



Government employers have early access to FAML I registration

There are open slots for My FAML I+ Employer early access registration sessions for local government employers. My FAML I+ Employer is the online portal all Colorado employers will use to manage their requirements for Colorado's new paid Family and Medical Leave Insurance (FAML I) program.

All local government employers are required to register, even if their organizations vote to opt out of FAML I. Government employers that still need to register can sign up online at <https://bit.ly/3GziGmd>. These appointments are reserved for local government employers only. During each appointment, employers will be able to get access to My FAML I+ Employer, upload a letter indicating an opt-out vote, and ask a FAML I representative questions about the registration and opt-out process.

Time slots are limited. If a government employer is unavailable during the open time slots, My FAML I+ Employer is expected to launch for all employers later this year.

If a local government employer has voted to opt out of participation in the FAML I program, it must register and notify the FAML I Division of the vote before **Jan. 1, 2023**, to avoid being responsible for 2023 premium payments. Municipalities planning to participate in the program must register before the first premium payment is due on **April 30, 2023**. Local governments that have voted to opt out will need to indicate the date the vote was taken and the result of the vote on letterhead. That letter should also indicate whether or not the



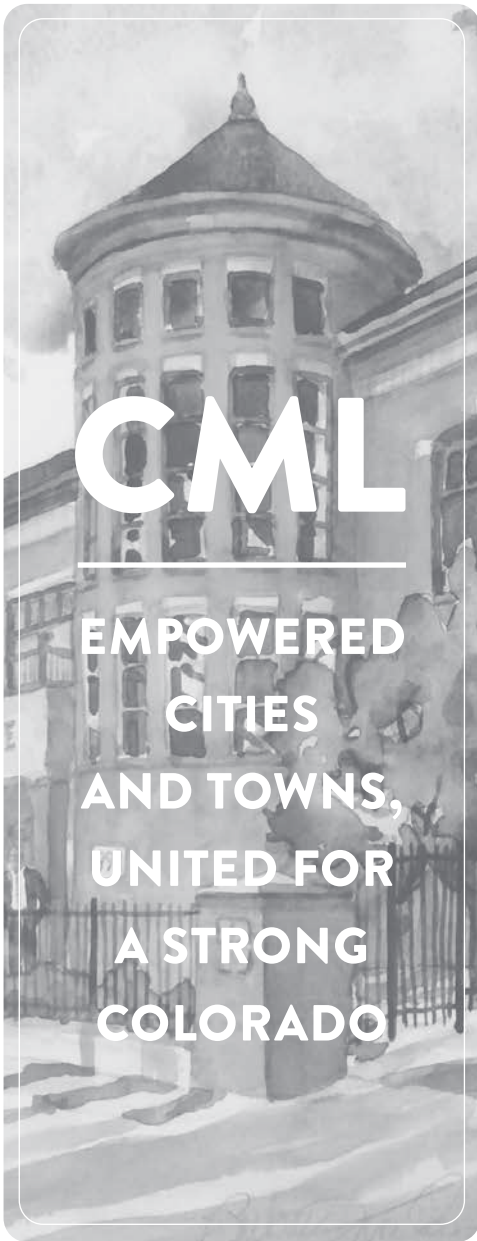
local government intends to support its individual employees who choose to voluntarily participate by submitting wage data and premium payments on their behalf. Letters can be uploaded directly to My FAML I+ Employer during the registration session.

For the best experience, have your Federal Employer Identification Number handy and use a desktop computer rather than a tablet or mobile device. While My FAML I+ Employer is compatible with all browsers, Google Chrome is recommended.

These sessions are designed for the representatives of local government employers who will be managing the local government's My FAML I+ Employer account. These sessions are not meant for employees of opted out local governments.

Employees of local governments who have opted out do not need to take any action to self-elect FAML I coverage until benefits become available in 2024.

To learn more about the FAML I program and the requirements for local government employers, download the Local Government Guide, <https://bit.ly/3gqohk0>, and visit the local government support page, <https://bit.ly/3U0jdAz>.



Webinar will explore funding opportunities for electric vehicle planning projects

Colorado Communities for Climate Action and Southwest Energy Efficiency Project are hosting a webinar **Dec. 6**. Panelists will discuss new funding opportunities for local governments to pursue electric vehicle infrastructure planning and projects. The Bipartisan Infrastructure Law increased the scope of eligible uses of core transportation programs including the Surface Transportation Block Grant, the National Highway Performance Program, the National Highway Freight Program, and the State Planning and Research and Metropolitan Planning programs. It also created new programs that can fund electric vehicle projects, including the National Electric Vehicle Infrastructure discretionary grant program (launching in late 2022) and the Carbon Reduction Program. Panelists will also discuss complementary state electric vehicle programs, Colorado's future plans, and how local governments could engage with these opportunities.

SPEAKERS

- Michael King, assistant director of electrification & energy, Colorado Department of Transportation
- Christian Williss, managing director, Transportation Fuels and Technology, Colorado Energy Office
- Travis Madsen, transportation director, Southwest Energy Efficiency Project
- Rebecca Sereboff, senior EV infrastructure associate, Electrification Coalition

This webinar is intended for local and regional government transportation planners, local elected officials, and others involved in transportation infrastructure planning and decision-making. Visit <http://bit.ly/3tWGfOo> to register.

Colorado Resiliency Office hosts summit

This year was the inaugural year of the annual Colorado Resiliency Summit, which is open to the public to attend, and the Colorado Resiliency office hopes to have started a tradition that will continue long into the future. The office is excited to announce the date for next year's resiliency summit: **Jan. 26**.

The summit will celebrate the ten-year anniversary of the Colorado Resiliency Office, and it will include opportunities for engagement and incredible keynote speakers. More information coming soon, please stay tuned!



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

CML Newsletter (ISSN 7439903) is published biweekly by the Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207, for Colorado's municipal officials. (USPS 075-590) Periodical postage paid in Denver, Colorado.

Editor: Jennifer Stone
Designer: Alex Miller
Circulation/mailling lists: Mark Vanderbrook

POSTMASTER: Send address change form 3579 to Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207; (p) 303-831-6411 / 866-578-0936; (f) 303-860-8175.

Subscription to *CML Newsletter* is offered as a portion of member dues.

Get this newsletter by email. The *CML Newsletter* is available by email three days before it arrives in the mail! Sign up at bit.ly/CMLNewsletter.

Reinventing Democracy: How Hometowns are Strengthening America

The American Academy of Arts & Sciences is hosting a free, three-day virtual symposium. Reinventing Democracy: How Hometowns are Strengthening America will take place **Dec. 7-9**, from 9:30 a.m.-2 p.m.

This special event will bring together mayors, city councilors, select board members, city and town managers, and other municipal officials from across the country to learn about pragmatic

approaches to reforms like ranked choice voting, participatory governance, clean elections laws, civic education, and more. The event will feature keynote speaker Judy Woodruff of PBS News, as well as panels of subject-matter experts and elected leaders with practical experience working on these initiatives.

More information and the registration link are online at <https://bit.ly/3XEozo6>.



GRANT RECIPIENTS

DOLA awards more than \$24 million to meet affordable housing needs

The Department of Local Affairs, through the Division of Housing's State Housing Board, has voted on and awarded more than \$24 million in funding to bring more affordable housing options to Coloradans across the state.

AFFORDABLE HOUSING IN DEVELOPMENT

BlueBird Boulder (\$1.8M)

Bluebird Boulder is a Permanent Supportive Housing project seeking to address the needs of Boulder residents experiencing homelessness.

There will be 40 apartments in the building, including eight studios and 32 one-bedrooms. With trauma-informed design principles in place, common areas will be used for activities and meetings, and residents will be protected by safety cameras and staff available 24 hours a day.

The highly energy-efficient building with an all-electric ready design will be constructed with a wood frame on concrete spread footings and a concrete post-tension slab on grade foundation, with a flat, membrane style roof. Exterior panels will be made of flat-lock metal and barn wood. Access to the upper floors will be provided by an elevator located near the building's entrance and two stair cores. Residents will have access to Wi-Fi internet access, refrigerators, electric stoves, and ovens in all leased units. Building amenities

include on-site laundry, on-site management, and a sensory garden, community room, and picnic area.

Casa De Los Arcos Pagosa Springs (\$981.25K)

This project incorporates the refinance and rehabilitation of Casa De Los Arcos, a 16-unit senior housing development built in 1978 and located in Pagosa Springs.

The rehabilitation budget includes the replacement of exterior siding, replacement of flooring and cabinets, repairs to walls and ceilings, interior painting, upgrade of appliances and necessary upgrades to mechanical, plumbing, and heating systems.

Once updated, the property will consist of 15 one-bedroom units and one two-bedroom unit.

Montview Manor Denver (\$3.35M)

The Division of Housing loan of up to \$3,350,000 to assist with the acquisition and rehabilitation of Montview Manor.

This is an 88-unit senior affordable housing community located within a block of City Park in Denver. Montview is a 13-floor high rise apartment that has provided affordable housing for seniors since the building opened in 1964. Montview includes efficiency, one-bedroom and two-bedroom units and serves senior residents with a range of incomes from 20% area median income to 100% AMI with 22 units at or below 30% AMI.

Among the building's amenities are a community library, resident lounges and meeting areas, on-site laundry, a fitness room, a profitable guest room, a garden with a koi pond, and a barbershop. A small commercial kitchen, dining room, and 360-degree balcony can be found on the top floor of the building. Two elevators are also located in the building.

River Walk Affordable Housing Ouray (\$675K)

The Home Trust of Ouray County has been awarded \$675,000 for the acquisition of land to construct 12 rental units in Ouray.

The proposed unit mix is four one-bedroom and one-bath units, and eight two-bedroom and two-bath units. Among the proposed units, six are at 60% area median income and six are at 80% AMI. Approximately 1,050 square feet will be allocated to the two-bedroom units, while 600 square feet will be allocated to the one-bedroom units. In addition to having backyards along the river, these units will be in close proximity to a walking path into town.

Ralston Gardens Arvada (\$2.55M)

Mile High Development and Brinshore Development are requesting funds for the construction of Ralston Gardens Apartments, a 102-unit family project located in Arvada's "Ralston Valley."

The area is at the center of a strong single-family housing area and an established retail area that will provide residents with pedestrian access to employment and shopping centers.

The rental units at Ralston Gardens will accommodate households between 30% and 70% of area median income. There will be 66 one-bedroom units, 32 two-bedroom units, and four three-bedroom units.

A naturally reflective "cool roof" will be on this four-story building, which will have a slab on grade foundation and Type 5 wood frame construction. Two elevators and two stair cores will serve the building.

Eagle Meadow Homes Aurora (\$2.6M)

The Division of Housing State Housing Board has awarded a loan of up to \$2,604,000 to assist for the new construction of Eagle Meadow Homes on 2nd Avenue in the City Center North neighborhood in Aurora.

The first phase of this development will be made of 93 affordable rental units with affordability ranging from 30% to 60% of the area median income. 24 units (25.8%) will be available to families earning 40% AMI, including 11 units (11.8%) at 30% AMI.

The property includes a clubhouse, playground, tot lot, community room, computer lab, community garden, BBQ area, and a resident gathering area overlooking Tollgate Creek. All units have E-Star appliances, in-unit washers and dryers, ceiling fans, coat closets, and patios or balconies.

For all residents, CHP will provide tutoring after school, adult education, an on-site Resident Services Coordinator and office to assist with case management, navigation of government and community resources, rental assistance loan and grant administration, and community events.

2700 Wewatta Denver (\$3M)

TGTHR (formerly Attention Homes) and Rivet Development were awarded \$3,000,000 for the construction of 2700 Wewatta, a supportive housing project serving transition-age youth 18 to 24 years old. The project will consist of 56 units for youth at risk of or

experiencing homelessness and/or aging out of the child welfare system.

Half the units (28) will serve households at or below 30% AMI and the other half (28) will serve households at or below 50% AMI.

There are a number of community amenities available to residents, including a lounge area with a coffee bar, onsite laundry, small and large multipurpose rooms, bicycle storage, BBQ grills and seating (both covered and uncovered), and a basketball court.

Residents will receive 24/7 case management services and a full-time property manager who will coordinate activities, classes, and supportive services. An onsite social enterprise/commercial space will offer job training and employment opportunities to residents.

The building is designed with trauma-informed principles (ample daylight, open stairwells, clear sight-lines, 24/7 staffing, security cameras). Also, the units (52 one-bedroom and four two-bedroom) will be fully furnished with full size beds, comfortable seating, blackout shades in the bedrooms, and owner-paid Wi-Fi.

Panorama Heights — Lofts at 1609 Colorado Springs (\$3.8M)

This project is a 137-unit, new construction project located in Southeast Colorado Springs. The site for the project is 3.28 acres near Academy Boulevard and Fountain Boulevard in an area close to easily accessible public transit, retail, schools, and job centers.

Lofts at 1609 will be a four-story elevator structure over a parking podium using cement fiber siding and an attractive, modern masonry exterior with metal accents. The parking podium will provide 58 covered parking spaces freeing up the site for more green space including a playground, dog park, and above ground detention.

Wintergreen Ridge Keystone (\$2.35M)

Wintergreen Ridge is a 47-unit affordable housing development that will be built in Keystone, Colorado by Gorman & Company.

It will consist of one, two, and three-bedroom permanently affordable rental units serving individuals and families earning 30%-60% of area median income.

The 6.178-acre Transit-Oriented Development site is served by a Keystone Resort Shuttle (0.1 miles) and a countywide bus stop (0.2 miles) and is within 0.5 to six miles of major employers and county services. The site accesses an extensive network of pedestrian and bike paths that connect to points throughout the county.

Brush Village (\$2.925M)

This new construction multifamily development will provide 45 apartments for households at 30%, 50% and 60% of area median income.

The unit mix is 29 one-bedrooms and 16 two-bedrooms. This will be the first tax credit development in Brush in nearly 30 years. This will also be the first development that provides affordable rentals specific to the 30% and 50% AMI demographic in Morgan County.

There are one-bedroom and two-bedroom units available, ranging from 615 SF to 916 square feet. They will include nine-foot ceilings, in-unit washer/dryer along with wall air conditioning, blinds, high-speed internet hook-ups, a ceiling fan, coat closet, pantry, refrigerator, stove/oven, dishwasher, disposal, and microwave. Some units will have walk-in closets.

GRANT OPPORTUNITIES FOR LOCAL GOVERNMENTS



State Outdoor Recreation Grant program

The Colorado Outdoor Recreation Industry Office (OREC) is overseeing the Colorado State Outdoor Recreation Grant program. These funds are made available through the Economic Development Administration as a part of the American Rescue Plan Act. The Outdoor Recreation Industry Office will accept applications for about \$4 million in competitive funding for projects related to economic development and recovery in the outdoor recreation sector. Eligible entities include government bodies, nonprofits, colleges/universities, economic development organizations, and Indian Tribes.

Applications will be accepted on a rolling basis with quarterly review deadlines of March 31, June 30, Sept. 30, and Dec. 31 of

each year through 2025 or until all funding is allocated.

Grant recipients will be subject to federal and state reporting requirements, as outlined in the final grant agreements, and will be subject to annual site visits from OREC staff through the duration of the grant.

Due to Economic Development Administration restrictions, this funding is not available for individuals, private businesses, or other federal agencies. In addition, projects occurring on federal lands or new construction projects may be ineligible.

More information about the grant program is available at <https://bit.ly/3ACHpIG>.

Free support for WaterSMART Grant applicants

Now, more than ever, municipalities and utilities need all the financial support they can get to meet the region's water challenges. WaterNow offers free application support to Colorado water providers applying for the U.S. Bureau of Reclamation's WaterSMART Grants.

Support includes:

- Application and budget templates that follow the Notice of Funding Opportunity
- Targeted research tasks and detailed review of your application
- One-on-one calls to discuss open grant opportunities, strategize next steps, and provide guidance on the grant submission processes.

WaterNOW will work with you to determine what kind of support would be most useful to your utility or organization. If you are located in Colorado and interested in applying for these grants and learning more about how WaterNow can help support your application process, fill out this Google Form: <https://bit.ly/3gqLPFB>.

Reminder: Colorado matching grant program accepting applications

Local governments are eligible for Colorado's matching grant program. The program supports communities applying for federal Bipartisan Infrastructure Law grants that require matching funds.

In fiscal year 2022-23, \$6 million will be available to local governments, and additional funds will be allocated in the following fiscal year. Eligible entities include Colorado counties, municipalities, special districts, and federally recognized tribes.

The program is accepting applications and will remain open until all the funds are spent. The minimum request for

local match funds is \$250,000, barring exceptional circumstances for a project seeking funding. Applications are made through the Division of Local Government Online Grants Portal, and you can find more information about the program at <https://bit.ly/3OGOyaA>.

Bipartisan Infrastructure Law grants to local governments are aimed at funding essential infrastructure needs, such as improving energy and power infrastructure, increasing broadband access, and making improvements to transportation and water systems.

High-speed internet for Hugo farms

Congratulations to The Eastern Slope Rural Telephone Association in Hugo, which will receive \$18.7 million to deploy fiber networking. The grant will pay for 898 farms to be connected to high-speed internet, benefiting the agricultural industry.

The U.S. Department of Agriculture announced it is providing \$759 million to bring high-speed internet access to people living and working across 24 states and territories.

CML LEGAL CORNER



Taking on HB 21-1162 — plastic product bans and bag fees

By Rachel Bender, CML associate counsel

On July 6, 2021, Gov. Polis signed HB 21-1162 – Concerning the Management of Plastic Products – into law. Although this bill became law well over a year ago, most of its provisions are not yet in effect. Nevertheless, municipalities should be aware of HB 21-1162 and consider how they want to execute this bill in their communities. This article will provide an overview of the bill, offer insights to some of the questions that frequently arise, and direct you to some additional resources that may be useful as you consider implementation.

PLASTIC RESTRICTIONS

Starting **Jan. 1, 2024**, stores and retail food establishments will no longer be allowed to provide single use plastic carry out bags. If plastic bags were part of a business's inventory prior to **Jan. 1, 2024**, it can continue providing those bags to customers until **June 1, 2024**, but customers must still pay a bag fee.

Retail food establishments don't have to comply if they prepare or serve food in individual portions for immediate on- or off-premises consumption and are not a grocery store or convenience store; in other words, restaurants will not be subject to this plastic bag ban. Additionally, in HB 21-1162, stores are defined to exclude "small stores," which are stores that (1) operate solely in Colorado, (2) have three or fewer locations in the state, and (3) are not part of a franchise, corporation, or partnership that has physical locations outside of Colorado. This means that individual "mom-and-pop" stores will also not be subject to the plastic bag ban.

Also starting **Jan. 1, 2024**, all retail food establishments will not be permitted to

distribute expanded polystyrene product (i.e. styrofoam) for use as a container for ready-to-eat food. If a retail food establishment has remaining inventory that it purchased before **Jan. 1, 2024**, it can distribute that inventory until it is depleted. The retail food establishment exception discussed above for plastic bags, does not apply here.

STATE-IMPOSED BAG FEES

The bag fee, which goes into effect **Jan. 1, 2023**, requires stores to charge customers a fee of at least 10 cents per bag. Between **Jan. 1, 2023**, and **Jan. 1, 2024**, that fee applies to both recycled paper bags and single use plastic bags. After the plastic bag ban goes into effect **Jan. 1, 2024**, the fee still applies to paper bags and any remaining inventory of plastic bags.

Although HB 21-1162 requires a bag fee of at least 10 cents per bag, municipalities can elect to pass an ordinance increasing the fee. The local government where the store is located will receive 60% of the fee, and 40% of the fee is kept by the store. Municipalities are permitted to use the fee revenue for (1) administrative and enforcement costs incurred because of the bag fee; and (2) any recycling, composting, or other waste diversion programs and related outreach and education activities.

Stores are directed to start remitting the local government's portion of the fee revenue on a quarterly basis starting **April 1, 2024**. The gap between the fee start date of **Jan. 1, 2023**, and the fee remission date of **April 1, 2024**, is the result of a drafting error. Municipalities can consider collaborating with local businesses to allow business to start remitting the fee in 2023, rather than waiting until 2024.

ENFORCEMENT AND LOCAL REGULATIONS

A municipality has broad discretion in enforcing the requirements of HB 21-1162 within its jurisdiction. The bill provides some parameters for county enforcement that municipalities could elect to mirror if they wish to do so. However, the latitude provided to municipalities allows each municipality to handle enforcement in a way that makes sense to its community and to allocate the appropriate amount of resources and personnel used for enforcement, if any. All enforcement power is vested in local jurisdictions and will not be overseen by the state. Local governments cannot waive the fee.

Starting **July 1, 2024**, municipalities have the authority to enact an ordinance, resolution, rule, or charter provision on this subject matter that is as stringent or more stringent than HB 21-1162. Home rule municipalities likely have the authority to do so even before **July 1, 2024**.

ADDITIONAL RESOURCES

CML took part in hosting a webinar about HB 21-1162 in October 2022. The webinar is available at <https://tinyurl.com/mpemm4sd>.

The webinar discusses implementation, best practices for collection of the fees, communication tips, education resources, and FAQs. Keep an eye out for a written summary of FAQs about HB 21-1162, coming soon to CML's website.

This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.

RESEARCH CORNER

Coloradans and the cities & towns where they live

Colorado municipalities by the numbers



Colorado population
5,814,707



Residents who live in cities/towns
4,333,096



City/town administrator/managers
186



Mayors, councilmembers, and trustees
1,811



Home rule municipalities
105
Residents living in home rule municipalities
4,049,410



Newest home rule municipality
Monument



Statutory municipalities
166
Residents living in statutory municipalities
282,474



Territorial charter towns
1
Residents living in territorial charter towns
1,212



Municipal members
270



Largest municipality
Denver
711,973



Smallest municipality
Lakeside
16

75%
of Coloradans live in a city or town

93%
of the municipal population lives in a home rule municipality

63%
of the municipal population lives in the 12 largest cities

71%
of municipalities have fewer than 5,000 residents



COLORADO
MUNICIPAL
LEAGUE

USPS 075-590

Periodical postage
PAID
at Denver, Colorado

1144 Sherman St. • Denver, CO • 80203-2207

Featured in this issue:

- Local governments get early access to FAMLI registration
- DOLA awards \$24 million for affordable housing
- Webinar on funding for EV infrastructure
- Legal Corner: Plastic product bans and bag fees
- Research Corner: Colorado by the numbers

Vol. 48, No. 24, December 2, 2022

NEWSLETTER

COLORADO
MUNICIPAL
LEAGUE

