning. The bill also eliminates a provision prohibiting such agreements if they create a competitive disadvantage for nearby businesses. Finally, the bill requires the provision of retail and commercial goods and services or the provision of residential or other uses permitted under local zoning ordinances at a transfer facility to be conducted in a manner that encourages multimodal access for all users.	2/24/10 – Introduced in the Senate, assigned to Local Government and Energy
<b>HB10-1240 Housing</b>	Ferrandino/ Carroll, M.	<u>Residential Foreclosure Deferments</u> – This bill clarifies HB09-1276 that established a 90-day foreclosure deferment period for eligible borrowers. The bill gives general rule-making authority to the Division of Housing related to the deferment process. The bill clarifies that the notice of opportunity for foreclosure deferment may not be posted prior to the date the public trustee determines that the documents filed for the commencement of foreclosure are complete and accurate; that the notice of opportunity include a telephone number for the holder and, if applicable, the attorney for the holder; requires a foreclosure counselor to inform the holder if an eligible borrower who qualifies for a foreclosure deferment chooses not to participate; and, prohibits an eligible borrower from qualifying for a foreclosure deferment if the borrower has transferred title to the property to another party.	3/2/10 – House 2 <sup>nd</sup> Reading Passed with Amendments

<b>HB10-1032 Health Care</b>	Frangas/Boyd	<u>Behavioral Health Crisis Response Services</u> - Directs the Department of Human Services to determine the best way to address the lack of a coordinated crisis response system in Colorado, and report on recommendations to the Joint Health and Human Services Committee by 1/30/2011, including how to make best use of existing systems including but not limited to the Managed Service Organizations, Behavioral Health Organizations, Mental Health Centers, Critical Incident Trained Officers, Metro Crisis Services, Hospitals or other entities impacting behavioral health crisis response.	2/18/10 – House Committee on Health and Human Services Referred Amended to Appropriations
<b>HB10-1033 Health Care</b>	Massey/Boyd and Schwartz	<u>Screening Brief Intervention Referral</u> – This bill adds to the list of optional services provided to Medicaid recipients screening, brief intervention, and referral to treatment for alcohol and other substance abuse services.	2/22/10 – House Committee on Health and Human Services Referred Unamended to Appropriations
<b>HB10-1041 Health Care</b>	Acree/Mitchell	<u>Universal Application Children’s Medicaid</u> – As part of the Medicaid eligibility modernization, this bill authorizes HCPF to create a universal application or single point-of-entry for home and community based services waivers for children.	3/2/10 – Senate 2 <sup>nd</sup> Reading Passed
<b>HB10-1061 Health Care</b>	Merrifield/Tochtrop	<u>CO Medical Donation Program</u> – This bill establishes the Colorado Medical Donation Program for the purpose of allowing certain facilities to donate medications, medical devices, and medical supplies to eligible patients in Colorado.	2/19/10 – House Second Reading Laid Over Until 6/9/10
<b>HB10-1138 Health Care</b>	Gagliardi/Morse	<u>Colorado Health Service Corps</u> – This bill specifies the manner in which the Health Service Corps may make a lump sum payment on an eligible professional’s education loans pursuant to a contract. The bill repeals the \$35,000 per year limit on the amount of education loan repayment that a health professional may receive under the Health Service Corps.	2/19/10 – Introduced in the Senate, assigned to Health and Human Services
<b>HB10-1179 Health Care</b>	Acree/Boyd	<u>Primary Care Act</u> – Encourages the expansion of primary health care services to shortage areas throughout the state through use of available space in public buildings and donations and investments by private businesses to assist physicians in locating and offering primary care services in rural areas. It also allows medical malpractice insurers to discount the medical malpractice rates of licensed physicians who provide primary care services in health prof. shortage areas for at least 50% of their practice time. Expands the state health care prof. loan repayment program by eliminating the cap on the amount of an award under the program; and, eliminating restrictions on the type of setting in which a health care prof. may provide primary care services in order to be eligible for loan repayment. Requires HCPF to develop a 5 yr strategic plan for increasing reimbursement rates for primary care providers, and removing differentiation in rates based on service delivery location, under Medicaid.	2/19/10 – House Committee on Health and Human Services Referred Unamended to Appropriations

<b>HB10-1330 Health Care</b>	Kefalas/Morse	<u>All-Payer Health Claims Database</u> – The bill required HCPF to appoint an advisory committee to make recommendations regarding the creation of a Colorado all-payer health claims database for the purpose of transparent public reporting of health care information. The Executive Director is required to appoint an administrator to create the database. The administrator, in consultation with the advisory committee, shall create the database if sufficient gifts, grants and donations are received on or before January 1, 2012, to pay for the creation of maintenance of the database.	3/1/10 – House Second Reading Laid Over Until 3/8/10
<b>SB10-153 Health Care</b>	Boyd/N/A	<u>Behavioral Health Screening and Efficiency</u> – This bill sets forth a legislative declaration concerning the importance of creating a comprehensive approach to behavioral health issues, including mental health and substance use disorders, and establishes the Behavioral Health Transformation Council to develop strategies for implementing a systemic transformation of the behavioral health care system. The Governor is directed to appoint a Behavioral Health Transformation Council whose goal it is to implement a systemic transformation of the behavioral health system.	2/18/10 – Senate Committee on Health and Human Services Referred Amended to Appropriations
<b>SB10-006 Benefits Acquisition</b>	Boyd/ Summers	<u>Identification Documents Reduce Poverty</u> – Prohibits the state from charging a fee for a birth or death record if the applicant is a county department of social or human services or the applicant has a letter of referral from such a county department; prohibits the state from charging a fee for a Colorado ID card to an applicant referred by, or released within the prior 6 months from the Department of Corrections, the Division of Youth Corrections, or a county jail; authorizes a court to grant a name change if a person has previously been convicted of a felony if specified conditions are found by the court.	3/2/10 – Introduced in the House, assigned to Health and Human Services  **This bill comes out of the Economic Opportunity and Poverty Reduction Task Force
<b>HB10-1022 Benefits Acquisition</b>	Summers and Gagliardi/ Boyd	<u>Supplemental Nutrition Assistance Program (SNAP) Administration</u> – Requires the Colorado Department of Human Services to develop and implement a state outreach plan with the use of private and federal moneys to promote access to federal food benefits by eligible persons. Also directs the Department to adopt the maximum certification period allowable pursuant to federal law for the receipt of federal food assistance benefits under SNAP. Also requires, at a minimum, that the asset test be removed and the gross income test to increase to at least 200% of federal poverty level.	2/11/10 – House Committee on Health and Human Services Referred Amended to Appropriations  **This bill comes out of the Economic Opportunity and Poverty Reduction Task Force
<b>HB10-1146 Benefits Acquisition</b>	Hullinghorst/ Tochtrop	<u>State-Funded Public Assistance Programs</u> – This bill clarifies the circumstances under which recipients of Old Age Pension (OAP), Aid to the Needy Disabled (AND), Aid to the Blind (AB), SSI benefits can receive state-funded adult foster care and home care allowance (HCA). The bill extends HCA to persons who are receiving OAP benefits as of 6/30/10, but eliminates home care allowances for future OAP beneficiaries who are not eligible for SSI benefits. The bill repeals language that authorizes the CDHS to make medical care payments not covered by Medicare or Medicaid for persons receiving AND or AB.	3/1/10 – House Committee on Health and Human Services Referred Amended to Appropriations

<b>SB10-068 Benefits Acquisition</b>	Boyd/Massey	<u>Colorado Works Streamlining Eligibility</u> – This bill makes a number of statutory changes aimed at streamlining eligibility requirements for the Colorado Works Program. The most notable changes: eliminate the requirement that an applicant provide verification of child immunizations as a condition of eligibility for the program; require county departments of social services to provide information concerning immunizations to all applicants; make assistance available upon verification of pregnancy instead of waiting until the sixth month; removes the asset test; removes the standards of need language and calculation for a basic assistance grant; and, require the State Board of Human Service to promulgate rules for the purpose of calculating a basic assistance grant.	3/2/10 – Introduced in the House, assigned to Health and Human Services
<b>HB10-1023 Criminal Justice</b>	Waller/Hudak	<u>Employer Liability Negligent Hiring</u> – Prohibits information regarding an employee’s criminal history from being introduced as evidence in a civil action against an employer if: the nature of the criminal history does not bear a direct relationship to the facts underlying the cause of action; a court order sealed any record of a criminal case or a pardon was issued before the occurrence of the civil action; or, the record of an arrest or charge did not result in a criminal conviction. Does not eliminate the requirement for criminal history background checks in hiring for certain employment.	3/2/10 – Senate Committee on Judiciary Referred Unamended to Senate Committee of the Whole  **This bill comes out of the Economic Opportunity and Poverty Reduction Task Force
<b>HB10-1104 Criminal Justice</b>	Looper/ Williams	<u>Veterans Treatment Court</u> – This bill allows a judicial district to establish a Veterans court. A Veterans court is to hear cases where the defendant is a veteran who also has mental health or substance abuse problems. With the recommendation of the district attorney and approval of the original court, a veteran's case may be transferred from the original jurisdiction to the Veterans court. When a veteran with a mental health or substance abuse problem is found guilty, the court has the discretion to not enter the judgment and instead place the defendant in a supervision program. Upon fulfillment of the supervision program, the charges against the defendant are dismissed and the record may be sealed.	2/26/10 – House Committee on Judiciary Referred Amended to Appropriations
<b>SB10-009 Poverty Reduction</b>	Sandoval/ Gagliardi	<u>Economic Opportunity Poverty Reduction Task Force</u> – Specifies that the duties of the Task Force include developing a relevant, fluid model for assessing progress toward reducing poverty and increasing economic opportunity in Colorado.	3/4/10 – House Committee on Health and Human Services Referred Unamended to House Committee of the Whole  **This bill comes out of the Economic Opportunity and Poverty Reduction Task Force

<b>HB10-1002 Poverty Reduction</b>	Kefalas/ Sandoval	<u>Priority of TABOR Refund Methods</u> – This bill would increase the threshold necessary to trigger a temporary income tax rate reduction as a method to refund excess state revenues by an amount equal to the threshold necessary to trigger the Earned Income Tax Credit refund.	3/2/10 – Senate Committee on Finance Referred Unamended to Senate Committee of the Whole  **This bill comes out of the Economic Opportunity and Poverty Reduction Task Force
<b>HB10-1115 Child Welfare</b>	Gagliardi/ Scheffel	<u>County Assessment of Cost Core Services</u> – This bill would allow a county Department of Social Services, in the best interest of a child, to exempt a family from responsibility for payment of the fee established for core child welfare services that are provided to that family.	2/19/10 – Introduced in the Senate, assigned to Health and Human Services
<b>HB10-1135 Child Welfare</b>	Ryden/Hudak and Newell	<u>Define Domestic Violence Child Custody</u> – Under the “Uniform Dissolution of Marriage Act,” this bill replaces the term “spouse abuse” in each occurrence with the broader term “domestic violence.” The bill defines the term “domestic violence” to align the definition closely to the broader definition of “domestic violence” in the criminal statutes.	2/24/10 – Introduced in the Senate, assigned to Judiciary
<b>HB10-1152 Civil Rights</b>	Frangas/N/A	<u>Unlawful Discriminatory Practice Disabilities</u> – This bill makes several clarifications to statutes concerning the enhanced civil rights of persons with disabilities.	2/18/10 – House Committee on Judiciary Referred Amended to Appropriations
<b>HB10-1010 Miscellaneous</b>	Ferrandino/ Morse	<u>Expand Public Private Initiatives</u> – Authorizes state agencies to enter into public-private initiative agreements with nonprofit entities to carry out state programs that are authorized and funded by appropriations. Would also establish general requirements for submitting unsolicited proposals. Sets requirements to ensure transparency and competitive bidding in the evaluation and selection of proposals.	3/1/10 – Senate Committee on State, Veterans and Military Affairs Referred Amended to Appropriations
<b>HB10-1043 Miscellaneous</b>	Apuan/ Sandoval	<u>Public Benefits Change AFDC References</u> – Prior to the Federal Welfare Reform Act (PRWORA), a family or child who was receiving welfare through Aid to Families with Dependent Children (AFDC) was automatically eligible for Medicaid. Under PRWORA, that eligibility link was ended, and eligibility became based on a person’s income and resources, independent of whether the person was participating in TANF (Colorado Works). In 1996, PRWORA required states to set the eligibility for Medicaid using the same criteria that they were using for AFDC as of July 16, 1996. This bill authorizes the Medical Services Board to adopt rules for Medicaid eligibility for families and children using the same pre-welfare reform eligibility criteria or to make adjustments in the income and resource standards as allowed under current federal law.	2/17/10 – Introduced in the Senate, assigned to Health and Human Services

<b>HB10-1280 Miscellaneous</b>	Summers/ Romer	<u>CO Nonprofit Job Growth Income Tax Credit</u> - The bill establishes the Colorado nonprofit job creation incentive tax credit for income tax years commencing on or after January 1, 2011, but before January 1, 2017. Upon approval and calculation by a nonprofit intermediary, the bill allows a taxpayer to claim a credit of 25% of any donation made to a qualified nonprofit organization that has applied to the nonprofit intermediary for the ability to solicit donations for purposes of creating nonprofit jobs. The total amount of the credits available in a calendar year is \$1 million. The bill allows the nonprofit intermediary to review the applications of nonprofit organizations and determine if the applications meet the necessary qualifications. The bill allows the credit to be carried forward for 7 years but not refunded.	2/24/10 – House Committee on Finance Referred Amended to Appropriations
<b>HB10-1200 Budget Balancing</b>	Hullingshorst/ Heath	<u>Enterprise Zone Investment Tax Credit Deferral</u> – For the 2011, 2012, and 2013 income tax years, the bill limits the amount of the credit that a taxpayer may claim to \$250,000 and requires that a taxpayer defer claiming any amount of the credit allowed that exceeds \$250,000 to the 2014 income tax year. The bill allows a taxpayer that deferred claiming any credit in excess of \$250,000 to carry forward the credit for 12 income tax years after the year the credit was originally allowed, plus one additional year for each year that the taxpayer had to defer claiming the credit in excess of \$250,000.	1/22/10 – Introduced in the House, assigned to Appropriations
<b>HB10-1319 Budget Balancing</b>	Ferrandino/ Tapia	<u>Modify Severance Tax Trust Fund LEAP Transactions</u> - For the 2010-11 and 2011-12 state fiscal years, the bill eliminates the transfers from the operational account of the Severance Tax Trust Fund to the Governor's Energy Office Low-income Energy Assistance Fund. The bill also requires the state treasurer, on the effective date of the bill, to transfer back to the operational account of the severance tax trust fund a 2009-10 state fiscal year transfer of \$1.625 million that occurred on January 4, 2010, from the operational account of the Severance Tax Trust Fund to the Department of Human Services Low-income Energy Assistance Fund for providing energy-related assistance to low-income households.	2/26/10 – Senate Third Reading Passed
<b>HB10-1320 Budget Balancing</b>	Pommer/ Tapia	<u>Use of Tobacco Tax Fiscal Emergency</u> – Pursuant to the declaration of a state fiscal emergency, for the 2009-10 fiscal year only, this bill expands the purposes for which tobacco tax revenues in the Health Care Expansion Fund and the Health Disparities Grant Program Fund may be used to include any health-related purpose and to serve populations enrolled in Children's Basic Health Plan and the Colorado Medical Assistance Program at the programs' respective levels of enrollment as of January 1, 2005.	3/3/10 – House Considered Senate Amendments – Result was to Not Concur – Request Conference Committee

<p><b>HB10-1321</b> <b>Budget</b> <b>Balancing</b></p>	<p>Pommer/ Tapia</p>	<p><u>Health Care Services Fund Moneys</u> – For the 2009-10 fiscal year, the bill appropriates \$10,390,000 from the General Fund to the Colorado Health Care Services Fund. For that fiscal year, the bill changes the allocation of moneys appropriated out of the Colorado Health Care Services Fund. The bill establishes the Primary Care Special Distribution Fund. Portions of the moneys in the fund shall be appropriated to 2 classes of clinics that received reduced funding due to moneys being transferred out of the Primary Care Fund. HCPF shall develop distribution formulas to equalize the reductions experienced by health clinics. Current law allows up to \$15 million of the money in the Primary Care Fund to be appropriated for certain health-related purposes. The bill increases this limit to \$17,790,000. The bill also transfers \$2,005,000 from the Primary Care Fund to the Fund.</p>	<p>3/3/10 – Senate Third Reading Reconsidered</p>
<p><b>HB10-1323</b> <b>Budget</b> <b>Balancing</b></p>	<p>Pommer/ Tapia</p>	<p><u>Use of Tobacco Tax Master Settlement</u> – For the 2009-10 fiscal year, this bill limits the transfer of tobacco settlement moneys to the Comprehensive Primary and Preventive Care Grant Program to the amount of moneys committed for grants on or before September 30, 2009, and transfers the remaining amount to the General Fund. For the 2010-11 fiscal year, transfers to the General Fund all of the tobacco settlement moneys annually transferred to the Comprehensive Primary and Preventive Care Grant Program. The bill reallocates the transfer of tobacco settlement moneys from the Colorado Indigent Care Program to the Children’s Basic Health Plan Trust. For the 2009-10 fiscal year, the bill transfers to the General Fund the amount of tobacco settlement moneys that would have gone to CICP.</p>	<p>2/26/10 – Senate Third Reading Passed</p>