



Legislative Report | January 17, 2023

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General Government

Chair: Commissioner Hilary Cooper, San Miguel County

Vice Chair: Commissioner Scott James, Weld County

CCI Staff: Eric Bergman

HB23-1057, Restroom Amenities for All Genders in Public Buildings

Beginning in 2024, HB 1057 would require that all newly constructed public buildings provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available. The bill also requires that if any restroom renovation exceeding \$10,000 takes place in an existing public building, the owner must comply with the non-gender restroom availability requirement. The bill also requires that at least one diaper changing station be made available in a non-gender restroom on each floor where there is a public restroom. Finally, the bill requires signage alerting the public to the presence of a diaper changing station using pictograms that are void of gender. The bill provides for legal recourse for employees in public buildings that do not comply with the non-gender restroom requirement.

Position: Pending

Sponsors: Reps. McCormick and Vigil, Sen. Jaquez Lewis



Health & Human Services

Chair: Commissioner Janet Rowland, Mesa County
Vice Chair: Commissioner Wendy Buxton-Andrade, Prowers County
CCI Staff: Gini Pingenot / Katie First

HB23-1043, Emergency and Continued Placement with Relative or Kin

HB23-1043, a CCI initiated bill, makes several changes to the types of convictions that would limit relatives or kin from being considered as a possible emergency and/or long-term placement option for kids in the child welfare system.

Specifically, HB23-1043:

- 1.) Removes misdemeanor convictions
- 2.) Adds timeframes for certain felony convictions
- 3.) Continues to prohibit relatives or kin with sex abuse related convictions from being considered as an emergency and/or long-term placement option

Even with these changes to statute, a thorough assessment of the relative or kin's home and situation will occur before placement occurs to ensure a safe situation for children and youth. These changes to statute will ensure and increase safe placements of children with relatives or kin while reducing trauma for children, preserving safety, and sustaining familial ties that can increase positive outcomes for children involved in dependency and neglect cases.

Additionally, the Federal Family First Prevention Services Act (FFPSA) prioritizes these types of placements over foster and congregate care. HB 1043 will help Colorado meet the goals of FFPSA and provide safe care for children in need of out-of-home care in child abuse and neglect cases.

You can find CCI's Factsheet on HB 1043 [here](#).

HB 1043 will be heard on Wednesday, January 25 in the House Public & Behavioral Health & Human Services Committee.

Position: Support (CCI Initiated Bill)

Sponsors: Reps. Lindsay & Pugliese, Sens. Ginal & Rich

HB23-1024, Relative & Kin Placement of a Child

HB23-1024 addresses several provisions regarding relative and/or kin placements for a child who has been temporarily placed out of home. Most significantly, adding to statute that placement with a relative or kin is presumed in the best interest of the child and this presumption may only be rebutted with a preponderance of evidence, unless placement would jeopardize the child's mental, physical, or emotional health or safety or hinder efforts to reunify with the parent. Any order denying the placement of a child with a relative or kin is appealable.

The bill also addresses these other elements of relative or kin placements:

- Under existing law, county departments must contact grandparents and other adult relatives when a child has been removed from their home; this bill extends this to identified kin and adds information about how the relative(s) and/or kin(s) may participate in the child’s care and planning.
- Requiring county departments to exercise due diligence to contact and engage relatives and kin, which is reviewable by the court.
- Extending rights created in the Foster Parents Bill of Rights (created via [HB22-1231](#)) to relative or kin caregivers.
- County departments assisting relatives or kin who lack resources with obtaining necessary items, within existing available resources.
- Limiting the intervention of foster parent and non-relative kin to twelve months following adjudication.

The bill has been assigned to the House Judiciary Committee, but its hearing has not been scheduled.

Position: Pending

Sponsor(s): Reps. Gonzales-Gutierrez & Epps, Sen. Exum

Staff: Katie First

[HB23-1027](#), Parent & Child Family Time

This bill is being brought forward in response to the work of the High-Quality Parenting Time Task Force, which was created by [HB21-1101](#); county human services directors, caseworkers, and attorneys participated in the task force ([view their membership here](#)).

The bill defines in statute family time as “any form of contact or engagement between parents, legal custodians, guardians, siblings, and children or youth for the purposes of preserving and strengthening family ties”. Much of the bill, replaces the current standard of “visitation” with this new term “family time”.

Under the bill, county departments are to encourage the maximum amount of family time and must propose a family time plan to the court. The court shall order in-person family time at least once every seven days unless it is waived by the parties, for good cause, or if the court finds it necessary to protect the child’s safety or mental, emotional, or physical health. Informal resources and supports may be utilized to assist in transportation and supervision of family time. Withholding family time is prohibited as a sanction for both parents or children.

In addition, the High-Quality Parenting Time Task Force will continue to meet for an additional year and shall study and issue a report regarding current practices and opportunities to build additional capacity for family time.

The bill has been assigned to the House Judiciary Committee, but its hearing has not been scheduled.

Position: Pending

Sponsor(s): Rep. Joseph, Sen. Winter

Staff: Katie First

SB23-039, Reduce Child & Incarcerated Parent Separation

This bill addresses the involvement an incarcerated parent (in a Department of Corrections (DOC) facility, a private correctional facility under contract with DOC, or a county jail) whose child is subject to a dependency and neglect case with a county human services department. Includes:

- Creating a right for parents to attend and fully participate in all proceedings during a dependency and neglect case.
- Adding to statute that courts shall issue writs for incarcerated parents to attend all hearings related to their child's dependency and neglect case. If the facility cannot facilitate transport (to attend the hearing in person), the facility must notify the court 72 hours in advance and make every reasonable effort to allow for virtual participation. Should the parent refuse transportation to the hearing, the facility must notify the court as soon as practicable.
- During the dispositional hearing, the county human services caseworker must provide to the court a report of the services and treatment available to a parent at the facility and the opportunities for family time at the facility. The treatment plan for an incarcerated parent should include: how the parent will participate in all meetings and hearings with the court and county department; relevant services and treatment available in the facility that address the issues affecting the child's health, safety or welfare; and opportunities for family time, either in person at the facility or virtually.
- Should a parent become incarcerated for more than 28 days following a dispositional hearing, the county department shall submit an amended treatment plan
- Removing long-term confinement as a criteria to terminate parental rights and in the courts consideration for compliance with the treatment plan, the court is to consider limitations to complying while the parent was incarcerated.

When a parent has been sentenced to a DOC facility, the individual must report (via the mittimus) if they are involved in an open dependency and neglect case, so that it can be considered for placing the individual. Further, DOC must develop opportunities to facilitate continued relationships between children and their parents who are incarcerated and be designed to mitigate trauma.

While this bill has implications for county human service departments, these implications also extend to county jails; CCI staff has already been communicating with the County Sheriffs of Colorado (CSOC) regarding initial concerns.

Position: Pending

Sponsor(s): Sen. Buckner, Rep. Amabile

Staff: Katie First



Taxation & Finance

Chair: Commissioner Richard Elsner, Park County
Vice Chair: Commissioner Bob Campbell, Teller County
CCI Staff: Gini Pingnot

SB23-035, Middle-Income Housing Authority Act

The Middle Income Housing Authority (MIHA) is an independent, special-purpose authority for promoting affordable rental housing projects for middle-income workforce housing. It was created by [SB22-232](#), which gave it the power to make and enter into agreements with public or private entities to facilitate public-private partnerships.

SB23-035 clarifies this power to enter into public-private partnerships by specifying that the *affordable rental housing component* of a public-private partnership is exempt from state and local taxation, including local government property tax and sales and use tax. *Affordable rental housing components*, a new term introduced in SB23-035, would include property and activities that are a part of an affordable rental housing project. This could include a commercial element to a project (which must receive approval by the MIHA and be incidental to the housing component of the project) or rental housing vouchers or supportive services.

It is important to note that local governments must be notified and can object to a proposed project for any reason CRS 29-4-1107 (4). Cities and counties have the ultimate say in whether or not a project can proceed. Some of the reasons why a local government might object to a project include insufficient water and waste water infrastructure, impacts to wildlife, potential wildfire safety concerns (ie located in the Wildland Urban Interface), traffic concerns, etc. MIHA may agree to make payments to a local government in lieu of property or sales and use taxes but is not required to do so. Property that is not part of the affordable rental housing component in a public-private partnership remains subject to all taxation.

The bill also clarifies that a public-private partnership may provide for the transfer of the interest in an affordable rental housing project to an entity other than MIHA; that MIHA may issue bonds to finance the affordable rental housing component in a public-private partnership; and that bonds issued by MIHA may be payable from the revenue and assets of the affordable rental housing component of a public-private partnership or solely from the revenue or assets of MIHA as current law requires.

Additionally, the MIHA board of directors is expanded from 14 to 16 by the addition of two nonvoting members. The senate majority leader and the house majority leader will each appoint a member of the general assembly from their respective chambers, unless the senate majority leader and house majority leader are from the same political party, in which case the house minority leader will appoint the member from the house.

SB23-035 will be heard in the Senate Local Government & Housing Committee on Thursday, January 26th.

Position: Pending

Sponsors: Sens. Bridges & Moreno, Rep. Herod

HB23-1017, Electronic Sales and Use Tax Simplification System

The Sales and Use Tax Simplification System (SUTS) was launched in the spring of 2020 with two primary goals: 1.) ease sales tax filings and remittance for retailers and 2.) appeal to home rule municipalities to voluntarily join which in turn would ease the sales tax compliance expectations of retailers.

HB 1017 originates from the Sales and Use Tax Simplification Task Force, an interim committee that met last fall to develop this bill. The bill creates a ‘to do’ list of system upgrades that the Colorado Department of Revenue must onboard no later than January 1, 2025.

Some of these upgrades include:

- Notification to a local taxing jurisdiction when a change has been made to an account or when the account has been closed;
- Creating a simplified process for filing a zero return (occurs when a retailer has little to no retail activity during a filing period);
- Inclusion of use taxes;
- Requirements that a retailer register with a local taxing jurisdiction in which taxes are due before using SUTS; and
- Prohibiting a retailer from filing a return in SUTS unless the retailer has the correct local number on the account.

The bill also prohibits CDOR from charging a fee for payments made through SUTS, creates a campaign to promote the use of SUTS among retailers and local taxing jurisdictions, and tasks CDOR with soliciting feedback from stakeholders about needed SUTS enhancements (an activity the department has already been doing for several years.).

Position: Pending

Sponsors: Rep. Kipp & Bockenfeld, Sen. Bridges & Van Winkle

HB23-1054, Property Valuation

HB 1054 proposes a series of property valuation changes and limits the increase in local growth (and thus property tax revenues) in the 2023 property tax year (payable in 2024), creates a one-time change impacting which assessment cycle will be used for the notice of valuations that will be sent to property owners this spring and revises the multi-family assessment rate for the 2024 property tax year (payable in 2025).

To see a visual of all of the proposed changes in HB 1054 and how those would interact with legislation that passed in the last two years, click [here](#).

CCI will be hosting Rep. Frizell & Pugliese and Sen. Byron Pelton on Friday, January 20th from 1:30-2:30pm. These legislators are interested in hearing commissioner feedback on this bill and a [proposed property tax task force bill](#).

Position: Pending

Sponsors: Reps. Frizell, Sen. B Pelton