

Axiom Strategies Inc

End of Session Report 2017

NAIOP



“A lot has been said about politics; some of it complimentary, but most of it accurate.” -Eric Idle

The First Regular Session of the Seventy-first General Assembly convened on January 11, 2017 and adjourned on May 10, 2017. Below please find a recap of the 120-day legislative session.

Enterprising the Hospital Provider Fee

After three long years, efforts to enterprise the Hospital Provider Fee (HPF) were finally realized with the passage of SB 17-267. Sens. Sonnenberg, Guzman; Reps K Becker, J Becker sponsored the Sustainability of Rural Colorado Act. In order to secure sufficient votes, lawmakers worked non-stop the last two weeks of session on a package that ensured reversal of a \$528 million cut to hospitals. By creating an enterprise authorized under Colorado law, the HPF will be deposited in a new fund entitled the “Colorado Healthcare Affordability Program”. This enterprise is intended to minimize the consequences of federal government mandates by lowering the state revenue cap by \$200 million, the amount equal to the expansion of healthcare by “Obamacare”.

Health Care Policy and Financing (HCPF) now will be required to present a detailed report on how they spend over \$45 million in administration costs. The bill also creates a 3% maximum administrative fee by HCPF to administer the funds. Extremely controversial elements of SB 17-267 were Medicaid reforms

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that include the Delivery System Reform Incentive Payment Program and the ACE Kids Act. Targeted copay increases for Medicaid patients, for outpatient services and pharmacy almost derailed negotiations, stalling the effort until the final week of the session.

Other elements of the bill creating the enterprise include protection of the Senior Homestead Property Tax Exemption by making it the first funding priority if there is a tax refund. Transportation received a boost also with \$150 million general fund dollars, which will be used to bond \$1.8 billion for transportation projects over four years. Of that, 25% is required to be spent in counties with populations of 50,000 or less and 10% goes to transit. State buildings, which have long been neglected, will receive \$120 million for capital construction/controlled maintenance. A Business Personal Property Tax Credit for small businesses, valued at \$21 million, was achieved by increasing the retail marijuana tax. Rural and small rural schools receive an additional 30 million in revenue to the State Education Fund. To sweeten the deal, each state agency-except for the Departments of Transportation and Education must submit a plan for a 2% budget reduction.

Construction Defects Reform Passes

One of the most high profile issues at the capitol this session was construction defects reform, also known as construction litigation reform. Both the Speaker of the House and the President of the Senate highlighted construction defects reform in their opening speeches, assuring anyone listening that they would work together to adopt meaningful legislation. That very day SB 17-45, the first of six construction defects related bills, was introduced by the Senate President with the Speaker as one of the prime House sponsors. SB 17-45, concerning the allocation of costs in construction defects litigation, met with widespread opposition from developers, builders and the construction industry, and ultimately never even made it to the Senate floor.

The coalition in support of construction defects reform, the Homeownership Opportunity Alliance, brought forward a bill very similar to the failed attempt at construction defect reform from 2015. SB 17-156 would have required a Homeowners Association to provide notice to condo owners and obtain consent of the majority prior to filing a construction defects lawsuit. It also essentially authorized alternative dispute resolution (ADR) to address construction defects claims. ADR was a non-started for the Speaker of the House, where SB 17-156 was destined to die. Three additional bills, SB 17-155, SB 17-157 and HB 17-1169, each failed to pass out of the chamber in which it originated. SB 17-155 attempted to define “construction defect” and SB 17-157 took a different approach to “notice and consent” that had trial lawyer support but was opposed by builders and their coalition. HB 17-1169 would have given builders the right to repair, but didn’t have a chance of passing with opposition from trial lawyers and the insurance industry and only partial support from builders.

Just when all hope was almost lost, a new “notice and consent” bill was introduced with bi-partisan sponsorship in both chambers. Nobody liked the original version of HB 17-1279, but after weeks of long, late night meetings, stakeholders finally negotiated amendment language for the bill that was, and is still being touted as a “grand” compromise. HB 17-1279 is a step in the right direction for construction defects reform. It is a baby-step, to be sure, but hope springs eternal that it will move the dial enough for insurance companies to lower their rates, allowing builders to finally, after so many years, begin once again to construct owner-occupied multi-family housing in Colorado.

Transportation Funding Legislation Fails Again

Transportation was also a popular topic, one that on its face appeared to have overwhelming bi-partisan support but once again fell short of creating a long-term sustainable funding solutions for the state's deteriorating transportation system. HB 17-1242, a bi-partisan leadership effort pushed by Speaker Duran and President Grantham received wide spread support from stakeholders including the business and environmental communities, the transportation industry, multi-model organizations, rural and metro local governments and numerous statewide organizations. The bill would have referred a robust transportation funding proposal to the ballot for a half-cent sales tax increase which would generate roughly \$677 million in new resources for state and local governments. The package would have included funding for \$3.5 billion in bonding for Tier 1 projects over the next 20 years, a large distribution (70% of the remaining funds) to city and county governments, as well as a significant allocation to new multi-modal transportation options that would have allowed for a grant program with a dollar for dollar local match. Additionally, the packaged included a repeal of the ever-controversial FASTER safety surcharge, \$150 million from the general fund and additional oversight and accountability requirements for the Department of Transportation. The bill went through several iterations and saw nearly 30 amendments before it finally passed the House on a 41-24 vote. Once in the Senate, HB 17-1242 saw another round of amendments added in Senate Transportation before eventually dying in the Senate Finance committee on a 3-2 vote. Much of the argument in the Senate surrounded around the tax increase, not enough general fund prioritization and too much allocated for multi-model projects. While efforts in the General Assembly may have stalled, there still appears to be some interest in potentially pursuing the issue this fall, and a business coalition has pulled 6 ballot titles for consideration. Additionally, the same stakeholder group that supported HB 17-1242 did support the inclusion of funding for transportation as part of the above mentioned SB 17-267, however they continue to warn that this is in no way the long-term solution.

General Business Legislation

Each session, there are multiple bills introduced that affect all businesses, regardless of industry. This year there were many competing bills introduced from opposite sides of the aisle addressing similar issues. There were also numerous so-called 'anti-business' bills brought forward.

The first bill introduced in the House this session, HB 17-1001, addressed time-off for employees to attend their child's academic activities. Another measure sought to implement paid Family and Medical Leave Act (FMLA) at the state level, HB 17-1307. "Ban the Box," a nationwide movement, was introduced in Colorado as HB 17-1305. It would prohibit employers asking about an applicant's criminal history on an application. Senate Republicans killed all three of these bills.

Regulatory reform or relief was a political football this year. Legislators on both sides of the aisle introduced competing measures designed to reduce burdens on small business. HB 17-1270, SB 17-001, SB 17-186 and SB 17-276 all addressed penalties when a small business commits a minor violation. SB 17-186 went a step further by requiring DORA to prepare analyses prior to a rule being promulgated. A sticking point proved to be what threshold of number of employees constitutes a small business. Republicans pushed the federal definition which is 500 employees or less. Democrats wanted that number much lower. All versions from the Senate were killed. HB 17-1270 was introduced with bi-partisan support but ultimately failed to progress and regulatory reform remains an outstanding issue at the Capitol.

In addition to the abundance of construction defects reform legislation, NAIOP actively advocated for or against a variety of bills this year. From TIF transparency to finally addressing the applicability of HB 1348 from 2015, urban renewal remained a hot topic. Water conservation, energy of all kinds and special districts were recurring themes, as was affordable housing and how to fund it. The long awaited passage some meaningful construction defects reform, coupled with stopping a number of pieces of unnecessary legislation made for a truly successful 2017 legislative session.

Critical Legislation

HB17-1100 (Gray) Owner Tax Obligation for District Voter Eligibility

This bill required persons in certain special districts to be obligated to pay property taxes prior to the date of property purchase in order to qualify as a voter in that district. This bill was intended to be a “fix” for the Landmark/Marin case currently before the state Supreme Court. The special district involved in that case, feeling confident about the outcome of the appeal, ultimately asked that the bill be pulled.

Position: Support

Outcome: Postponed Indefinitely

HB17-1161 (Beckman) TIF Tax Increment Financing Transparency

The bill required that urban renewal authorities (URAs) prepare a public report no later than 90 days after the end of the first fiscal year in which an urban renewal plan using tax increment financing (TIF) has been authorized, and each year thereafter. The report was required to include information on TIF revenue collected in the previous year, the taxing entities affected, how revenues were spent, projected TIF revenues for the upcoming year, and progress made on urban renewal projects. The report was also required to include an independent audit of the URA's financial status by a certified public accountant. If the audit identified that TIF revenue has been used for unauthorized purposes, the URA would be liable for the repayment of those tax revenues to the taxing entities. The bill defined eligible costs and eligible improvements for URAs, and specified that the annual public report be sent to each taxing entity via first class mail and email. The sponsor of this bill was Rep. Susan Beckman (R-Littleton). Rep. Beckman will likely attempt a similar bill during the 2018 session. HB 17-1161 died in its first committee of reference.

Position: Oppose

Outcome: Postponed Indefinitely

HB17-1167 (Leonard/T. Neville) Existing Businesses in Business Improvement District

Under current law, a municipality may include in a business improvement district (BID) geographic areas in which new businesses or new commercial development may occur, but in which no current business is located. This bill required that any area included in a BID have existing businesses. HB 17-1167 garnered widespread opposition from local governments and developers alike.

Position: Oppose

Outcome: Postponed Indefinitely

HB17-1169 (Leonard/Tate) Construction Defect Litigation Builder's Right to Repair

Under current law, before a claimant can bring suit against a builder for alleged construction defects, the claimant must notify the builder of the intent to bring suit, and allow the builder and his or her sub contractors reasonable access to the property to inspect the claimed defect. Following this inspection, the builder may offer to settle the claim with a monetary offer, or agree to remedy the claimed defect but the claimant does not have to allow the builder to remedy the claimed defect. This bill would have changed current law to give the builder the option to elect to complete a repair. Under the bill, if the builder elects to complete a repair then the claimant must provide the builder access to the property to

effectuate any repairs. If the right to repair is elected then the completion of the repairs cannot be conditioned upon the claimant releasing any claims against the builder. Thus, the change would have given the builder the opportunity to fix the claimed defects. The bill was immediately assigned to the House State Affairs committee, where it was summarily killed.

Position: *Support*

Outcome: *Postponed Indefinitely*

HB17-1273 (McKean, Hansen/Jones, Coram) Real Estate Development Demonstrate Water Conservation

This bill required that applications for real estate development permits include adequate water conservation and demand management measures to reduce water needs and prohibited local governments from approving development permits that failed to demonstrate appropriate water conservation and demand management measures. The bill was amended in the House to change most occurrences of the word “shall” to “may,” but it was still postponed indefinitely by the Senate State Affairs committee.

Position: *Oppose Unless Amended*

Outcome: *Postponed Indefinitely*

HB17-1279 (Garnett, Saine/Guzman, Tate) Construction Defect Actions Notice Vote Approval

Before an executive board of a homeowners association (HOA) can initiate a construction defect lawsuit, this bill requires that the board first (1) notify all unit owners of the HOA and the builder(s) of the development of any plans to bring a construction defect lawsuit; (2) convene a meeting for the board and the developer to present relevant facts and arguments to HOA unit owners; and (3) obtain the approval of a majority of the unit owners. The bill dictates various disclosures that must be included in the notification to HOA unit owners and construction professionals, and sets deadlines for the board to provide the notifications, convene a meeting, and collect votes for or against a construction defect lawsuit. This bill is considered by many to be a “grand compromise” on construction defects reform. Time will tell.

Position: *Monitor*

Outcome: *Passed Both Chambers*

Effective Date: *Upon Signature*

HB17-1314 (Salazar, Melton) Colorado Right to Rest Act

This bill purported to establish certain rights concerning the use of public space by people experiencing homelessness. Public space in this bill includes any property that is owned or leased by a state or local government, or any property with an easement for public use. This definition only applies to enclosed buildings during hours that building is open to the public. Rights established for the use of public space by people experiencing homelessness include the right: to move freely in public spaces; to rest, which includes sleeping in public spaces and seeking shelter from the elements in a non-obstructive manner; to eat, share, and accept food where not prohibited; to occupy a legally parked car; and to a reasonable expectation of privacy over personal property. The bill clarified that providers of services to people experiencing homelessness are not obligated to provide shelter or other services that are unavailable. For the third year in a row, this bill failed to pass through its first committee of reference in the Democrat-controlled house.

Position: *Oppose*

Outcome: *Postponed Indefinitely*

HB17-1358 (Rosenthal) Disclose Amounts Payable to Real Estate Brokers

Before the closing of a real estate transaction that includes a broker's services, the bill (better known as the “TRELORA” bill) required that the amount of any fee, commission, or other charge paid to a broker be set forth in writing and accounted for in a contract or contemporaneous document furnished to all parties. The required disclosures were to

include the identity of the parties paying compensation to a broker and the amounts payable by each party. The bill also required that whenever a broker advertises his or her services in connection with a specific property, the broker must disclose his or her fees, or the basis for calculating the fees. The bill garnered a mere two votes in its first committee of reference, and proceeded to die a bi-partisan death.

Position: *Oppose*

Outcome: *Postponed Indefinitely*

SB17-45 (A. Williams, Grantham/Wist, Duran) Construction Defect Claim Allocation of Defense Costs

In civil suits brought to court as a result of an alleged construction defect, this bill allowed an insurance company to request that the court apportion the defense costs (e.g., attorney fees) equitably among all liability insurers who have a duty to defend against the claim. The bill required that the district court set the contribution claim within 90 days after the filing of the action, and promptly resolve the case. The district court would be required to enter such orders as are necessary to hold an expedited evidentiary hearing. Following a final judgment resolving all claims, the bill authorized any insurer to apply to the district court for a final apportionment of the defense costs, and required the district court equitably to allocate defense costs among the insurers. This bill was introduced at the very beginning of the session and touted by the Senate President and House Speaker as a great bill to address construction defects reform. Stakeholders did not agree and as a result the bill spent literally months awaiting its hearing in Senate Appropriations.

Position: *Oppose*

Outcome: *Postponed Indefinitely*

SB17-85 (Zenzinger) Increase Documentary Fee & Fund Attainable Housing

Under current law, county clerk and recorder offices are authorized to collect a \$3 surcharge for each recording or filing the county receives. The bill increased the surcharge by \$4 per document, to be deposited in the newly created Statewide Attainable Housing Investment Fund (fund). The fund would be created in and administered by the CHFA. Of the moneys in the fund, up to 25 percent was required to support new or existing programs that assist households earning an income of up to 80 percent of the area median income with financing, purchasing, or rehabilitating single family homes. Programs could include those making loans to such households for specified purposes. Like HB 17-1309, the Realtors opposed this bill and ensured its failure in the Republican-controlled Senate.

Position: *Monitor*

Outcome: *Postponed Indefinitely*

SB17-86 (Fenberg) Authorize Local Government Inclusionary Housing Programs

Under current law, local governments are prohibited from enacting any ordinance or resolution that would control rent on any private residential property or housing unit. The bill attempted to clarify that this prohibition would not include ordinances or resolutions that require inclusionary housing or inclusionary zoning as a condition of obtaining approval for a development project. The bill defined inclusionary housing or inclusionary zoning as a program that requires the provision of residential units affordable to and occupied by owners or tenants whose income does not exceed a limit that is established by the ordinance or resolution. These programs could include: requiring property owner or developer to set aside a percentage of units that are affordable to households with certain incomes; offering incentives to property owners or developers for setting affordable rents; providing alternate options for a property owner or developer, such as cash-in-lieu of affordable units or dedicating land to the local government; targeting a specific income range to benefit from inclusionary programs; and specifying the time period that housing must stay affordable.

Position: *Oppose*

Outcome: *Postponed Indefinitely*

SB17-155 (Tate/Saine) Statutory Definition of Construction Defect

This bill attempted to define the term "construction defect" to mean a defect in the design or construction of any improvement to real property that causes damages to or the loss of use of personal property, or causes personal injury. The bill sponsors intended for the bill to be a placeholder in the event that stakeholders came up with a good, useful definition for "construction defect." Other construction defect legislation took priority and this bill fell between the cracks and ultimately did not move forward.

Position: Monitor

Outcome: Laid Over to May 11 (Dead)

SB17-156 (Hill/Saine, Wist) Homeowners' Association Construction Defect Lawsuit Approval Timelines

The bill would have required that a homeowners' association (HOA) use mediation or arbitration before a lawsuit could be filed in disputes involving construction defects against a development party. The bill provided as follows: If an HOA has governing documents that require mediation or arbitration at the time of construction, the HOA must adhere to that original policy in construction defect cases. The parties involved in a dispute must mutually agree upon a mediation or arbitration service provider, with preference given to a provider specified in the HOA governing documents. The bill detailed the alternative dispute resolution process. In addition to submitting to mediation or arbitration before filing a lawsuit, the bill required the HOA's executive board to send an advance notice to all unit owners that includes a general description of the claim, the relief sought, and a good-faith estimate of the benefits and risks involved in a format outlined in the bill. It also required that the HOA's executive board must obtain signed, written consent from a majority of the unit owners acknowledging that the owner has received the notice required under the bill and approves of the board's proposed action. Prior to the purchase and sale of property in an HOA, the bill required that a disclosure notice inform the purchaser that he or she is required to become a member of the HOA, and that the community bylaws may require that certain disputes be resolved by mandatory binding arbitration. The bill also added notice requirements for lawsuits initiated by HOAs in matters other than construction defect claims. Specifically, it required that the HOA provide notice to unit owners at least 30 days prior to commencement of the legal action. This is the bill that was brought forward and supported by the Homeownership Opportunity Alliance (coalition in support of construction defects reform). It passed through the Senate easily, but was sent to the House State Affairs committee, also known as the "kill" committee, where it died the day after the same committee passed HB 17-1279.

Position: Support

Outcome: Postponed Indefinitely

SB17-157 (A. Williams/Melton) Construction Defect Actions Notice Vote Approval

Before an HOA can bring a lawsuit against a developer or builder in a construction defect case, this bill required that the HOA's executive board first obtain approval from a majority of the unit owners. In seeking prior approval, the bill detailed various disclosures that must be made to unit owners, including details about the lawsuit, and its potential costs and benefits. The bill limited the amount and type of contact that a developer who is subject to the lawsuit may have with the unit owners in the HOA. Prior approval by unit owners not required for cases in which the alleged construction damages are valued under \$100,000. The Homeownership Opportunity Alliance opposed this bill, which was strikingly similar to language offered by the trial lawyers during the construction defects negotiations last year.

Position: Oppose

Outcome: Postponed Indefinitely

SB17-215 (Priola/Gray) Sunset Licensed Real Estate Brokers & Subdivision Developers

This bill continues the regulation of real estate brokers and subdivision developers by the Real Estate Commission (commission) in the Department of Regulatory Agencies (DORA) for nine years until September 1, 2026, and implements recommendations from the 2016 DORA sunset review of the Division of Real Estate. Among its many changes, the bill: creates a license endorsement for real estate brokers who also act as property managers, conditioned on prescribed education and requiring a financial surety; requires the commission to adopt rules for the number of transactions that must be completed by a real estate broker that employs other brokers; consolidates several cash funds used by the Division of Real Estate into a single cash fund; and modifies the composition of the commission to require that one of the three broker members have experience with and actively practice property management. As introduced, SB17-215 required a new property manager “endorsement” that was recommended in the Sunset report from the Department of Regulatory Agencies. NAIOP and the Apartment Association joined other stakeholders in opposing this provision and ensured that it was amended out of the bill.

Position: Oppose Unless Amended

Outcome: Sent to Governor

Effective Date: June 30, 2017

SB17-271 (Cooke/Pabon) Investor-owned Utility Cost Recovery Transparency

This bill, as amended, requires the Colorado Public Utilities Commission (PUC) to evaluate investor-owned utilities' current service extension policies for serving new load applications through a non-adjudicatory proceeding, with exceptions for gas-only utilities. During the proceeding, which must take place by February 2018, the PUC is required to consider certain general load extension procedures, equitable allocation of costs, and variables that affect time lines. Within 90 days after the conclusion of the proceeding, the PUC may promulgate rules related to the findings.

Position: Support

Outcome: Passed Both Chambers

Effective Date: August 9, 2017

SB17-279 (Martinez Humenik, Zenzinger/Gray, Beckman) Applicability Recent Urban Renewal Legislation

This bill makes technical adjustments and clarifies recent legislation concerning urban renewal authorities (URAs), urban renewal plans, and provisions for sharing tax increment financing (TIF) among affected taxing entities. Specifically, this bill: further defines and clarifies when a change to an urban renewal plan is to be considered a substantial change; requires that a URA provide 30 days notice to all taxing entities within the renewal area before taking formal action to approve a substantial change to a renewal plan; permits any taxing authority in the urban renewal area to file an action requiring a district court to determine if the modification fits the definition of a substantial change; allows the district court to enjoin any action of a URA until the court determines if the requested modifications amount to a substantial change; and provides a 45 day period in which a taxing entity can petition a district court to enjoin an activity of a URA, including issuing bonds, incurring financial obligations, or pledging revenue. Finally, the bill clarifies that the modifications and clarifications to laws governing URAs and TIF, both in this bill and in related legislation adopted in 2015 and 2016, are applicable to URAs created on or after January 1, 2016, and to modifications of an urban renewal plan where the modification is approved on or after January 1, 2016. This bill passed through both chambers quickly and easily, with the support of all impacted stakeholders, including municipalities, counties, special districts, developers and more.

Position: Support

Outcome: Passed Both Chambers

Effective Date: Upon Signature

SB17-285 (Grantham/Lawrence, K.C. Becker) Downtown Development Authorities Fairness Act

This bill would have made the provisions of HB 15-1348 apply to Downtown Development Authorities. Requirements included: If any development plan managed by a DDA includes the use of tax increment financing (TIF), the DDA's board of directors must include representatives from the counties, school districts, and special districts whose property

taxes are subject to allocation under the DDA plan. Before a DDA may implement a plan of development that includes the allocation of tax revenue from taxing entities other than the municipality, the DDA is required to notify the governing boards of the entities whose property tax increment will be allocated. The taxing entities, the DDA, and the municipality are then required to meet and attempt to negotiate an inter-governmental agreement (IGA) governing the sharing of incremental property tax revenue. If the parties are unable to negotiate an IGA within 120 days, the bill requires that the parties participate in mediation. The mediation must be conducted by a jointly agreed upon mediator, or if no agreement can be reached, by separate mediators selected by each taxing entity. Within 90 days the mediator(s) must issue findings of fact, and the municipality must either incorporate the findings into the DDA plan and the IGA, amend the plan to exclude the taxing entity's incremental revenue, or enter into new negotiations with the taxing entities. The bill prohibits any property tax increment from being credited to the DDA unless the municipality and DDA have satisfied the bill's negotiation and mediation requirements. Opponents explained to the Senate Finance committee the distinctions between DDAs and URAs and successfully convinced a majority to kill the bill.

Position: Oppose

Outcome: Postponed Indefinitely

Monitored Legislation***HB 17-1008 (Arndt/Sonnenberg) Graywater Regulation Exemption For Scientific Research***

Under current law, the Water Quality Control Commission (commission) in the Colorado Department of Public Health and Environment (CDPHE) adopts rules concerning water quality. One set of rules has been adopted for the control and use of graywater. Graywater refers to wastewater that, prior to being treated or combined with other wastewater, is collected from certain fixtures within residential, commercial, or industrial buildings for a beneficial use. This bill, recommended by the Water Resources Review Committee, authorizes the use of graywater for scientific research involving human subjects, and sets minimum requirements for conducting such research. Research must be conducted on behalf of an educational institution. Graywater research conducted pursuant to this bill's authority need not comply with the commission's water quality control regulations.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1016 (Saine, Gray/Martinez Humenik, Zenzinger) Exclude Value Mineral Resource Tax Increment Financing Division

The bill allows the governing body of a municipality to exclude the valuation of mineral extraction from the calculation of the tax increment financing (TIF) of an urban renewal authority (URA). If a municipality elects to exclude this value, property taxes collected on mineral extraction in the URA are distributed to each taxing authority as if the approved urban renewal plan is not in effect.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1019 (Valdez/Coram) Property Tax Redemption Third Party Costs

This bill allows county treasurers to any amount paid to third parties associated with processing a deed when private property is sold to capture delinquent property taxes.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1026 (Singer/Jones) Reverse Mortgage Repayment When Home Uninhabitable

A reverse mortgage provides a cash advance to the borrower based on the equity in the borrower's primary residence. Under current law, the borrower must repay the advance if he or she does not occupy the home as their primary residence, with exceptions for temporary absences of up to 60 days or, if the property is adequately secured, up to one year. The bill, recommended by the Wildfire Matters Review Committee (committee), required that, in 2017, the committee examine related to exceptions to the primary residence requirement for borrowers who are temporarily unable to occupy their home due to a natural disaster or an incident beyond the borrower's control that makes the home uninhabitable.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1030 (J. Becker, K. Becker, Arndt/Sonnenberg, Baumgardner) Update 1921 Irrigation District Law

This bill, recommended by the Water Resources Review Committee, updates the 1921 Irrigation District Act as follows:

- increases the compensation for board members and election judges from \$10 to \$100 per day and allows future increases to be decided in a district election;
- clarifies the definitions of agricultural land and landowner and specifies that the unit of voting power is one acre of land within an existing or proposed new district;
- allows an irrigation district to lease its surplus water for all beneficial uses;
- clarifies how irrigation district assessments are to be collected and held by district treasurers;
- eliminates the bonding requirement for district board members; and
- modernizes election procedures, and procedures for selling surplus property.

The bill also increases the amount of a contract or an eminent domain proceeding that requires voter ratification in a district election from \$20,000 to \$500,000. Beginning July 1, 2022, and each July 1 every five years thereafter, the bill allows the district board to adjust the dollar amounts based on the percentage change over the previous five-year period in the consumer price index for Denver-Boulder-Greeley. Finally, the powers conferred by this bill are cumulative and in addition to all other powers conferred to irrigation districts under state law.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1035 (Jackson/Cooke) Sex Assault And Stalking Victims May Break Leases

This bill allows victims of unlawful sexual behavior or stalking to vacate a residential lease due to fear or imminent danger under the same conditions that current law provides to victims of domestic violence or abuse. The bill prohibits a residential lease from penalizing a tenant for emergency calls in response to a situation involving unlawful sexual behavior or stalking. It also provides that is not tenant misconduct if the tenant is a victim of and the property damage is a result of unlawful sexual behavior or stalking, and the victim provides evidence to the landlord. The bill specifies that the acceptable documentation a tenant may provide to a landlord as evidence of unlawful sexual behavior, stalking, domestic abuse, or domestic violence includes a recent police report, valid protection order, or a statement from an application

assistant from the Address Confidentiality Program who has consulted with the victim. Tenants who are victims of unlawful sexual behavior, domestic abuse, or domestic violence may also provide a statement from a medical professional to a landlord. In addition, the bill specifies that if a tenant notifies a landlord that the tenant is a victim of unlawful sexual behavior, stalking, domestic violence, or domestic abuse, or terminates a lease as a result of being a victim of the specified crimes and provides the landlord with his or her new address, the landlord may not disclose the fact that the tenant is a victim of the specified crimes, or the tenant's new address, unless required to do so by law, or the victim consents.

Position: Monitor

Outcome: Sent to Governor

Effective Date: Upon Signature

HB 17-1037 (Everett/Marble) Deadly Force Against An Intruder At A Business

This bill added a place of business to the locations that may be defended with deadly physical force if an owner, manager, or employee reasonably believes that the intruder is committing, has committed, or intends to commit a crime other than the unlawful entry and that the intruder might use physical force against the occupant. The bill specified that an owner, manager, or employee of a business is immune from criminal prosecution and civil liability for defending a place of business using deadly physical force.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1049 (Thurlow, Gray/Coram) Eliminate Property Tax Abatement Refund Interest

Under current law interest accrues from the point that erroneous taxes are paid, which can be up to two years before an abatement petition is filed. As amended by the House Finance Committee, the bill reduces the time that interest accrues by calculating interest based on when the petition is filed.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1063 (Leonard/T. Neville, Crowder) Reduce Business Personal Property Taxes

This bill created a \$50,000 business personal property tax exemption starting in 2017. The exemption applied to all personal property taxpayers including state assessed utilities. Under current law, there is a \$7,300 threshold so businesses with personal property totaling less than \$7,300 in actual value do not report personal property value to counties. Beginning in 2019, the \$50,000 exemption amount is adjusted for inflation every two years.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1065 (Lewis/Marble) Clarify Requirements Formation Metropolitan District

Under current law, no tract of land that is 40 acres or greater, and is used primarily and zoned for agricultural uses, may be included in any park and recreation district without the written consent of the land's owners. This bill expands this limitation to include tracts of land within any special metropolitan district that provides parks or recreational facilities and programs. The bill clarifies that only those signatures collected after a governing bodies' approval of a special district service plan may be considered by a district court to determine if the required number of eligible voters in a proposed special district have signed the petition for organization.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1066 (J. Becker, Lewis) Conservation Easement Tax Credit Landowner Relief

Under current law, taxpayers may claim a state income tax credit for a portion of the value of a perpetual conservation easement that the taxpayer donates. If the executive director of the Department of Revenue (DOR) disputes the claim of the credit, current law sets forth procedures for resolving the claim administratively, or through an appeal process in the courts, at the taxpayers discretion. Taxpayers who choose resolution through the courts are not required to post a surety bond, and no interest or penalties accrue while the matter is on appeal. Taxpayers choosing resolution through DOR's administrative process are required to post a surety bond and deposit while the matter is being considered. This bill removed the requirement for taxpayers using the DOR administrative process to post any surety or deposit, and no additional interest may accrue until the DOR makes a final determination. Current law allows a conservation easement to be terminated in the same manner as any other easement. This bill also allowed the courts to terminate a conservation easement if: the state rejects the claim; the easement has been appraised as having no or only nominal value; and, the holder of the easement either provided no compensation or has been reimbursed in whole or in part for any compensation the holder did provide.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1067 (Thurlow/Kerr) Update National Standards Citations Accessible Housing

This bill, recommended by the Statutory Revision Committee, amends references to a building standard, promulgated by the American National Standards Institute, that governs construction of accessible housing.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1068 (Benavidez/Moreno) Prevailing Wages For CDOT Colorado Department Of Transportation Public-Private Initiatives

The Colorado Department of Transportation (CDOT) is currently authorized to enter into public-private partnerships for transportation infrastructure projects. Under the bill, CDOT may have only considered public-private partnership proposals that anticipate using federal moneys if such proposals meet or exceed the requirements of the federal Davis Bacon Act.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1095 (Melton/Kagan) Service Of Process To Secured Dwellings

This bill authorized and provided guidelines for licensed private investigators to enter a common interest community for the purpose of serving process if the community is staffed by one or more security personnel. Licensed private investigators allowed access to such communities are prohibited from using this access to perform investigative duties. Common interest communities not staffed by security personnel and property managers of multi-unit residential communities that restrict access to the community are required to adopt and implement procedures allowing for the service of process in the community. Homeowner association or community association managers and landlords are not civilly liable for any damage caused by a process server, unless the damages are attributable to negligence or omission by the manager or landlord.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1159 (J. Becker/Cooke) Remedies For Forcible Entry And Detainer

This bill added to the definition of "forcible detainer" the act of preventing an owner or person authorized by the owner from accessing or possessing his or her property by locking or changing the lock on the property. It allowed plaintiffs alleging an act of forcible entry or detainer to seek a temporary, mandatory injunction ordering that the property be returned to them. The bill created two new crimes: unlawful occupancy and unlawful reentry. A person committed unlawful occupancy if he or she forcibly enters an uninhabited or vacant dwelling knowing he or she is unauthorized to do so, with the intention of taking up residence or providing the dwelling as a residence for someone else. Unlawful occupancy is a class 1 misdemeanor. For a second or subsequent offense, the maximum fine is increased to \$25,000. A person commits unlawful reentry if, knowing that the owner recovered possession of the property in a civil action, he or she reenters the property without authorization or permission. Unlawful reentry is a class 1 misdemeanor, except that the maximum fine is increased to \$25,000.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1166 (Navarro/Grantham) Access Between Highways And Adjoining Businesses

Under current law, CDOT and local governments are authorized to regulate vehicular access to any state highway under their jurisdiction in order to protect the public health, safety, and welfare; maintain smooth traffic flow; maintain highway right-of-way drainage; and to protect the functional level of public highways. This authorization is codified in the State Highway Access Code, as adopted by the Transportation Commission. The bill added to the list of regulatory authority: convenience, and the provision of reasonable access to and from public highways and adjoining businesses. As such, if CDOT or a local government denies a reasonable access variance to or from a business adjoining a divided state highway, the denial may amount to a taking under eminent domain law requiring just compensation as determined by the courts.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1170 (Kennedy) State Housing Board Rules Eliminate Double Inspections

The bill required the state housing board to work cooperatively with the Colorado housing and finance authority to promulgate rules that will result in the reduction of duplicative inspections required by low-income housing programs.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1198 (Gray/Gardner) Increasing Special District Board To Seven Members

This bill allows a special district with a five member board of directors (board) to increase to seven board members. To increase the special district board to seven members, the board must hold a public meeting and adopt a resolution. The adopted resolution must then be filed with the county or municipality that approved the special district's service plan which has 45 days to notify the special district board if the board member increase is considered to be a material modification to the service plan. If the special district board is not notified by the county or municipality within 45 days, the board can then file the resolution with the clerk of the district court for an order establishing the number of board members. This court order must be filed with the county clerk. The bill also specifies the process for filling the two additional board positions. Any special district that increases to seven board members is not allowed to decrease the board to five members.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

HB 17-1227 (Winter, Lawrence/Fenberg, Priola) Electric Demand-Side Management Program Extension

To promote demand-side management, the Colorado Public Utilities Commission (PUC) was required in 2007 to establish goals for Colorado investor-owned electric utilities to achieve by 2018 a 5 percent reduction relative to 2006 levels in the utility's: retail system peak demand, measured in megawatts; and retail energy sales, measured in megawatt-hours. This bill extends these demand-side management programs to 2028. The bill also requires the PUC to set new goals for demand-side management programs implemented between 2019 and 2028 of a 5 percent reduction in peak demand and energy sales relative to 2018 levels. The PUC has the discretion to establish interim goals or revise goals.

Position: Monitor

Outcome: Passed Both Chambers

Effective Date: August 9, 2017

HB 17-1232 (Danielson/Priola) Public Utilities Alternative Fuel Motor Vehicles

The bill allowed public utilities to provide motor vehicle charging or alternative fueling facilities as regulated or unregulated services following standards outlined in the bill. The investment costs for these facilities may be recovered from the utility's ratepayers.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1233 (Arndt/Crowder) Protect Water Historical Consumptive Use Analysis

Under current law, if the owner of a water right brings an action to water court to change the amount of water the owner may use, the amount of water that can be changed is limited to the historical consumptive use of water under the water right. Water usage that results from participation in a government-sponsored water conservation program is not considered in determining the historical consumptive use in water divisions 4, 5, or 6. The bill applies this rule statewide to include water divisions 1, 2, 3, and 7. The bill clarifies that water conservation projects include pilot projects, and that the applicable government-sponsored program approved by a state agency are limited to those with explicit statutory jurisdiction over water conservation or water rights.

Position: Monitor

Outcome: Sent to Governor

Effective Date: Upon Signature

HB17-1242 (Duran, Mitch-Bush/Grantham, Baumgardner) New Transportation Infrastructure Funding Revenue

The bill would have required a ballot question to be submitted to the voters of the state at the November 2017 statewide election that seeks approval for the state to temporarily impose additional state sales and use taxes for 20 years beginning January 1, 2018, and to issue up to a specified amount of transportation revenue anticipation notes (TRANs) for the purpose of funding specified state transportation projects. The bill would have allocated \$375 million of the new sales and use tax revenue annually and all TRANs proceeds to the state highway fund for use by the department of transportation (CDOT) to repay the TRANs and to fund qualified federal aid transportation projects, including multimodal capital projects, that are designated for tier 1 funding. Of the remaining new revenue, 70% would have been allocated to counties and municipalities in equal total amounts; and the remaining to 30% to a multimodal transportation options fund.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1256 (Foote/Jones, Aguilar) Oil And Gas Facilities Distance From School Property

Current rules adopted by the Colorado Oil and Gas Conservation Commission in the Department of Natural Resources require that new sites for oil and gas operations be located at least 1,000 feet from school buildings and other high

occupancy buildings. This bill required that the minimum setback distance apply to the school property line, and not the school building. The setback requirement is applied to public schools, private schools, and child care centers. The bill also clarified that setback requirements do not apply if a school begins operations near oil and gas facilities that are already permitted or in use.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1289 (Hansen, Valdez/Coram, Crowder) State Engineer Rules Historical Consumptive Use

Under current law, if the owner of a water right brings an action to change the amount of water the owner may use, the amount of water that can be changed is limited to the historical consumptive use of water under the right. This bill directs the State Engineer in the Department of Natural Resources to adopt rules taking into account local conditions that an applicant can use to calculate the historical consumptive use of a water right. The use of the methodology, approach, or local factors developed by the State Engineer is voluntary, and the resulting calculation of historical consumptive use carries no presumptive effect in the determination by the State Engineer, water referee, or water judge.

Position: Monitor

Outcome: Passed Both Chambers

Effective Date: August 9, 2017

HB 17-1297 (Gray/Gardner) Special District Meeting Compensation

Under current law, special district directors (board members) may receive compensation not to exceed \$100 per meeting and \$1,600 per year. This bill increases special district board member compensation to \$2,400 per year for terms commencing after January 1, 2018. The bill also expands the definition of special meetings to include study sessions at which a quorum must be present, public notice has been given, and in which information is presented but no official action is taken by the board.

Position: Monitor

Outcome: Passed

Effective Date: August 9, 2017

HB 17-1305 (Foote, Melton/Guzman) Limits On Job Applicant Criminal History Inquiries

This bill, also known as “ban the box,” prohibited an employer from stating in a job posting or on any form of application that a person with a criminal history may not apply or from inquiring into or requiring disclosure of an applicant's criminal history on an initial application. These rules did not apply if an employer is advertising a position that federal, state, or local law prohibited individuals with specific criminal convictions from holding. The bill also exempted any employer hiring as part of a program to encourage the employment of people with criminal histories. An employer may have obtained a criminal background report during any stage of the hiring process. Under the bill, an employer who violates the law is subject to an order requiring compliance within 30 days and the following penalties: for a first violation: a warning; for a second violation: a civil penalty of up to \$500 for employers with 14 or fewer employees and \$1,000 for employers with more than 14 employees; and for a third or subsequent violation: a civil penalty of up to \$1,000 for employers with 14 or fewer employees and \$2,500 for employers with more than 14 employees.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1309 (Winter, Jackson/Guzman, Coram)

Under current law, when the total amount paid by the purchaser on a real property transaction exceeds \$500, the county clerk and recorder collects a one cent documentary fee for each \$100 of the amount paid for the recording of a real estate

deed or other documents. The bill increased the documentary fee to two cents per \$100 and required 50 percent of the fees generated to be used as prescribed by current law and 50 percent to be deposited in the newly created Statewide Affordable Housing Investment Fund (fund), administered by CHFA. The bill specified that moneys in the fund, as allocated by CHFA, must be used for new or existing programs that: facilitate the construction or rehabilitation of residential affordable housing units; and provide financial assistance to a nonprofit or political subdivision that make loans to households for the financing, purchase, or rehabilitation of residential housing. The bill defined affordable housing as housing that is affordable for households with an income that is up to 80 percent of the area median income for rental occupancy and up to 110 percent for home ownership. It also specified that a portion of the funds be used for programs that serve counties with a population of 175,000 or less. HB 17-1309 was supported by many, including local governments and housing providers. However, it was opposed by the Realtors and therefore made it through the House easily but was killed by the Senate State Affairs committee during the final days of the session.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1311 (Michaelson Jenet, Weissman/A. Williams) Seller's Disclosure Estimated Future Property Tax

The bill required a seller of a newly constructed residential property to disclose an estimate of future property taxes to the buyer. Beginning January 1, 2018, the seller must use the residential assessment rate from the prior year, the sale price of the property, and mills from the previous year unless the seller knows that they will change to estimate future property taxes.

Position: Monitor

Outcome: Postponed Indefinitely

HB 17-1363 (Hansen/Martinez Humenik) Exempt New Energy Requirement If Not Subordinate Lien

Under current law, property owners that participate in the Colorado Property Assessed Clean Energy (PACE) program must inform title insurance companies of the new assessment. The New Energy Impact District (NEID), which manages the program must hold a hearing to notify lien holders of the special assessment. The bill exempts property owners from the title commitment and hearing requirements if the owner is not seeking to subordinate the priority of existing liens when using the PACE program.

Position: Monitor

Outcome: Passed Both Chambers

Effective Date: August 9, 2017

HB 17-1364 (Arndt, Hansen) Authority Local Government Master Plan Include Water Plan Goal

Under current law, local governments and other public water suppliers are required to adopt a water use master plan to encourage the efficient use of publicly supplied water among consumers. These water plans are then incorporated into county and municipal master development plans. If a local government's master plan includes a water element, this bill required that the element include water conservation policies, which may include goals specified in the state water plan, and may also include policies to implement water conservation and other state water plan goals as a condition of development approvals, including subdivisions, planned unit developments, special use permits, and zoning changes.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-009 (Crowder/Leonard) Business Personal Property Tax Exemption

As amended by the Senate Finance Committee, this bill expanded the exemption for business personal property from \$7,300 to \$10,000 in 2017 and 2018. The exemption is adjusted for inflation every two years.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-036 (Scott, Coram/J. Becker, Arndt) Appellate Process Concerning Groundwater Decisions

The bill limits the evidence that may be considered when appealing a decision by the Ground Water Commission (commission) or state engineer to a district court. The only evidence a district court may consider on appeal of a decision regarding groundwater is that which was presented to the commission or state engineer in an administrative proceeding. The district court will review the same evidence de novo (anew). If the district court determines that evidence was wrongly excluded from the administrative hearing, the district court may take and consider the wrongly excluded evidence.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

SB 17-038 (Todd) Registration Home Inspectors

The bill prohibited practicing, advertising, or representing oneself as a home inspector without first registering with the Division of Professions and Occupations in the Department of Regulatory Agencies. A home inspector is defined as someone who conducts a limited visual survey of the components of a residential building, including heating, cooling, plumbing, electrical, and structural systems, as well as the foundation and roof. The definition did not include HVAC technicians, roofing contractors, government code inspectors, industrial hygienists, or anyone registered, certified, or licensed by the state.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-049 (Gardner/Lundeen) Exempt Drains Designated Groundwater Requirements

The bill exempted a drain or system of drains from requiring a well permit and replacement plan if the drain collects and removes groundwater from soil in a residential, commercial, or industrial development, or utility lines installed to serve such a development if the following conditions are met: the drain does not penetrate a confining layer; the removed groundwater is not put to any use other than collecting and removing from soils; and the removed groundwater is discharged where the drain is located within the same designated groundwater basin.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-078 (Gardner/Van Winkle, Melton) Residential Storage Condo Unit Property Taxation

This bill treated storage units as residential property for property tax purposes if: the unit is owned as an individual condominium unit; its owner stores items related to the owner's residence; the unit is not used for storage related to a business; and

the owner submits an affidavit to the county assessor that the conditions are met.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-082 (Lambert/Lundeen) Regulation Of Methadone Treatment Facilities

The bill required the owner or chief executive officer of an addiction program seeking a license to compound, administer, or dispense a controlled substance to have a fingerprint-based criminal history background check conducted by the Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI) when applying for an initial

license. The fingerprints and background check request were submitted through the Department of Human Service (DHS) and the fee for the background check must be paid by the applicant to the CBI in the Department of Public Safety. In addition, the bill required applicants to disclose information to the DHS about any regulatory action taken against the applicant for an addiction program that it operates that is licensed or regulated in another state. The DHS must post information on its website about licensed addiction programs, including their locations, hours of operation, and contact information. The DHS must also report certain information about licensed addiction programs to the Joint Budget Committee and the Health and Human Services committees of the General Assembly by January 1, 2019.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-089 (Fenberg) Allow Electric Utility Customers Install Energy Storage Equipment

The bill required the Colorado Public Utilities Commission (PUC) in the Department of Regulatory Agencies (DORA) to adopt rules governing the installation and use of electricity storage systems by residential and small commercial customers of utilities regulated by the PUC. The bill also created certain requirements related to utility interconnection, approval, and charges. Utility employees who do not substantially comply with PUC rules governing electricity storage systems commit a Class 2 misdemeanor.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-097 (Martinez Humenik/Coleman) Vacated Alleys Presume Included In All Deeds

Under current law, a conveyance by warranty deed carries the presumption that a grantor's interest in an adjoining right-of-way is included with the property being conveyed unless expressly excluded. The bill broadens this presumption to include all forms of deeds, leases, mortgages, and other liens.

Position: Monitor

Outcome: Governor Signed

Effective Date: August 9, 2017

SB 17-105 (Garcia/K. Becker, Esgar) Consumer Right To Know Electric Utility Charges

The bill requires investor-owned electric utilities (i.e. Xcel Energy and Black Hills Energy) to provide comprehensive billing statements, as set forth in the bill, to their customers. Beginning January 1, 2018, on a schedule determined by the Public Utilities Commission, utilities must submit a new billing statement format for review by the commission, and again whenever a change is made. The commission must review a filing within 30 days and, if it determines the filing does not meet the criteria set forth in the bill, it may require a utility to resubmit a filing within 60 days. The commission may, however, extend this deadline upon request.

Position: Monitor

Outcome: Sent to Governor

Effective Date: Upon Signature

SB 17-130 (Priola/Lawrence, Covarrubias) Sprinkler Fitter Registration Minimum Experience Requirements

The bill reduced the number of practical work experience hours required to become a registered sprinkler fitter with the Division of Fire Prevention and Control in the Department of Public Safety to a level similar to what is required for a journeyman plumber, from 8,000 hours to 6,800 hours.

Position: Monitor

Outcome: Postponed Indefinitely

SB 17-132 – (Gardner/Wist, Melton) Revised Uniform Law On Notarial Acts

This bill repeals current state laws regulating notaries public, and enacts the national Uniform Law Commission's (ULC) Revised Uniform Law on Notarial Acts, as amended by the ULC in 2016. The bill modernizes notary responsibilities and electronic recording processes; seeks to promote uniformity among state laws regarding notarial acts; allows the recognition of notarial acts from other jurisdictions; makes minor changes to the penalties related to notary misconduct; and allows a notary to leave his or her journal with their employer instead of retaining it or sending it to state archives. The bill also postpones the sunset review of notaries law from July 1, 2018, to September 1, 2023.

Position: Monitor

Outcome: Sent to Governor

Effective Date: August 9, 2017

SB 17-282 (Sonnenberg/Esgar, McKean) Dedicate Reservoir Release Environmental Purposes

This bill created a process by which a storage water right owner may obtain a water court decree authorizing releases to be delivered downstream for decreed beneficial uses by the Colorado Water Conservation Board. The releases may be used in the intervening stream reach to preserve or improve the natural environment, if certain conditions are met.

Position: Monitor

Outcome: Postponed Indefinitely

SCR17-002 (Kefalas) Real Estate Transfer Tax for Affordable Housing

This concurrent resolution refers a constitutional amendment to voters in the November 2017 election to approve a new 0.1 percent transfer tax on the sale of real property beginning in 2019. New revenue from the tax is dedicated to affordable housing. The new tax is collected by the County Clerk and Recorder when a deed is recorded. Counties may retain up to 5 percent of the new tax, with remaining revenue deposited in the state Housing Investment Trust Fund to be administered by the Division of Housing within the Department of Local Affairs. These funds must be spent on affordable housing, defined as housing that is affordable to households with 60 percent of area median income or less. At least 30 percent of funds are required to support affordable housing for households with 30 percent of area median income or less.

Position: Monitor

Outcome: Postponed Indefinitely