

2020 LEGISLATIVE REPORT

Colorado Coalition for the Homeless



INTRODUCTION

Like much of the world in recent months, Colorado's 2020 legislative session was anything but ordinary. While the General Assembly is constitutionally obligated to meet for 120 days, convening in January and adjourning in May, concerns around COVID-19 forced the state's governing body to recess for more than two months beginning on March 14. Following the Colorado Supreme Court's decision to allow the 120 days to be utilized nonconsecutively under Joint Rule 44(g), the legislature reconvened on May 26. The hiatus allowed legislators to take the necessary time to address the COVID-19 crisis in their own communities, but the legislative work continued remotely. In total, the legislature met for 84 days. The fallout from the pandemic created a budget deficit greater than during the height of the Great Recession, and legislators and advocates worked hurriedly to develop short and long-term policy solutions to protect residents while also moving forward priorities from before the pandemic. Because of the truncated timeline and emerging needs and constraints related to the virus, only 335 of the 651 introduced bills passed (51%), compared to 460 of 598 (77%) in 2019.

Despite the unusual circumstances, Colorado Coalition for the Homeless' (the Coalition, CCH) Education and Advocacy (E&A) team, as well as other staff and clients who engaged in the legislative process this year, were leading voices on homelessness, housing funding, renters' protections, health and healthcare, substance use disorders (SUD), and economic justice. Thanks also to the tireless work of CCH's contract lobbyists at Mendez Consulting, the Coalition was able to move the needle on many issues touching homelessness.

The Coalition engaged actively on 29 bills, 28 of which were introduced and 26 of which proposed unique policies. Of these, 20 resulted in favorable outcomes. E&A helped shape the policy process through drafting language, participating in stakeholder convenings, engaging in direct lobbying, giving testimony, sending action alerts to the Coalition's network of over 18 thousand individuals, writing letters, and generating support on social media. The Coalition's success this year was due, in no small part, to the staff, clients, and community members who sent nearly one thousand messages to legislators in support of the organization's priorities. In partnership with other members of the All Families Deserve a Chance (AFDC) Coalition, CCH also hosted its third annual lobby day. More than 120 people attended, including staff and clients.

PRIORITIES

Priorities going into the 2020 legislative session:

- Protecting affordable housing funding established in 2019;
- Expanding access to homeless services funding statewide;
- Strengthening tenants' protections;
- Defending the rights of unhoused Coloradans;
- Expanding access to health care services and coverage for the most vulnerable Coloradans;
- Increasing access to public benefits that support people living with disabilities and low to no assets; and
- Addressing Colorado's opioid crisis through harm reduction and connecting those facing substance use disorders with housing and supportive services.

BUDGET

The economic fallout from COVID-19 was catastrophic, sinking Colorado into a more than \$3 billion deficit. The Joint Budget Committee (JBC) was forced to make devastating cuts to valuable programs. Fortunately, the state received \$1.67 billion in federal CARES Act dollars. Although these dollars could not be used to backfill Colorado's massive budget shortfall, they were able to help meet the state's immediate needs. Governor Polis directed roughly half of the funding to the state's K-12 schools, colleges, and universities, and gave the

General Assembly authority to allocate \$70 million to COVID-19 recovery efforts. Among other priorities, the legislature allocated this funding to emergency rent assistance, eviction legal defense, utilities assistance, telehealth, public health initiatives, and small businesses.

Of course, the effects of COVID-19 will ripple through the years to come. The state anticipates a more than \$5 billion deficit in 2021 which means more cuts without the promise of federal aid. CCH will remain committed to protecting the programs and funding streams that support Colorado's most vulnerable residents.

HOMELESSNESS

This year, there were a number of proactive efforts to address the growing homelessness crisis in Colorado. CCH was a key stakeholder on a bill (**HB20-1335; Rep. Melton, Sen. Winter**) that would have created the Homeless Contribution Tax Credit (HCTC). The HCTC was a reimagining of the existing Enterprise Zone (EZ) credit, making it available statewide and aligning it with the state's housing priorities. Like the EZ credit, the HCTC would have offered a 25% credit (30% in rural communities) for contributions to community-based, nonprofit organizations that provide housing and services to individuals and families experiencing homelessness. Because of the bill's high price tag and the devastating downturn in the economy as a result of COVID-19, the bill was withdrawn by the sponsors. The Coalition and other stakeholders plan to revisit this policy proposal in future years and work with community members to possibly pursue a more ambitious approach to increasing resources available for homeless prevention and services.

As in years before, the Coalition supported the grassroots efforts of Denver Homeless Out Loud and individuals experiencing homelessness to advance a bill that would protect the rights of people experiencing homelessness. This year's attempt came on the heels of the December 27, 2019 ruling that the Denver camping ban violates the Eighth Amendment which protects against cruel and unusual punishment. **HB20-1233 (Rep. Melton, Rep. Benavidez)** would have prohibited government entities from restricting any person from conducting basic life functions in a public space unless the respective government entity can offer alternative adequate shelter and would have allowed sleeping in a legally parked car. The bill failed with "No" votes on both sides of the aisle, several describing a dire need for additional funding and resources to address homelessness in their communities. CCH believes existing in public space is not a criminal act and will continue working to strengthen policies and resources that allow people to achieve and maintain housing stability, rather than take punitive action against people experiencing homelessness simply for existing in public space.

HOUSING

Despite the fiscal hurdles facing the JBC, the Coalition worked to ensure that the [funding appropriated](#) for housing development and services in 2019 was preserved. Funding established through HB19-1245 was maintained, although revenue generated by the change in the vendor fee is expected to be less than originally projected (nearly \$50 million annually beginning in year three and \$8M per year in the first two years) due to diminished retail sales during COVID-19. Funding established by HB19-1332 was delayed by two years but not eliminated. Under **HB20-1370 (Rep. Esgar, Rep. McCluskie, Sen. Moreno, Sen. Rankin)**, an annual transfer of \$30 million will be made from the Unclaimed Property Trust Fund to the Division of Housing from state Fiscal Year 2022-2023 through 2024-25.

The Coalition also provided advocacy support on a bill (**HB20-1035; Rep. Singer, Sen. Fields**) that came out of the Legislative Oversight Committee Concerning the Treatment of Persons With Mental Health Disorders in the Criminal and Juvenile Justice Systems. The bill would have established and expanded programs within the Division of Housing to build the capacity of communities across the state – particularly rural and frontier communities – to administer supportive housing services to individuals with behavioral, mental health, or substance use disorders who are currently or at risk of experiencing homelessness and who have had contact with the criminal or juvenile justice system. The bill would have offered: education and training for local governments and community organizations with local hands-on support, short-term gap funding for supportive housing services, and accessible, sustainable programming through increased data sharing and outcomes tracking.

The Coalition successfully advocated for the addition of a provision that would have allowed reimbursement for housing navigation and services under Medicaid. It would have directed the Department of Health Care Policy

and Financing (HCPF) to submit to the federal centers for Medicare and Medicaid Services an amendment to Colorado's Medicaid program – Health First Colorado – and request any necessary waivers from the secretary of the federal Department of Health and Human Services to allow for the additional reimbursement. Like many other bills with a sizeable fiscal note, this bill was killed. The Coalition and its partners will work to advocate for the introduction and passage of this policy in the future, particularly the reimbursement component.

RENTERS' PROTECTIONS

The Coalition was a key partner in passing three essential bills. After three years of coalition-building, research, and lobbying, a bill (**HB20-1332; Rep. Herod, Rep. Jackson, Sen. Fields**) ensuring that a prospective tenant's source of income does not preclude them from accessing safe, secure, sanitary housing made it to the Governor's desk. Source of income discrimination is a tremendous barrier for people who receive public or private housing assistance, state or federal disability benefits, unemployment insurance, child support, alimony, foster care subsidies, Veterans' veterans' benefits, and other government assistance. With the exception of those in Denver and Boulder where similar local ordinances were passed, Colorado landlords can reject hopeful renters based on the source of their income, shutting vulnerable Coloradans out of accessible housing, causing displacement and concentrating poverty. The fallout from COVID-19 has exacerbated Colorado's housing crisis, and while housing vouchers and unemployment insurance are valuable tools for recovery, they are only meaningful if renters can utilize them.

There were two notable amendments to the bill: 1) any landlord with three or fewer units is exempt from all provisions of this bill, and 2) this carve-out expands to landlords with five or fewer units, but only allows them to reject someone on the basis of receiving federal housing assistance and only applies to the single family homes that they own. These amendments were necessary to neutralize opposition and ensure the support of a majority of legislators. The Coalition is thrilled this priority passed with bipartisan support and will go into effect on January 1, 2021. This bill will help countless Coloradans who were previously shut out of the rental market.

The Coalition was involved in crafting and advocating for another bill that will help renters access housing. **HB20-1009 (Rep. Jackson, Sen. Winter)**, led by the Colorado Center on Law and Policy, provides that when an eviction is filed, it is initially "suppressed" from public access (meaning only the courts and the parties to the case can access the record) while the case is pending. This record would remain under suppression unless an eviction is ordered by the court or the parties agree to keep the record private. Beginning on December 1, 2020, this policy will allow people to defend their rights without fear of the "scarlet letter" of a court record that could prevent them from accessing future housing.

A final bill was introduced late in the legislative session to prevent eviction, displacement, and homelessness as a result of COVID-19. **HB20-1410 (Rep. Gonzales-Gutierrez)** directed nearly \$20 million to the Division of Housing within the Department of Local Affairs for emergency rent assistance and \$350 thousand to Colorado's Eviction Legal Defense Fund. This funding was made available by the federal CARES Act and the legislature was given authority to allocate it by Governor Polis. The Coalition was successful in getting families experiencing homelessness, veterans experiencing homelessness, and individuals experiencing homelessness who are at high risk of contracting COVID-19 prioritized for these assistance dollars. This money must be spent by the end of 2020.

HEALTHCARE

The Coalition also had success in healthcare policy, with its top priority bill passing with strong bipartisan support. Partnering with Colorado Community Health Network, CCH was a leader on crafting **HB20-1092 (Rep. Caraveo, Rep. Will, Sen. Donovan, Sen. Rankin)**. This bill would have allowed Community Health Centers (CHCs)/Federally Qualified Health Centers (FQHCs) to be paid for telemedicine visits (by indicating that a telemedicine service meets the definition of a face-to-face visit), and allowed the costs of clinical pharmacists to be included in CHCs' cost reports submitted to Medicaid to determine reimbursement rates.

Recognizing the need for telehealth during COVID-19, on March 20, 2020, the Medical Services Board in the Department of Health Care Policy and Finance (HCPF) adopted an emergency rule allowing telemedicine visits to qualify as billable encounters. The rule is in effect through July 18, 2020. Additionally, Governor Polis issued an executive order (D 2020 020) on April 1, temporarily suspending certain statutes limiting the use of telehealth and expanding its use (extended through D 2020 046, D 2020 082, and D 2020 116).

Given the action taken by HCPF and the Governor, the sponsors of HB20-1092 pulled the bill. Shortly thereafter, a coalition formed to continue to pursue reimbursement through legislation. **SB20-212 (Rep. Lontine, Rep. Soper, Sen. Winter, Sen. Tate)** was introduced and passed with bipartisan support. Due to fiscal constraints, this bill did not include the clinical pharmacy provision, but it will remain a high priority for the Coalition. The bill took effect on upon the Governor's signature and will be funded at roughly \$5 million using CARES Act dollars through the end of 2020.

COVID-19 ADVOCACY

In addition to its legislative work, the Coalition also helped draft and generate support for several letters to Governor Polis advocating for additional COVID-19 testing capacity, personal protective equipment (PPE), hotel/motel rooms for quarantine and isolation for people experiencing homelessness, and protections for renters including moratoria on evictions and late fees. These letters can be accessed here:

[March 25, from housing advocates and state legislators](#)

[March 27, from community and faith leaders](#)

[April 4, from state and local elected officials](#)

[April 7, from CCH](#)

[April 7, from Denver Homeless Leadership Council](#)

[April 20, from statewide Homelessness Services Providers](#)

[April 28, from CCH](#)

[June 13, from COVID-19 Eviction Defense Project and housing advocates](#)

[July 1, from housing advocates](#)

LOOKING FORWARD

Following legislative session, CCH will work to effectively implement the bills that support the populations it serves. This includes driving public education, engaging in the regulatory process, influencing and monitoring how appropriated dollars are spent, and tracking outcomes.

Next legislative session, the Coalition will: work to protect affordable housing funding as well as the other critical programs that may face cuts or elimination; explore the possibility of increasing resources for homeless response services; continue to defend and strengthen protections for tenants; explore the possibility of expanding data collection on race, ethnicity, poverty, and housing status in housing and healthcare; work to include the cost of clinical pharmacists in CHC cost reports; and avert efforts to diminish the rights, safety, and security of Coloradans experiencing or at risk of homelessness. The Coalition will continue to work with its partners to develop lasting solutions to homelessness and respond to the impacts of the COVID-19 pandemic.

PARTNERSHIPS AND COALITIONS

- All Families Deserve a Chance Coalition, Executive Team Member
- All in Denver
- Colorado Coalition for the Homeless Advocacy Committee
- Colorado Coalition for the Homeless Advocacy Network
- Colorado Community Health Network Public Affairs Committee
- Colorado Health Policy Coalition
- Colorado Social Legislation Committee, Vice-Chair
- Colorado Women's Legislative Breakfast Planning Committee
- Denver Homeless Leadership Council
- Enterprise Community Partners Housing Policy Stakeholder Group
- Housing Colorado's Policy Committee
- Renters' Roundtable, Chair

PRIORITY BILL LIST

Homelessness

Bill	Sponsor(s)	Title	Description	Position	Outcome
HB20-1233	Rep. Melton (D) Rep. Benavidez (D)	Basic Life Functions In Public Spaces	Prohibits restricting any person from conducting basic life functions in a public space unless the government entity can offer alternative adequate shelter to the person; allows sleeping in a legally parked car.	Support	Did not Pass
HB20-1335	Rep. Melton (D) Sen. Winter (D)	Colorado Homeless Project Contribution Tax Credit	Makes funding from an existing mechanism available to rural parts of Colorado for homeless services.	Support	Did not Pass
SB20-018	Sen. Fenberg (D) Sen. Coram (R) Rep. McCluskie (D) Rep. Snyder (R)	Homeless Outreach Programs To Reduce Wildfire Risk	Provides funding to reduce wildfire risk through outreach to people experiencing homelessness.	Amend	Did not Pass

Housing

Bill	Sponsor(s)	Title	Description	Position	Outcome
HB20-1370	Rep. Esgar (D) Rep. McCluskie (D) Sen. Moreno (D) Sen. Rankin (R)	Transfers From Unclaimed Property Trust Fund	Delays for two years transfers from the unclaimed property trust fund to the housing development grant fund to expand the supply of affordable housing statewide.	Support	Passed
HB20-1401	Rep. Esgar (D) Rep. McCluskie (D) Sen. Moreno (D) Sen. Rankin (R)	Marijuana Tax Cash Fund Spending And Transfer	Concerns the transfer of money from the marijuana tax cash fund to the general fund.	Monitor	Passed
HB20-1035	Rep. Singer (D) Sen. Fields (D)	Programs To Develop Housing Support Services	Provides funding to build statewide (rural prioritized) capacity to access supportive housing services.	Support	Did not Pass

Renters' Protections

Bill	Sponsor(s)	Title	Description	Position	Outcome
HB20-1009	Rep. Jackson (D) Sen. Winter (D)	Suppressing Court Records Of Eviction Proceedings	Requires that eviction court records be suppressed except if/when an order granting the plaintiff possession of the premises is entered in the action.	Support	Passed

HB20-1196	Rep. Hooton (D) Rep. McCluskie (D) Sen. Fenberg (D) Sen. Lee (D)	Mobile Home Park Act Updates	Updates the laws governing mobile home parks, including maintenance requirements, eviction procedures, rental agreement standards, etc.	Support	Passed
HB20-1201	Rep. Hooton (D) Rep. Gonzales-Gutierrez (D) Sen. Moreno (D) Sen. Ginal (D)	Mobile Home Park Residents Opportunity To Purchase	Gives homeowners in a mobile home park the opportunity to make an offer to buy the park if the landlord anticipates selling it or changing the use of the land.	Support	Passed
HB20-1332	Rep. Herod (D) Rep. Jackson (D) Sen. Fields (D)	Prohibit Housing Discrimination Source Of Income	Prohibits landlords from discriminating against prospective tenants based on their source of income, including vouchers, student loans, SSI/SSDI, etc.	Support	Passed
HB20-1410	Rep. Gonzales-Gutierrez (D)	Rent Assistance	Allocated CARES ACT dollars for emergency rental assistance.	Support	Passed
SB20-224	Sen. Gonzales (D)	Landlord Prohibitions Tenant Citizenship Status	Creates the "Immigrant Tenant Protection Act" which prohibits landlords from asking about or taking certain actions based on a (prospective or current) tenant's immigration or citizenship status.	Support	Passed
HB20-1134	Rep. Sandridge (R)	Interlocutory Appeals In Forcible Entry And Detainer	Concerns appeals in eviction cases.	Oppose	Did not Pass
HB20-1141	Rep. Caraveo (D) Rep. Gonzales-Gutierrez (D) Sen. Gonzales (D)	Fees Charged To Tenants By Landlords	Limits fees landlords may charge to tenants in amount, frequency, and purpose.	Support	Did not Pass
HB20-1405	Rep. Woodrow (D)	Funding For Eviction Legal Defense Fund	Assesses an additional \$30 fee on eviction filings. The full amount of the fee is deposited into the eviction legal defense fund.	Support	Did not Pass
SB20-108	Sen. Gonzales (D)	Landlord Prohibitions Tenant Citizenship Status	Creates the "Immigrant Tenant Protection Act" which prohibits landlords from asking about or taking certain actions based on a (prospective or current) tenant's immigration or citizenship status.	Support	Did not Pass

DRAFT	Sen. Gonzales (D)	COVID Relief For Tenants and Homeowners	Provides temporary and permanent protections for renters.	Support	Never introduced
-------	-------------------	---	---	---------	------------------

SUD

Bill	Sponsor(s)	Title	Description	Position	Outcome
HB20-1017	Rep. Herod (D) Rep. Kennedy (D) Sen. Donovan (D) Sen. Priola (R)	Substance Use Disorder Treatment In Criminal Justice System	Provides funding for SUD treatment resources; requires people in custody have access to opioid agonist/antagonist.	Support	Passed
HB20-1065	Rep. Kennedy (D) Rep. Herod (D) Sen. Pettersen (D) Sen. Priola (R)	Harm Reduction Substance Use Disorders	Includes harm reduction measures such as requiring insurance carriers to cover opioid antagonists, allowing pharmacists to sell needles/syringes, establishing immunity to anyone attempting to administer an opioid antagonist in good faith, etc.	Support	Passed
SB20-007	Sen. Pettersen (D) Sen. Winter (D) Rep. Buentello (D) Rep. Wilson (R)	Treatment Opioid And Other Substance Use Disorders	Concerns treatment coverage and coordination of care.	Support	Passed

Health/Healthcare

Bill	Sponsor(s)	Title	Description	Position	Outcome
HB20-1361	Rep. Esgar (D) Rep. McCluskie (D) Sen. Moreno (D) Sen. Zenzinger (D)	Reduce The Adult Dental Benefit	Reduces the adult dental benefit so that it does not exceed \$1,000 per year for a participant beginning when the higher federal match through the CARES Act expires.	Monitor	Passed
SB20-212	Rep. Lontine (D) Rep. Soper (R) Sen. Winter (D) Sen. Tate (R)	Reimbursing Health Care Providers for Telehealth	Continues reimbursement for telemedicine services under Medicaid temporarily expanded during the COVID-19 state of emergency.	Support	Passed

HB20-1092	Rep. Caraveo (D) Rep. Will (R) Sen. Donovan (D) Sen. Rankin (R)	Reimbursement To Federally Qualified Health Centers	Requires reimbursement to federally qualified health centers (FQHCs) for telemedicine and clinical pharmacy services to Medicaid clients.	Support	Did not Pass
---------------------------	--	---	---	---------	--------------

Income/Economic Justice

Bill	Sponsor(s)	Title	Description	Position	Outcome
HB20-1420	Rep. Sirota (D) Rep. Gray (D) Sen. Moreno (D) Sen. Hansen (D)	Adjust Tax Expenditures For State Education Fund ("Tax Fairness Act")	Concerns the adjustment of certain state tax expenditures to allocate additional revenues to the state education fund.	Support	Passed
SB20-009	Sen. Zenzinger (D) Sen. Rankin (R) Rep. McLachlan (D) Rep. Catlin (R)	Expand Adult Education Grant Program	Provides grants to adult education providers that enter into partnership with elementary, secondary, or higher education providers to assist adults in attaining basic literacy and numeracy skills.	Support	Passed
SB20-029	Sen. Fields (D) Sen. Moreno (D) Rep. Coleman (D) Rep. Duran (D)	Cost Of Living Adjustment For Colorado Works Program	Increases the amount of basic cash assistance a Colorado works program recipient receives.	Support	Passed
SB20-205	Sen. Fenberg (D) Sen. Bridges (D) Rep. Caraveo (D) Rep. Becker (D)	Sick Leave for Employees	Creates the "Healthy Families and Workplaces Act," which requires employers to provide paid sick leave to employees under various circumstances.	Monitor	Passed

Misc.

Bill	Sponsor(s)	Title	Description	Position	Outcome
<u>SB20-217</u>	Sen. Garcia (D) Sen. Fields (D) Rep. Herod (D) Rep. Gonzales-Gutierrez (D)	Enhance Law Enforcement Integrity	Creates standards around use of body cameras, use of force, and reporting use of force.	Support	Passed
<u>HB20-1081</u>	Rep. Caraveo (D) Sen. Gonzales (D)	Multilingual Ballot Access	Requires the secretary of state and county clerk and recorders of certain counties to provide multilingual ballot access.	Support	Did not Pass

Note: bills shaded in blue indicate high level of CCH support and engagement