



# Cathy Alderman

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# AGENDA

- **Affordable Housing Transformational Task Force and SubPanel Pre-session work**
- **Housing Funding Legislation from 2022 Session**
  - HB22-1304, SB22-159, HB22-1282, SB22-160, HB22-1051, SB22-156, SB22-232
- **Homelessness Legislation from 2022 Session**
  - HB22-1377, HB22-1378, SB22-211, HB22-1083
- **Housing Protection Legislation from 2022 Session**
  - HB22-1102, HB22-1082
- **Questions / Discussion**

# American Rescue Plan Act of 2021 (ARPA)

- [HB21-1329](#) required the Executive Committee of the Legislative Council, by resolution, to **create a task force to meet during the 2021 interim** and to issue a report with recommendations to the general assembly and the Governor on "policies to create transformative change in the area of housing using money the state receives from ARPA."
- **\$500m** (\$100m transferred immediately and \$400m for Task Force/SubPanel process)
- Funds must be **obligated by December 31, 2024** and **expended by December 31, 2026**.

# Affordable Housing Transformational Task Force Members

- **CHAIR, Representative Dylan Roberts**
- **VICE CHAIR, Senator Julie Gonzales**
- Senator Jeff Bridges
- Senator Dennis Hisey
- Senator Rachel Zenzinger
- Senator Rob Woodward
- Representative Andres Pico
- Representative Iman Jodeh
- Representative Steven Woodrow
- Representative Dan Woog
- **Rick Garcia**, ED of Department of Local Affairs
- **Alison George**, Director of Division of Housing
- **Chantal Unfug**, Director of Division of Local Government
- **Kristin Toombs**, Director of Office of Homeless Initiatives
- **Cris White**, ED and CEO of Colorado Housing and Finance Authority
- **Will Toor**, ED of Colorado Energy Office

# Affordable Housing Transformational Task Force

## Subpanel Members

**CHAIR, Brian Rossbert**, Housing Colorado (Nonprofit Housing Advocacy)

**VICE CHAIR, Cathy Alderman** of the Colorado Coalition for the Homeless (Homelessness Expertise)

**Aaron Miripol**, Urban Land Conservancy (Land Trust)

**Roberto Rey**, AARP (Housing for seniors and people living with disabilities)

**Wanda Harrison**, The Second Chance Center (Homelessness Expertise)

**Eric Leveridge**, Colorado Jobs with Justice (Representing Workers)

**Steven Cordova**, Tri-County Housing Authority (Local Housing Authority)

**Kinsey Hasstedt**, Enterprise Community Partners (Non-profit Housing Expertise)

**Tamara Pogue**, Summit County Commissioner (Commissioner of Local Government)

**Adam Paul**, Lakewood Mayor (Mayor of Local Government)

**Tawny Peyton**, Rocky Mountain Home Association (Factory-Built Housing Expertise)

**Andrew Hamrick**, Colorado Apartment Association (Property Manager and Landlords)

**Paul Weissman**, Lument (Housing Financing)

**Karl Koebel**, Koebel & Co. (For-profit Housing)

**Julie Piepho**, Adams Bank & Trust (Real Estate Market and Transactions)

# Allowable Uses of ARPA Dollars

1. **The permissible uses of money allocated to the state for housing purposes under ARPA**
  - Services to **address homelessness** such as supportive housing, and to improve access to stable, affordable housing among unhoused individuals;
  - **Affordable housing development** to increase the supply of affordable and high-quality living units; and
  - Housing vouchers, residential counseling, or housing navigation **assistance to facilitate household moves to neighborhoods with high levels of economic opportunity** and mobility for low-income residents, to help residents increase their economic opportunity and reduce concentrated areas of low economic opportunity.
2. **Populations, households, or geographic areas disproportionately impacted by COVID**
3. **Assessing whether a program or service "responds" to COVID requires the recipient to:**
  - Identify a need or negative impact of COVID; and
  - Identify how the program, service, or other intervention addresses the identified need or impact.

# SubPanel - Strategic Priorities

## **Expand capacity**

- Development of more housing
- Align subsidies/vouchers
- Prepare Communities to make use of funding

## **Stabilize existing affordable housing**

- Emergency assistance
- Preservation / Rehabilitation
- Long-term affordability

## **• Strengthen the safety net**

- Homelessness resolution/Prevention
- Integration of systems and resources

## **• Ensure equity and access**

- Prioritize historically and disproportionately impacted households

# Funding Recommendations

|   | Low<br>End        | High<br>End       |
|---|-------------------|-------------------|
| <b>Revolving Loan Fund: New and Existing Capacity</b> <ul style="list-style-type: none"><li>• Gap financing (5-7.5%)</li><li>• Maintain existing affordable housing (4.5-6.5%)</li><li>• Governor’s priority: Green Energy for AH</li></ul>   | \$150M<br>(37.5%) | \$222M<br>(55.5%) |
| <b>Nonprofit and Local government Grants</b> <ul style="list-style-type: none"><li>• Gap financing (5-7.5%)</li><li>• Maintain existing affordable housing (4.5-6.5%)</li><li>• Sustainable rental assistance (4-6%)</li><li>• Governor’s priority: Strong Communities</li><li>• Governor’s priority: Green Energy for AH</li></ul> | \$150M<br>(37.5%) | \$222M<br>(55.5%) |
| <b>Resident Owned Communities, Mobile Home Parks, and Land-Banking</b>  | \$35M<br>(8.75%)  | \$51M<br>(12.75%) |
| <b>Property Conversion for Transitional or Long-Term housing *</b>  | \$0M<br>(0%)      | \$0M<br>(0%)      |



## Funding Recommendations Cont.

|   | Low<br>End       | High<br>End       |
|---|------------------|-------------------|
| Permanent Supportive Housing and Supportive Services Fund *<br><i>Behavioral Health Transformational Task Force and Task Force on Economic Recovery Relief Cash Fund may provide \$254M</i> | \$0M<br>(0%)     | \$0M<br>(0%)      |
| Modular Housing<br><ul style="list-style-type: none"><li>In combination with Governor's priority: Innovative Housing Incentive Program</li></ul>  | \$40M<br>(10%)   | \$48M<br>(12%)    |
| CHFA Missing Middle Access Program<br><ul style="list-style-type: none"><li>Governor's priority</li></ul>   | \$35M<br>(8.75%) | \$51M<br>(12.75%) |
| <b>Totals</b>   | \$400M<br>(100%) | \$568M<br>(142%)  |

# Policy Recommendations – Consensus Items

1. Expand the State Tax Credit Program
2. Establish a Standing or Interim Committee or Task Force on Housing and Homelessness
3. Provide Funding for DOLA – Division of Housing to Update and Expand a Statewide Housing Needs Assessment
4. Ensure Sustainable Funding for Supportive Services, and Integration with Affordable Housing
5. Short-Term Rentals
6. Statewide Homelessness Prevention and Resolution

[AHTTF Final Report](#)

# Housing Investment Legislation 2022

- [HB22-1304](#): State Grants Investments Local Affordable Housing- \$178M for two grant programs
- [SB22-159](#): Revolving Loan Fund Invest Affordable Housing- \$150M for loans
- [HB22-1051](#): Modify Affordable Housing Tax Credit- Extends \$10m annual credit to December 2031
- [HB22-1282](#): Innovative Housing Incentive Program- \$40M for innovative manufacturing
- [SB22-146](#): Middle Income Access Program Expansion - \$25M for existing CHFA program
- [SB22-160](#): Loan Program Resident-Owned Communities - \$35M for loans
- [HB22-1117](#): Use of Local Lodging Tax Revenue— specifically for housing
- [SB22-232](#): Creation of Middle-Income Housing Authority

# HB1304 –Transformational Affordable Housing Grant Program

- **Total allocation: \$138 Million**

- NOTE: Until Dec. 31, 2023, half of available grant funds will only be accessible to applicants in rural or rural resort counties, and half to those in urban counties.
- Starting Jan. 1, 2024, entities can apply for remaining funds regardless of their location.

- **Administered by:**

- State Division of Housing (DOH)

- **Who can apply:**

- Nonprofit organizations doing any of the activities that grant funds can support
- Local governments

- **Funding deadlines:**

- **Dec 30, 2024:** All grants must be contracted out by DOH
- **Dec. 30, 2026:** Funds must be expended by grantees (not specified by legislature, but expect DOH to state this to follow U.S. Treasury guidelines)

- **Uses include:**

- Infrastructure development
- Gap financing for tax credit development
- Construction costs for new housing development (rental and for-sale)
- Rehabilitation or preservation of existing affordable housing,
- Financing energy efficiency improvements
- Land acquisition
- Supportive housing and services
- Property conversion or transitional housing
- Time-limited rental assistance
- Eviction legal defense
- Land banking/community trusts

- **AMI Limits:**

- Rental Housing
  - Urban county: up to 80% AMI
  - Rural county: up to 140% AMI
  - Rural Resort county: up to 170% AMI
- Homeownership AMI Limits: up to 140% AMI

# HB1304 – Affordable Housing Priorities

- Represents a **one-time funding proposal** with minimal or no multi-year financial obligations
- Will “contribute to the **overall well-being and professional and recreational needs** of the local work force and population”
- Provide for **mixed-income development** capped at the area identified median income levels wherever the proposed project is located
- Promotes **long-term affordability**
- Creates opportunities for families’ **intergenerational wealth building**
- **Transit-oriented** development
- Involves purchasing/securing **land for future development**
- Restricts units for **survivors of domestic violence or sexual assault, and people living with disabilities** including through universal design

# HB1304 – Infrastructure and Strong Communities Grant Program

- **Total allocation:** \$40 Million
- **Administered by:**
  - State Division of Local Government (DLG)
  - A **multiagency group** of DLG, the Colorado Energy Office, and the State Department of Transportation will work with stakeholders to create a list of sustainable land use best practices to help achieve the program's goals
- **Who can apply:**
  - Local Governments defined as a municipality, county, or city and county
- **Grant amounts:**
  - No max award amounts set by the legislature; DOH could decide to establish limits
- **Funding deadlines:**
  - **Dec. 30, 2026:** Funds must be expended by grantees (not specified by legislature, but expect DOH to state this to follow U.S. Treasury guidelines)
- **Uses include:**
  - Planning, engineering, infrastructure and local capacity.
  - Infill development, Sustainable land use practices,
  - Grants **must**, at least in part, fund infrastructure projects that increase affordable housing in or adjacent to a downtown area, a core business district, transit-oriented development, or with onsite early childhood care and education,
  - A portion of any grant may be used for project delivery, planning, community engagement
  - Flexibility will be given to rural communities to address local needs that are compatible with the underlying goals of the grant program (i.e., expanding the supply of affordable housing)
  - DOLA and other agencies can use funding for education and technical assistance
- **AMI Limits**
  - Rental Housing: up to 140% AMI
  - Homeownership AMI Limits:
    - Rural Resort county: up to 160% AMI
    - Urban and Rural counties: up to 140% AMI

# HB1304 – Infrastructure and Strong Communities Priorities

- Enabling **ADUs or use of multiplexes** by right in residential zones
- Zoning for mixed-use **higher density development** in downtown areas of municipalities and around transit stations
- **Annexation** policies
- Intergovernmental agreements that coordinate **future development**
- **Reduced parking** requirements
- **Relaxed occupancy** rules
- **Budgeting** policies
- **Planned unit development** with integrated affordable housing units
- Development of **small square footage** residential unit sizes
- **Water rate** structures
- **Road** standards
- Hazard risk reduction and mitigation standards
- **Energy efficient** building codes
- Zoning for **innovative housing**, including modular, manufactured, and prefab
- **Use of vacant publicly owned land** within local govt for development of affordable housing
- **Any other practice** deemed “innovative” by a local government and approved by multi-agency working group

# SB159 – Revolving Loan Fund Invest Affordable Housing

- **Total allocation:** \$150 Million
  - Not ARPA funds
- **Administered by:** State Division of Housing (DOH)
  - DOH can contract with qualified third-party loan administrators to assist in making loans
  - DOH may also work with the Colorado Housing Finance Authority to administer
- **Who can apply:**
  - Nonprofit organizations doing any activities that may be supported by a loan
  - For-profit developers
  - Local Governments defined as a county, municipality, city and county, tribal government, special district, school district, district, or housing authority
  - Political subdivisions of the state
- **No Deadline**
  - DOH and any other administrators must maintain the goal of generating enough return on investment to continue the program past its initial round and to future loans
- Loans must offer flexible terms and low-interest, below-market rates
  - DOH must notify communities who have faced barriers to more traditional resources of this loan fund and encourage them to apply
  - DOH and any other administrator should support innovative funding mechanisms that will allow funds to move quickly and foster "rapid reuse"
- **Uses include:**
  - Infrastructure tied to affordable housing development
  - Gap financing for LIHTC and State Affordable Housing Tax Credit
  - Acquisition or conversion of existing affordable housing, MF development, land, buildings -- especially in communities that have implemented some statute/regs to encourage affordable housing, or where there are low concentrations of affordable housing
  - New affordable for-sale housing costs, including construction, land acquisition, tap fees, building permits, impact fees
  - Preserving existing affordable housing, including publicly funded housing, remediating condemned properties, weatherization, converting short-term rentals to long-term housing
  - Housing for older adults and people living with disabilities
  - Land acquisition for affordable housing
  - Property conversion and adaptive reuse
  - Permanent supportive housing
  - Financing energy improvements in affordable housing
  - Creating permanently or long-term affordable homeownership opportunities
- **AMI Limits**
  - Rental Housing:
    - Rural Resort counties: up to 140% AMI
    - Urban and Rural counties: up to 120% AMI
  - Homeownership:
    - Rural Resort counties: up to 160% AMI
    - Urban and Rural counties: up to 120% AMI



# SB159 - Priorities

- Provide for **mixed-income development** capped at the area identified median income levels wherever the proposed project is located
- Are located in or serving communities **facing barriers to accessing capital from traditional sources**, have suffered significant negative financial or other impacts resulting from COVID pandemic, or are otherwise underserved
- **Align with other** state economic development efforts
- Create permanently affordable **home ownership opportunities**
- **Ensure long-term affordability** of any funded project
- Include units restricted for people living with disabilities or featuring universal design
- Highly **energy efficient** or high-efficiency electric equipment

# Other Task Force SubPanel Related Bills

## HB1282 – Innovative Housing Loan Program

- **Total allocation:** \$40 Million
- **Administered by:** State Office of Economic Development & International Trade (OEDIT), which may contract with qualified third-party entities to administer the program, including CHFA
- **Who can apply for loans:** New or existing housing businesses in Colorado with 500 or fewer employees that create manufactured, prefab, or 3D-printed houses; kit homes; tiny homes; other housing types determined "innovative" by OEDIT
- **Incentives for grants:** OEDIT will determine, may include affordability and installing homes in underserved areas of CO
- **Considerations for successfully funded projects include:**
  - Willingness to dedicate a share of homes for a nonprofit, public housing authority, or organization providing affordable homeownership opportunities to buy at reduced cost
  - Producing affordable and/or energy efficient units
  - Potential economic impact of a proposed factory, including job creation

## SB160 – Mobile Home Park Resident Empowerment Loan Program

- **Total allocation:** \$35 Million
- **Administered by:** State Division of Housing (DOH), required to contract with 2-3 qualified loan program administrators
- **Who can apply for loans:** Groups or associations of mobile homeowners (or their "assignee") seeking to purchase the parks where they live
  - NOTE: projects from low-income communities and others that have been disproportionately impacted by the Covid-19 pandemic will be prioritized
- **Who can apply for grants** (DOH will set aside some portion of these dollars for grants, instead of loans):
  - Nonprofit organizations providing technical, other assistance to park residents
  - Mobile homeowners seeking grants to maintain long-term affordability of resident-owned parks

# Bills Expanding CHFA Programs

## HB1051 – Affordable Housing Tax Credit

- **Total Allocation:** \$10 Million
- **Administered by:** Colorado Housing Finance Authority (CHFA) in accordance with annual Qualified Allocation Plan (QAP)
- **Authorized through:** December 31, 2031
- **CHFA Criteria:**
  - Market conditions
  - Proximity to other housing credit properties
  - Readiness to proceed
  - Financial feasibility and viability
  - Experience/Track record of project team
  - Project costs
  - Site suitability
- **CHFA Priorities:**
  - Projects serving homeless
  - Projects serving persons with special needs
  - Projects in counties with less than 180,000 in population

## SB156 – Middle Income Access Program

- **Total allocation:** \$25 Million
- **Administered by:** Colorado Housing Finance Authority (CHFA)
- **Who can apply:** Nonprofit and for-profit housing developers (loans are made to project developers, not directly to local governments)
- **Funding deadlines:** This loan program already exists and is intended to fund projects in perpetuity.
- **Allowable uses:**
  - Acquisition, new construction, housing rehabilitation
  - Production or preservation of homes affordable to households with incomes between 80-120% area median income, typically rental units

# SB232 – Middle Income Affordable Housing Trust Authority

- **Total Allocation: \$1 Million**
- **Administered By:**
  - Special Purpose Authority
  - A board of directors (14) composed of appointees by the governor with the consent of the senate
- **Deadlines**
  - Board appointments by September 1, 2022
  - The board must solicit project proposals by April 2023 with selections by July 1, 2023
- **AMI Targets**
  - Urban and Rural: 80%-120%
  - Rural Resort: 80%-140%
- **Authority:**
  - To exercise the powers necessary to acquire, construct, rehabilitate, own, operate, and finance affordable rental housing projects, including but not limited to:
    - Issue bonds *in connection with its affordable rental housing projects* payable solely from revenues from affordable rental housing projects and with no recourse to the state;
    - Enter into public-private partnerships and to contract with experienced real estate professionals to develop and operate affordable rental housing projects;
    - Employ its own personnel or contract with public or private entities, or both, for services necessary or convenient to the conduct of all of the authority's activities;
    - Provide assistance to tenants in its rental housing to enable a transition to home ownership; and
    - To establish one or more controlled entities to carry out its activities.

# SB232 – Middle Income Affordable Housing Trust Authority

## Concerns:

- Timing of proposal
- Impact on current housing market and rents
- AMI targeting
- Long-term affordability assurances
- Controlled Entity
- Impact on Local Tax Revenue
- Board Composition
- Financing Requirements
- Risk Mitigation Plans

## Guardrails Achieved:

- Annual Audit, Quarterly reporting, and 3-year review (added in much more robust reporting elements including impact on local market)
- Limit to pilot of no more than 3500 units
- AMIs set by CHFA+ and not Board
- Removing “Heritage Neighborhood” definition
- Limit Developer Fees – less than private sector and require diversity in applications
- At least 60% of units available at targeted AMIs
- Promote mixed income development
- Comply with local inclusionary ordinances
- 3 stages of local government review
- Below market rents (10%)
- No short-term rentals
- Cannot combine with ARPA funds or tax credits
- Cannot use funds to acquire LIHTC or USDA 515 properties
- Upon sale, notice to government entities and removal of tax exemption

# Homelessness Legislation

- **[HB22-1377](#): Grant Program Providing Responses to Homelessness**

\$105M for local homelessness projects

- **[HB22-1378](#): Denver-metro Regional Navigation Campus Grant**

\$50M grant to local government for creation/operation

- **[SB22-211](#): Repurpose the Ridge View Campus**

\$45M for campus transition

- **[HB22-1083](#): Homeless Contribution Income Tax Credit**

# HB1377- Grant Program Providing Responses to Homelessness

- **Total allocation:** \$105 Million
- **Administered by:** State Division of Housing (DOH)
- **Who can apply:**
  - Nonprofit organizations
  - Local Governments
  - NOTE: Applicants must provide a match in money or other resources
- **Funding deadlines:**
  - **Dec 30, 2024:** All grants must be contracted out by DOH
  - **Dec. 30, 2026:** Funds must be expended by grantees
- **Allowable uses:**
  - Permanent supportive housing
  - Supportive services
  - Other housing development and homelessness response programs including:
    - Recovery care
    - Vocational services
    - Shelter or transitional housing
    - Outreach support
- \$5 Million reserved for:
  - Outreach and education
  - Data collection and system integration

# Other Homelessness Funding Legislation

## HB1378 – Denver Metro Regional Navigation Campus Grant

- **Total Allocation:** \$50 Million
- **Administered By:** Division of Housing
- **Who Can Apply:** Local Government in Denver or Community Partner
- **Use:**
  - To build or acquire, and then facilitate, a regional navigation campus to respond to and prevent homelessness.
  - Behavioral Health services, medical care, vocational services, housing, shelter, benefits assistance, case management, life skills training, housing navigation
- **Deadline:** Money to be spent by December 30, 2026

## SB211 – Repurpose the Ridge View Campus

- **Total Allocation:** \$45 Million
- **Administered By:** Division of Housing (upon transfer from Human Services and in cooperation with Behavioral Health Administration and HCPF)
- **Use:**
  - Ridge View campus to be repurposed and converted into the Ridge View Supportive Residential Community to provide transitional housing, a continuum of behavioral health service treatment, medical care, vocational training, and skill development for its residents and the general public.



# HB1083 – Homelessness Contribution Tax Credit

Upgrades and enhances the current enterprise zone contribution tax credit that is used to support organizations that serve people experiencing homelessness. Benefits of this improvement include:

- Making the credit available to providers **statewide**;
- Expanding the **types of homeless services** that are eligible to include street outreach, homelessness prevention, and emergency shelter programs;
- Incentivizing donations to providers in **rural and distressed areas**;
- **Streamlining** the administration of the credit.

## Credit Attributes:

- To be administered by DOH starting January 1, 2023 (DOH will release qualifying projects 11-1-2022 and every year thereafter)
- Tax credit is equal to 25% of the total contribution to the qualifying organization
- Capped at \$100,000 per taxpayer annually
- The credit is 30% for rural/distressed areas
- Capped at \$750,000 in contributions *per income tax year* for the nonprofit organization

# Housing Protections Legislation

- **[HB22-1102](#): Veterans And Military Status in Fair Housing**

Adds veteran and military status as protected class in Fair Housing Statute

- **[HB22-1082](#): Establish Fair Housing Unit Department of Law**

Expands enforcement of state housing laws:

- Security Deposits
- Consideration of Criminal History on Rental Applications
- Late Fees
- Notice and Frequency of Rent Increases
- Immigrant Tenant Protection Act
- Mobile Home Park Act

# Questions?

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