



Agenda
Special Board of Directors
Wednesday, March 6, 2024
4:00 p.m. – 5:30 p.m.
Video/Web Conference
Denver, CO

Times listed with each agenda item are approximate. It is requested that all cell phones be silenced during the Board of Directors meeting. Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact the Denver Regional Council of Governments at least 48 hours in advance of the meeting. If you have difficulty using this document's content, please email access@drcog.org or call 303-455-1000.

1. 4:00 p.m. Call to order
2. Roll call and introduction of new members and alternates
3. Move to approve agenda
4. 4:10 p.m. Report of the Chair
5. 4:15 p.m. Report of the Executive Director
6. 4:20 p.m. Public comment
Up to 45 minutes is allocated now for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Board, time will be allocated at the end of the meeting to complete public comment. The chair requests that there be no public comment on issues for which a prior public hearing has been held before this Board. Consent and action items will begin immediately after the last speaker.

Consent agenda

7. 4:25 p.m. Move to approve Consent agenda
 - A. Summary of February 21, 2024 meeting.
(Attachment A)

Action items

8. 4:30 p.m. Discussion of state legislative Issues:
 - A. Bills on Which Positions Have Previously Been Taken
(Attachment B) Rich Mauro, Director, Legislative Affairs
Rich Mauro will respond to questions and provide current status, if requested. These bills require no additional action by the Board unless individual bills are pulled from the package for reconsideration of the Board-adopted position. To change the Board's position on specific legislative bills requires affirmative action by 2/3 of those present and voting.
 - B. New Bills for Consideration and Action
(Attachment C) Rich Mauro, Director, Legislative Affairs
Rich Mauro will present a recommended position on any new bills based on the Board's legislative policies. If a bill requires additional discussion, it may be pulled from the package and action will be taken separately. To change the Board's position on specific legislative bills requires affirmative action by 2/3 of those present and voting.

Administrative items

9. **Next meeting – March 20, 2024**
10. Other matters by members
11. 5:30 p.m. Adjourn



Calendar of future meetings

March 2024

6th	Special Board of Directors	4:00 p.m.
19th	Regional Transportation Committee	8:30 a.m.
20th	Performance and Engagement Committee	5:00 p.m.
20th	Finance and Budget Committee	5:30 p.m.
20th	Board of Directors	6:30 p.m.
22nd	Advisory Committee on Aging	11:00 a.m.
25th	Transportation Advisory Committee	1:30 p.m.

April 2024

3rd	Board Work Session	4:00 p.m.
16th	Regional Transportation Committee	8:30 a.m.
17th	Performance and Engagement Committee	5:00 p.m.
17th	Finance and Budget Committee	5:30 p.m.
17th	Board of Directors	6:30 p.m.
26th	Advisory Committee on Aging	11:00 a.m.
26th-27th	2024 DRCOG Board Retreat	4:30 p.m.
29th	Transportation Advisory Committee	1:30 p.m.

May 2024

1st	Board Work Session	4:00 p.m.
14th	Regional Transportation Committee	8:30 a.m.
15th	Performance and Engagement Committee	5:00 p.m.
15th	Finance and Budget Committee	5:30 p.m.
15th	Board of Directors	6:30 p.m.
20th	Transportation Advisory Committee	1:30 p.m.
24th	Advisory Committee on Aging	11:00 a.m.



Attachment A

Summary of February 21, 2024 meeting

Board of Directors Meeting Summary

Wednesday, February 21, 2024

Members/Alternates Present

Steve Conklin, Chair	City of Edgewater
Steve O'Dorisio	Adams County
Jeff Baker	Arapahoe County
Claire Levy	Boulder County
Austin Ward	City and County of Broomfield
Nicholas Williams	City and County of Denver
Kevin Flynn	City and County of Denver
Andy Kerr	Jefferson County
Lisa Feret	City of Arvada
Alison Coombs (Alternate)	City of Aurora
Larry Vittum	Town of Bennett
Nicole Speer	City of Boulder
Deborah Mulvey	City of Castle Pines
Randy Weil	City of Cherry Hills Village
Christine Sweetland (Alternate)	City of Centennial
Steven Douglas	City of Commerce City
Othoniel Sierra	City of Englewood
Emily Baer (Alternate)	Town of Erie
Josie Cockrell	Town of Foxfield
Windi Padia	Town of Frederick
Lynette Kelsey	Town of Georgetown
Lisa Vitry (Alternate)	City of Golden
George Lantz	City of Greenwood Village
Chuck Harmon	City of Idaho Springs
Brian Wong	City of Lafayette
Jeslin Shahrezaei	City of Lakewood
Wynne Shaw	City of Lone Tree
Judi Kern	City of Louisville
Colleen Whitlow	Town of Mead
Tom Mahowald	Town of Nederland
Richard Kondo	City of Northglenn
John Diak	Town of Parker
Terrance Kelly	City of Sheridan
Neal Shah	Town of Superior
Justin Martinez	City of Thornton
Claire Carmelia (Alternate)	City of Westminster
Bud Starker	City of Wheat Ridge
Darius Pakbaz	Colorado Department of Transportation
Brian Welch	Regional Transportation District

Others Present: Douglas W. Rex, Executive Director, Melinda Stevens, Executive Assistant, DRCOG; Janet Lundquist, Chris Chovan, Adams County; Bryan Weimer, Arapahoe County; Art Griffith, Douglas County; Adam Paul, Denver; Mac Callison, Aurora; Kat Bristow, Lochbuie; Kent Moorman, Roberta Ayala, Thornton; Ed Bowditch, Jennifer Cassell, Bowditch & Cassell; Jordan Rudel, Colorado Department of Transportation; Pepe Sanchez, Colorado University; Jason Stone, Citizen; and DRCOG staff.

Chair Steve Conklin called the meeting to order at 6:33 p.m. with a quorum present.

The Chair noted new members and alternates: Justin Martinez, new member for the City of Thornton; Ryan Schuchard, new alternate for the City of Boulder; Christine Sweetland, new alternate for the City of Centennial; Kim Wright, new alternate for the City of Englewood; Roger Low, new alternate for the City of Lakewood; Shannon Lukeman-Hiromasa new alternate for the City of Northglenn; Roberta Ayala, new alternate for the City of Thornton; Claire Carmelia, new alternate for the City of Westminster; and Emily Baer new alternate for the Town of Erie.

Move to approve agenda

Director Harmon **moved** to approve the agenda. The motion was **seconded** and **passed** unanimously.

Report of the Chair

Chair Conklin wanted to thank Director Baker and Director Whitlow for their service as chairs for both committees for the last year.

- Director Baker reported that the Performance and Engagement Committee met prior to the meeting and solidified the date for the 2024 Board Retreat, which will take place April 26 - 27. They also discussed and provided direction to staff for desired agenda topics for the retreat.
- Director Whitlow reported the Finance and Budget Committee met and approved the consent agenda containing three resolutions, along with five other resolutions authorizing the Executive Director to:
 - negotiate and execute a contract with Nelson/Nygaard to develop a regional Active Transportation Plan in an amount not to exceed \$350,000 for a term not to exceed 24 months from the date of contract execution.
 - negotiate and execute a contract with Fehr and Peers for the North Federal Microtransit study in an amount not to exceed \$74,525 for a term of 14-months from the date of contract execution.
 - execute a contract with the Regional Transportation District for support and acceptance of the vanpool services offered by the Denver Regional Council of Governments' Way to Go program in an amount not to exceed \$583,000 beginning on January 1, 2024, and terminating on December 31, 2024.
 - execute a contract with Enterprise Leasing Company of Denver, LLC to provide vanpool services for the Way to Go vanpool program, in a total amount not to exceed \$583,000 per year, beginning on January 1, 2024, and terminating on December 31, 2024, with the option to renew for two additional one-year terms upon satisfactory performance.
 - negotiate and execute a contract with Charitable Rides and Adult Services, LLC doing business as OnTheGo in an amount not to exceed \$125,000 for the period beginning on March 1, 2024 and ending February 28, 2025 with option to renew for and three additional one-year terms upon satisfactory performance.

Report of the Executive Director

- Consent Agenda: Executive Director Rex informed the directors that there were more items than normal on consent and of course any member was welcome to pull an item from consent for further discussion, if needed.
- Executive Director Rex wanted to welcome Dr. Jose Sanchez, a new professor at Colorado University of Denver and acknowledge his research interest which is regional planning and collaboration.
- Legislation: DRCOG staff has been working with regional and state associations on introduced or pending legislation. There has been a significant amount of time spent on House Bill 24-1313, which concerns Transit-Oriented Communities. The Board will take a position on this bill at the March Special Board of Directors meeting.
- Regional Housing Needs Assessment: The second phase of the assessment is underway and DRCOG will be hosting discussions with over 10 stakeholder groups throughout the month of March. Staff prepared and submitted a proposal to the Department of Local Affairs through the Energy and Mineral Impact Fund for \$200,000 to support the Regional Housing Strategy and the proposal was accepted and chosen to receive these funds.
- Executive Director Rex wanted to thank Chair Conklin for his service on the Board as Chair for the last year.

Public Comment

There was no public comment.

Move to approve consent agenda

Director Kondo **moved** to approve the consent agenda. The motion was **seconded** and **passed** unanimously.

Items on the consent agenda included:

- Summary of the January 17, 2024 meeting.
- Appointments to the Performance & Engagement and Finance & Budget committees.
- Proposed 2024 Policy Statement on Federal Legislative Issues.
- The Comprehensive Economic Development Strategy.
- Transportation Improvement Program Policy Amendments.
- 2024 Federal Safety Performance Measure Targets.

Discussion of appointments to the Front Range Passenger Rail District Board

Jacob Riger provided an overview of the Board and the selection process to the directors. DRCOG has four representatives on the Front Range Passenger Rail District Board, all appointed by the DRCOG Board in February 2022. Two of the four representatives have 4-year terms, and the other two representatives have initial 2-year terms that expire March 1, 2024. DRCOG staff solicited candidates for these two expiring appointments from December 19, 2023 to January 19, 2024 and received six applications. DRCOG's Nominating Committee – comprised of Nicole Speer, Boulder; Kevin Flynn, Denver; Jeslin

Shahrezaei, Lakewood; Stephen Barr, Littleton; and John Diak, Parker – considered all individuals who applied to represent DRCOG on the Front Range Passenger Rail District Board. After discussion and consideration, the Nominating Committee recommended the following candidates:

- Joan Peck, Mayor, Longmont
- Sarah Nurmela, Mayor Pro Tem, Westminster

Director Mulvey **moved** to approve the DRCOG Nominating Committee's recommended candidates to represent DRCOG on the Front Range Passenger Rail District Board. The motion was **seconded** and **passed** unanimously.

Discussion of the Denver Regional Council of Governments Priority Climate Action Plan

Robert Spotts and Maddy Nesbit provided an updated overview of the plan and implementation timeline to the directors. Staff presented an overview of the draft Priority Climate Action Plan at the January 17 Board meeting in advance of the DRCOG Board considering adopting the plan. The plan includes a greenhouse gas emissions inventory, a low-income and disadvantaged communities analysis, an overview of public and stakeholder feedback, and quantified climate pollution reduction measures. The plan is a pre-requisite for any eligible entity to compete in the second phase of the Climate Pollution Reduction Grant program that will competitively award \$4.6 billion for implementation projects. Through a three-month long planning process, a set of eight voluntary strategies aimed at reducing climate pollution were identified. These interconnected strategies prioritize investment in the residential and commercial building sector, the transportation sector, and workforce development while addressing economic disparities by prioritizing equitable access to benefits and ensuring that vulnerable communities receive a fair share of the opportunities arising from these investments.

Director Ward **moved** to adopt the Denver Regional Council of Governments Priority Climate Action Plan to be submitted to the U.S. Environmental Protection Agency by March 1, 2024. The motion was **seconded** and **passed** 35 in favor and two opposed.

Election of Officers

Director Speer, Chair of the Nominating Committee, along with Directors Flynn, Shahrezaei, Barr, and Diak, considered all individuals who submitted their names to serve as Board officers. After discussion and consideration, the candidates proposed were recommended unanimously by the Nominating Committee:

- Chair – Wynne Shaw, Mayor Pro Tem, City of Lone Tree
- Vice Chair – Jeff Baker, County Commissioner, Arapahoe County
- Secretary – Colleen Whitlow, Mayor, Town of Mead
- Treasurer – Richard Kondo, Council Member, City of Northglenn
- Immediate Past Chair – Steve Conklin, Mayor, City of Edgewater

Director Weil **moved** to elect Board officers for 2024 as presented. The motion was **seconded** and **passed** unanimously.

Discussion to select representatives to serve on the Regional Transportation Committee, Statewide Transportation Advisory Committee, and E-470 Board of Directors.

Interest was solicited for directors to serve as DRCOG's representatives on the Regional Transportation Committee, the State Transportation Advisory Committee, and E-470 Board of Directors. New members of the Advisory Committee on Aging are appointed by the Board Chair; Paul Haseman, Judi Kern, and Lisa Feret were appointed to the committee. The following directors submitted their names for consideration on the following committees:

- Regional Transportation Committee:
 - Greg Mills, City of Brighton
 - Randy Weil, City of Cherry Hills Village
 - Deborah Mulvey, City of Castle Pines; Alternate

Director Lantz **moved** to approve Board members to serve on the Regional Transportation Committee, with the addition of Austin Ward and Steve Conklin as alternates. The motion was **seconded** and **passed** unanimously.

- Statewide Transportation Advisory Committee:
 - Steve O'Dorisio, Adams County
 - Greg Mills, City of Brighton

A ballot vote was performed to determine which candidate would serve as the member and which candidate would serve as the alternate.

Director Flynn **moved** to approve Steve O'Dorisio to serve as the member and Greg Mills to serve as the alternate on the Statewide Transportation Advisory Committee. The motion was **seconded** and **passed** unanimously.

- E-470 Board of Directors:
 - Deborah Mulvey, City of Castle Pines

By acclamation, the Board **moved** to approve the Board member to serve on the E-470 Board of Directors. The motion **passed** unanimously.

Discussion of state legislative issues: Bills on Which Positions Have Previously Been Taken

Rich Mauro provided a [status update](#) on bills previously acted upon by the Board to the directors. Mr. Mauro responded to questions about these bills. No additional action by the Board was required.

Discussion of state legislative issues: New Bills for Consideration and Action

Rich Mauro, Ed Bowditch, and Jennifer Cassell provided an overview of new bills for consideration to the Board. There was one new bill regarding aging, three new bills regarding transportation, and four new bills regarding housing for discussion and action. The following bills were voted on separately:

Board of Directors Meeting Summary

February 21, 2024

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- House Bill 24-1211 – State Funding for Senior Services Contingency Fund
 - By acclamation, the Board **moved** a position of support. The motion was **passed** with 30 in favor and 7 abstentions.
- Senate Bill 24-032 - Methods to Increase the Use of Transit
 - By acclamation, the Board **moved** a position of support. The motion was **passed** with 29 in favor, 1 opposed, and 6 abstentions.
- Senate Bill 24-065 - Mobile Electronic Devices & Motor Vehicle Driving
 - By acclamation, the Board **moved** a position of support. The motion was **passed** with 29 in favor and 8 abstentions.
- Senate Bill 24-036 - Vulnerable Road User Protection Enterprise
 - Director Levy **moved** a position of amend. The motion was **seconded** and **passed** with 27 in favor, 3 opposed, and 7 abstentions.
- House Bill 24-1152 - Accessory Dwelling Units (ADU)
 - Director Starker **moved** a position of oppose unless amended. The motion was **seconded** and **passed** with 21 in favor, 6 opposed, and 10 abstentions.
- House Bill 24-1083 - Construction Professional Insurance Coverage Transparency
 - Director Levy **moved** a position of support. The motion was **seconded** and **passed** with 17 in favor, 5 opposed, and 15 abstentions.
- Senate Bill 24-106 - Right to Remedy Construction Defects
 - Director Mulvey **moved** a position of monitor. The motion was **seconded** and **failed** with 16 in favor, 11 opposed, and 10 abstentions.
 - Director Starker **moved** a position of support. The motion was **seconded** and **passed** with 18 in favor, 5 opposed, and 14 abstentions.
- Senate Bill 24-112 - Construction Defect Action Procedures
 - Director Starker **moved** a position of monitor. The motion was **seconded** and **passed** with 26 in favor and 11 abstentions.

Committee Reports

State Transportation Advisory Committee

Director Williams stated the committee met in February and received a few important updates. The Transportation Commission will begin discussing the program distribution for formula funds in March. They also received an overview of the update to the State Freight and Passenger Rail plan. There was a preview of the next statewide plan, which will be the 2050 statewide plan due in August.

Metro Mayors Caucus

Director Starker stated they met February 7 and received a presentation from representatives of the Colorado Municipal League regarding land use, zoning, and accessory dwelling units. They also had a discussion on potential construction litigation reform and received briefings from the Regional Transportation District, the Department of Local Affairs, and the Metro Denver Economic Development Corporation.

Metro Area County Commissioners

There was no report given.

Advisory Committee on Aging

Jayla Sanchez-Warren stated the committee met and received a legislative update, received and update on their public awareness campaign, and discussed the home delivered meal program in Adams County.

Regional Air Quality Council

Chair Conklin stated there was no report.

E-470 Authority

Director Mulvey stated there was no report.

Report from CDOT

Director Pakbaz stated the Colorado Travel Count survey is out, which takes a sample of 20,000 residents to look at their travel patterns to help forecast future travel in the State.

Report from RTD

Brian Welch stated that Mayor Mike Johnston nominated Jamie Lewis to fill out the remaining term that belonged to Kate Williams.

Next meeting – Special Board meeting on March 6, 2024

Other matters by members

Chair Conklin wanted to express his deep gratitude to the newly elected Board officers for the 2024-2025 year, DRCOG staff, and the entire Board of Directors.

Adjournment

The meeting adjourned at 9:29 p.m.

Wynne Shaw, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Douglas W. Rex, Executive Director

Attachment B

Discussion of state legislative Issues: Bills on Which
Positions Have Previously Been Taken

Special Board of Directors

Meeting date: March 6, 2024

Agenda Item #: 8 – A

Discussion of state legislative Issues: Bills on Which Positions Have Previously Been Taken

Agenda item type: Action item

Summary

This item concerns updates to the status of bills previously acted on by the Board.

Background

The attachment updates the status of all bills previously acted upon by the Board as of February 28.

Action by others

n/a

Previous discussion/action

[February 21, 2024](#) – Board of Directors meeting

Recommendation

No action required unless requested by the Board.

Attachments

February Legislative Report - Status of Bills – As of 2-28-24

For more information

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or Rich Mauro, Director, Legislative Affairs, at 303-480-6778 or rmauro@drcog.org.



Denver Regional Council of Governments
 Legislative Report Status of Bills – 2024 session
 As of 2-28-24

Aging bills

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
Senate Bill 24-040	<p>State Funding for Senior Services- For the 2024-25 state fiscal year, the bill appropriates \$5 million from the General Fund to the Department of Human Services for state funding for senior services. Requires the General Assembly to annually adjust for inflation the General Fund appropriation for state funding for senior services. No later than August 2024, and each August every 3 years thereafter, the bill requires the CDHS, the Office of State Planning and Budgeting, and representatives from area agencies on aging to review the adequacy of the appropriation for senior services for the prior 3 fiscal years to address the needs of older adults who request services pursuant to the "Older Coloradans' Act". CDHS is required to report the findings of the adequacy review to the General Assembly.</p>	<p>Danielson & Ginal/Willford & Young</p>	<p>Senate Appropriations</p>	<p>Support</p>	<p>Link</p>	<p>The area agencies on aging (AAAs) have not received an increase in state base funding since 2018. Temporary funding received since 2019 (including excess homestead exemption dollars and pandemic relief) is coming to an end in 2024. Without an increase in funding, the AAAs will be faced with a serious fiscal cliff, as they struggle to meet 2024 demand and cost levels with 2018 budget levels. This bill will help with the funding concerns, while putting in place mechanisms to address longer term funding stability.</p>	<p>Increasing the appropriations to the State Funding for Senior Services line item in the Long Bill. This includes increasing the continuing appropriation to the Older Coloradans Cash Fund, as well as any additional state general fund monies that might become available. DRCOG specifically supports a stable, long-term funding source that increases to meet the growing need for services, which would provide a level of funding certainty that would improve yearly program planning for needed services.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
House Bill 24-1052	<p>Senior Housing Income Tax Credit- Reinstates a refundable income tax credit that was available for income tax year 2022, so that the credit is available for 2024. The credit is for a qualifying senior, which means a resident individual who: is 65 or older at the end of 2024; has federal adjusted gross income (AGI) less than or equal to \$75,000 if filing a single return, or less than or equal to \$150,000 if filing a joint return; and has not claimed the senior property tax exemption for the 2024 property tax year. The amount of the credit is: \$1,000 for a qualifying senior filing a single return with federal AGI that is \$25,000 or less. For every \$500 of AGI above \$25,000, the amount of the credit is reduced by \$10; \$1,000 for a qualifying senior filing a joint return with another individual who is not a qualifying senior with federal AGI that is \$50,000 or less. For every \$500 of AGI above \$50,000, the amount of the credit is reduced by \$10; \$2,000 for a qualifying senior filing a joint return with another qualifying senior with federal AGI that is \$50,000 or less. For every \$500 of AGI above \$50,000, the amount of the credit is reduced by \$10. A taxpayer who also qualifies for a property tax and rent assistance grant or heat assistance grant during 2024 is eligible to receive the full credit.</p>	<p>Weissman & Marshall/ Kolker & Hansen</p>	<p>House Finance</p>	<p>Support</p>	<p>Link</p>	<p>For income tax year 2024, the bill creates a means-tested, refundable income tax credit available to Colorado taxpayers who are at least 65 years old as of the end of the tax year, and whose adjusted gross income falls below a cap, and who have not claimed a homestead property tax exemption for the 2024 property tax year. The amount of the credit depends on the taxpayer's income and filing status. Regardless of income, a taxpayer who also qualifies for the existing property tax, rent, heat rebate during 2024 is eligible to receive the maximum credit.</p>	<p>No specific Board policy on income tax. However, the Board has several policies supporting increased state financial support to benefit people of all ages, incomes and abilities. The Board also has a specific policy supporting: Property tax relief to help reduce a tax liability that especially burdens low-income seniors and older adults on fixed incomes.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
<u>HB24-1211</u>	<p>State Funding for Senior Services Contingency Fund- creates the state funding for senior services contingency reserve fund (fund) in the Department of the Treasury to aid the state Office on Aging in addressing unforeseen circumstances experienced by an Area Agency on Aging or a provider of eligible services. For the current FY 2023-24, the bill requires an appropriation of \$2.0 million to the Department of Human Services.</p>	Sirota & Taggart/ Kirkmeyer & Zenzinger	Senate Appropriations	Support	<u>Link</u>	This is the bill that DRCOG staff mentioned at the January Board meeting. DRCOG staff and lobbyists worked with the Joint Budget Committee to draft the bill.	Increasing the appropriations to the State Funding for Senior Services line item in the Long Bill. This includes increasing the continuing appropriation to the Older Coloradans Cash Fund, as well as any additional state general fund monies that might become available. DRCOG specifically supports a stable, long-term funding source that increases to meet the growing need for services, which would provide a level of funding certainty that would improve yearly program planning for needed services.

Transportation bills

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
Senate Bill 24-032	Methods to Increase the Use of Transit- creates the Statewide Transit Pass Exploratory Committee in the Department of Transportation to produce a viable proposal for the creation, implementation, and administration of a statewide transit pass by July 1, 2026, with the goal of implementing a statewide transit pass by January 1, 2028; modifies the ozone season transit grant program created in 2022; makes the changes to the ozone season transit grant program: requires funding of \$7 million a year beginning July 1, 2024; and makes the grant program permanent; creates the Youth Fare Free Transit Grant Program to provide fare free year-round transit services for those 19 years of age or younger; creates an income tax credit for the purchase of a transit pass for five years beginning January 1, 2024.	Priola/ Jaquez Lewis & Vigil	Senate Finance	Support	Link	In 2022, the DRCOG Board supported SB 22-180, which created the Ozone Season Transit Pass and last year, the DRCOG Board supported HB 23-1101, which expanded the Ozone Season Transit Pass.	DRCOG supports Increased funding for transportation to preserve the system, mitigate congestion, improve safety, and provide multi-modal options for people of all ages, incomes and abilities, including allocation of additional state funds to support transit services within and among communities in the DRCOG area.

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
Senate Bill 24-036	<p>Vulnerable Road User Protection Enterprise- creates the Vulnerable Road User Protection Enterprise in the Department of Transportation (CDOT) for the purpose of providing funding for transportation system infrastructure improvements and other data-driven strategies identified in the Federal Highway Administration-mandated Vulnerable Road User Safety Assessment, which CDOT is required to develop, that reduce the number of collisions with motor vehicles that result in death or serious injury to vulnerable road users. The enterprise is required to impose a Vulnerable Road User Protection Fee in tiered amounts that are calculated based on motor vehicle weight and configuration, on the registration of passenger cars and light trucks that are not commercial vehicles. The enterprise is authorized to provide grants, subject to specified parameters, matching money requirements, and the use of grant money, to fund eligible projects.</p>	<p>Winter & Cutter/ Lindsay & Lindstedt</p>	<p>Senate Finance</p>	<p>Amend</p>	<p>Link</p>	<p>DRCOG staff has suggested to the sponsors that it makes more sense for the Transportation Commission to be the Board of the enterprise. Since the ~\$20m revenue estimate is relatively small, instead of creating a new administrative burden and grant process that would take resources from this revenue stream, it makes sense for the enterprise provide formula funding to the counties and municipalities within the area where the fees are assessed (possibly based on vehicle registrations, amount raised, or number of bike/pedestrian fatalities?). CDOT already receives 60% of ~\$80m per year) from the FASTER Safety surcharge. This funding should go to county and municipal roads and streets. The PPACG and Grand Valley MPO staff also support a formula funding approach rather than competitive grants.</p>	<p>DRCOG supports measures to improve safety for users of alternative modes, especially pedestrians and bicyclists, including efforts to improve the safety of the traveling public – drivers, transit riders, pedestrians and bicyclists.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
Senate Bill 24-065	Mobile Electronic Devices & Motor Vehicle Driving- Current law prohibits an individual who is under 18 years of age from using a mobile electronic device when driving. The bill applies the prohibition to an individual who is 18 years of age or older unless the individual is using a hands-free accessory, with certain exceptions.	Hansen & Fields/ Froelich & Ortiz	Senate Appropriations	Support	Link	According to the fiscal note, between 2021 and 2023, 49 teens were sentenced for driving while using a cellphone. About 71%, were male, 81% were White. In the same period, 50 adults were sentenced for texting while driving. About 60% were male and 88% were White.	DRCOG supports measures to improve safety for users of alternative modes, especially pedestrians and bicyclists, including efforts to improve the safety of the traveling public – drivers, transit riders, pedestrians and bicyclists.

Housing bills

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
House Bill 24-1152	<p>Accessory Dwelling Units (ADU)- establishes unique requirements for subject jurisdictions (a municipality that has a population of 1,000 or more and that is within the area of a metropolitan planning organization; or portion of a county that is both within a census designated place with a population of ten thousand or more, as reported in the most recent decennial census, and within the area of a metropolitan planning organization); requires a subject jurisdiction to allow, one ADU as an accessory use to a single-unit detached dwelling in any part of the subject jurisdiction where the subject jurisdiction allows single-unit detached dwellings; prohibits subject jurisdictions from enacting or enforcing certain local laws that would restrict the construction or conversion of an ADU; creates a fee reduction and encouragement grant program; provides \$8 million for various ADU assistance programs.</p>	<p>Amabile & Weinberg/ Mullica & Exum</p>	<p>House Transportation, Housing & Local Government</p>	<p>Oppose unless amended</p>	<p>Link</p>	<p>DRCOG staff have been attending stakeholder meetings on this bill.</p>	<p>DRCOG supports policies and programs that support the private and public sectors in the creation and maintenance of an adequate supply of affordable rental and ownership options and providing a variety of housing sizes and types integrated with the community to meet the needs of people of all ages, incomes, and abilities; state policy that incentivizes local governments to adopt land use policies aimed at increasing a diverse supply of housing stock; and actions to provide more accessible and obtainable housing options for seniors.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
House Bill 24-1083	<p>Construction Professional Insurance Coverage Transparency- requires the Division of Insurance in the Department of Regulatory Agencies (DORA) to provide for a study of construction liability insurance for construction professionals and submit a report to the General Assembly by December 31, 2026. The report must include: insurers offering construction liability policies in the state, including to residential property developers; rates and the basis for rates charged by insurers, to include five years of data, where available; risk factors, classifications, and coverage descriptions that insurers use to set rates; a comparison of rates charged in other states in the region for similar residential projects; policy coverage terms; limitations or exclusions from coverage; and the appropriate policy limits for a residential project with regard to the size and cost of construction. The bill also requires builders and sellers of new residences to provide the purchasers and the county clerk and recorder's office with information regarding the property's construction liability insurance coverage. The bill creates a civil cause of action for purchasers of a new residence to file suit against sellers that violate these provisions.</p>	<p>Willford & Brown/ Cutter</p>	<p>House Appropriations</p>	<p>Support</p>	<p>Link</p>		<p>DRCOG supports: Diverse housing options to meet the needs of residents of all ages, incomes and abilities; increased opportunities for diverse housing accessible by multimodal transportation to meet regional housing needs in connection with the regional multimodal transportation system; state policy that incentivizes local governments to adopt land use policies aimed at increasing a diverse supply of housing stock.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
<u>Senate Bill 24-106</u>	<p>Right to Remedy Construction Defects- clarifies that a person that has had a claim brought on the person's behalf is also considered a claimant, so the act applies to the person for whom the claim is brought; creates a right for a construction professional to remedy a claim made against the professional by doing remedial work or hiring another professional to perform the work; in addition to mediation, adds other forms of alternative dispute resolution for which the claim would be held in abeyance and makes them binding; for a settlement offer of a payment made in a claim, payment constitutes a settlement. To bring a claim or related action, a unit owners' association must obtain written consent of at least 2/3 of actual owners of units in the common interest community. A claimant is barred from seeking damages for failing to comply with building codes or industry standards unless the failure results in: actual damage to property; actual loss of the use of real or personal property; bodily injury or wrongful death; or a risk of bodily injury or death to, or a threat to the life, health, or safety of, the occupants. The actual property damage must be the result of a building code violation and requires the risk of injury or death or the threat to life, health, or safety to be imminent and unreasonable.</p>	<p>Zenzinger & Coleman/ Bird</p>	<p>Senate Local Government & Housing</p>	<p>Support</p>	<p>NA</p>		<p>DRCOG supports: Diverse housing options to meet the needs of residents of all ages, incomes and abilities; increased opportunities for diverse housing accessible by multimodal transportation to meet regional housing needs in connection with the regional multimodal transportation system; state policy that incentivizes local governments to adopt land use policies aimed at increasing a diverse supply of housing stock.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Position	Fiscal Note	Staff Comments	Legislative Policy
Senate Bill 24-112	<p>Construction Defect Action Procedures- Adds disclaimers to the "Construction Defect Action Reform Act" that: do not impose an obligation upon construction professionals to provide a warranty; apply to implied warranty claims; do not amend or change the terms of or limitation upon an express or implied warranty. States a construction professional is not liable for acts or omissions of a licensed design professional for any construction defects. Makes changes to the approval process in connection to common interest communities: requires the association to give notice to unit owners and reobtain unit owner approval to amend or supplement a proposed action after meeting; raises the number of owners who need to approve the action to 2/3 majority; requires an owner to sign their vote; requires the association to give professionals a list of non-responsive owners; and when unit owners' non-responsiveness is challenged in court: requires court to stay the action against the professionals and requires the notification and voting process to be performed again unless the court holds that the association diligently contacted the owners; and requires the association to disclose to the construction professionals all information relevant to the unit owners' non-responsiveness within 21 days after the challenge has been filed.</p>	Lundeen	Senate Local Government & Housing	Monitor	FN		<p>DRCOG supports: Diverse housing options to meet the needs of residents of all ages, incomes and abilities; increased opportunities for diverse housing accessible by multimodal transportation to meet regional housing needs in connection with the regional multimodal transportation system; state policy that incentivizes local governments to adopt land use policies aimed at increasing a diverse supply of housing stock.</p>

Attachment C

Discussion of state legislative Issues: New Bills for
Consideration and Action

Special Board of Directors

Meeting date: March 6, 2024

Agenda Item #: 8 – B

Discussion of state legislative Issues: New Bills for Consideration and Action

Agenda item type: Action item

Summary

This item concerns adoption of positions on state legislative bills as presented by staff.

Background

The attachment lists bills of interest since the February 21 Board meeting. It includes staff comments and information relative to the Board adopted Policy Statement on State Legislative Issues for Board consideration.

Any additional bills of interest after the Board meeting packet is sent out will be emailed to Board members 48 hours prior to the Board meeting with staff comments and staff recommended positions for review at the meeting per current Board policy.

Action by others

n/a

Previous discussion/action

n/a

Recommendation

Move to approve positions on state legislative issues.

Attachments

1. Legislative Report - New Bills as of February 28, 2024
2. Staff presentation

For more information

If you need additional information, please contact Douglas W. Rex, Executive Director, at 303-480-6701 or drex@drcog.org; or Rich Mauro, Director, Legislative Affairs, at 303-480-6778 or rmauro@drcog.org.



Transportation

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Fiscal Note	Staff Comments	Legislative Policy
House Bill 1304	<p>Minimum Parking Requirement- as of January 1, 2025, prohibits a county or municipality from enforcing minimum parking requirements for real property that is within a metropolitan planning organization. This prohibition does not prohibit a county or municipality from: lowering protections provided for persons with disabilities; from enacting or enforcing a maximum parking requirement; or enacting or enforcing a minimum parking requirement for bicycles. Allows a imposition of the following requirements on a parking space that is voluntarily provided in connection with a development project: that the owners of such a motor vehicle parking space charge for the use of the space; and that such a motor vehicle parking space allow for vehicle charging stations in accordance with existing law. Requires a county or municipality on or after June 30, 2025, to submit a report to the Department of Local Affairs detailing compliance with the requirements of the bill. The bill provides a process for the review of such a report.</p>	<p>Vigil & Woodrow/Priola & Hinrichsen</p>	<p>House Transportation Housing & Local Government</p>	<p>Board Direction Requested</p>	<p>NA</p>	<p>Staff has attended stakeholder meetings on this bill. The bill's first hearing is scheduled for March 5. The sponsors are likely to offer amendments at the meeting.</p>	<p>DRCOG supports: Diverse housing options to meet the needs of residents of all ages, incomes and abilities; increased opportunities for diverse housing accessible by multimodal transportation to meet regional housing needs in connection with the regional multimodal transportation system; state policy that incentivizes local governments to adopt land use policies aimed at increasing a diverse supply of housing stock.</p>

Bill No.	Short Title/Bill Summary	Sponsors	Status	Recommended Position	Fiscal Note	Staff Comments	Legislative Policy
House Bill 1313	<p>Housing in Transit-Oriented Communities- The bill requires local governments to meet a housing opportunity goal if the local government is defined as a transit-oriented community.</p> <p>A transit-oriented community is one that:</p> <ul style="list-style-type: none"> • Is entirely within a metropolitan planning organization; • Has a population of 4,000 or more; and • Contains at least 75 acres of certain transit-related areas; or <p>If the local government is a county, contains either a part of:</p> <ul style="list-style-type: none"> • A transit station area that is both in an unincorporated part of the county and within one-half mile of a station that serves a commuter rail service or light rail service; or • A transit corridor area that both is in an unincorporated part of the county and is fully encompassed by one or more municipalities. 	Woodrow & Jodeh/Hansen & Winter	House Transportation, Housing & Local Government	Board Direction Requested	NA	Staff has attended stakeholder meetings on this bill. The bill's first hearing is scheduled for March 6. The sponsors are likely to offer amendments at the meeting.	DRCOG supports: Diverse housing options to meet the needs of residents of all ages, incomes and abilities; increased opportunities for diverse housing accessible by multimodal transportation to meet regional housing needs in connection with the regional multimodal transportation system; state policy that incentivizes local governments to adopt land use policies aimed at increasing a diverse supply of housing stock.

HB24-1313 – Transit-Oriented Communities

Summary of HB 24-1313 components

- Establishes “Transit-Oriented Communities” (TOC) as a new category of local governments
- Creates requirements for each TOC to develop housing opportunity goal (zoning compliance goal) for areas near transit
- Requires TOCs to identify affordability strategies
- Requires TOCs to identify displacement mitigation strategies

Transit oriented communities

- Entirely or partially within an MPO
- Population \geq 4,000
- Contains at least 75 acres of transit area
- If a county –
 - Contains part of a transit station area in an unincorporated area, or
 - Contains a transit corridor area in an unincorporated area and fully encompassed by one or more municipalities.

Transit areas

- Transit station area – within $\frac{1}{2}$ mile of a station that serves commuter bus rapid transit, commuter rail, light rail, or frequent bus service that operates primarily on an interstate highway.
- Transit corridor area – within $\frac{1}{4}$ mile of a public bus route that:
 - Has scheduled frequency of 15 minutes or less during highest frequency service hours, or
 - Is an urban bus rapid transit service.

Housing opportunity goal explanation

- Multiply the total acres of all transit areas within the transit oriented community, excluding exempt parcels, by 40 units per acre.
- Exempt parcels – agricultural, natural resource preservation, open space zoning district; industrial zoning or use; floodway or floodplain; cemetery; airport; public or railroad right-of-way; mobile home park; federal or state owned; park and open space.

Timeline for compliance – HB 24-1313

- By January 31, 2025, TOC must submit a preliminary transit-oriented community assessment report
- By December 31, 2026, must submit a housing opportunity goal report
 - Shows that you have met the housing opportunity goal
 - may notify DOLA of insufficient water supply to meet housing opportunity goal
 - requires affordability strategies
 - requires displacement mitigation strategies

Demonstrating compliance

- Designate "transit centers"
 - Composed solely of zoning districts that allow net ≥ 15 units per acre.
 - Establish administrative approval for MF development on parcels ≤ 5 acres.
 - Wholly or partially within a transit area
- Ensure total zoning capacity of all designated transit centers is greater than housing opportunity goal.
- Submit housing opportunity goal report and have report approved by DOLA.

Nonqualified TOC – Hwy users fund allocation

- If a TOC does not submit a housing opportunity goal report by December 31, 2026 or DOLA does not approve the report, the TOC is a nonqualified TOC.
- Beginning December 31, 2026, and every month thereafter
 - Highway User Tax allocation will be transferred to the Transit-Oriented Communities Highway Users Tax account if the local government is a nonqualified TOC.
- If DOLA does not approve a TOC housing opportunity goal report by December 31, 2027, DOLA may seek an injunction requiring TOC to comply

Thank you!



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