

<p>SUPREME COURT, STATE OF COLORADO</p> <p>2 East 14th Avenue Denver, Colorado 80203</p>	<div data-bbox="1003 283 1404 525" style="border: 1px solid black; padding: 5px; text-align: center;"><p>FILED IN THE SUPREME COURT</p><div data-bbox="1055 346 1347 462" style="border: 1px solid black; padding: 5px; margin: 5px 0;"><p>JUN 11 2008</p></div><p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p></div> <p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>IN RE THE MATTER OF THE TITLE, BALLOT TITLE, AND SUBMISSION CLAUSE FOR 2007-2008, #103 ("COLORADO HOUSING INVESTMENT FUND")</p> <p>Petitioner: ROBERT GOLDEN, Petitioner,</p> <p>v.</p> <p>Respondents: NEDRA SAN FILLIPPO AND KENNETH HOAGLAND, Proponents,</p> <p>v.</p> <p>Title Board: WILLIAM HOBBS, SHARON EUBANKS, AND DANIEL DOMENICO.</p>	
<p>Attorneys for Petitioner:</p> <p>Jason R. Dunn Brownstein Hyatt Farber Schreck LLP 410 Seventeenth Street, Suite 2200 Denver, CO 80202-4432 Tel: 303.223.1100 Fax: 303.223.1111 jdunn@bhfs.com</p>	<p>Case Number: 08SA193</p>
<p>PETITIONER'S OPENING BRIEF</p>	

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
ISSUES PRESENTED FOR REVIEW	1
I. The stated purpose of Initiative #103 is to increase the quantity of affordable housing in Colorado. Does the fact that the measure also provides funding for a variety of other unrelated social programs violate the single subject requirement?.....	1
II. The title of Initiative #103 fails to describe key aspects of the measure and relies on a catch-phrase to elicit voter support. Should the measure be remanded to the Title Board to set a title that is clear and accurate?.....	1
STATEMENT OF THE CASE.....	1
SUMMARY OF THE ARGUMENT	2
STANDARD OF REVIEW	3
ARGUMENT.....	4
I. INITIATIVE #103 CONTAINS MULTIPLE SUBJECTS THAT HAVE NO NECESSARY OR PROPER CONNECTION TO EACH OTHER OR TO INCREASING THE QUANTITY OF AFFORDABLE HOUSING	4
A. Standard of review for single subject analysis.....	4
B. Initiative #103 contains multiple unconnected and incongruous subjects	5
II. THE TITLE IS INACCURATE AND MISLEADING AND CONTAINS AN IMPERMISSIBLE CATCH PHRASE	9
A. Standard of review for titles.....	10
B. The phrase "affordable housing programs" in the single subject clause is misleading.....	11
C. "Affordable housing" and "affordable housing programs" are impermissible catch phrases.....	13

D.	The title is misleading because it provides an exhaustive list of covered programs while the measure itself funds other significant and unrelated programs.....	14
CONCLUSION.....		16

TABLE OF AUTHORITIES

Cases

<u><i>In re Proposed Initiative on "Obscenity",</i></u> 877 P.2d 848 (Colo. 1994).....	3
<u><i>In re Title, Ballot Title and Submission Clause & Summary for 1999-2000 #258(A),</i></u> 4 P.3d 1094 (Colo. 2000).....	3, 10, 12, 13
<u><i>In re Initiative for 1999-2000 #235(A),</i></u> 3 P.3d 1219 (Colo. 2000).....	3
<u><i>In re Initiative for 1997-1998 #30,</i></u> 959 P.2d 822 (Colo. 1998).....	3
<u><i>In re Title and Ballot Title and Submission Clause for 2005-2006 #55,</i></u> 138 P.3d 273 (Colo. 2006).....	4
<u><i>In re Breene,</i></u> 24 P. 3 (Colo. 1890).....	4
<u><i>In re "Public Rights in Waters II",</i></u> 898 P.2d 1076 (Colo. 1995).....	4, 8
<u><i>In re Proposed Initiative for 1997-1998 #63,</i></u> 960 P.2d 1192 (Colo. 1998).....	7, 8
<u><i>In re Proposed Initiative for 1999-2000 # 29,</i></u> 972 P.2d 257 (Colo. 1999).....	8
<u><i>In re House Bill No. 1353,</i></u> 738 P.2d 371 (Colo. 1987).....	8
<u><i>In re Title and Ballot Title and Submission Clause for 2005-2006 # 74,</i></u> 136 P.2d 237 (Colo. 2006).....	8
<u><i>In re Proposed Initiative 1997-1998 #30,</i></u> 959 P.2d 826 (Colo. 1998).....	8
<u><i>In re Proposed Initiative 1996-4,</i></u> 916 P.2d 528 (Colo. 1996).....	8
<u><i>In re Title and Ballot Title and Submission Clause for Proposed Initiative 2001-2002 #43,</i></u> 46 P.3d 438 (Colo. 2002).....	9

<u><i>In re Proposed Initiative for 1999-2000 # 37,</i></u> 977 P.2d 845 (Colo. 1999).....	10
<u><i>In re Title, Ballot Title and Submission Clause for 1999-2000 #227 and #228,</i></u> 3 P.3d 1 (Colo. 2000).....	10
<u><i>In re Title, Ballot Title and Submission Clause and Summary for 1999-2000 #104,</i></u> 987 P.2d 249 (Colo. 1999).....	11
<u><i>Proposed Initiative Designated "Governmental Business",</i></u> 875 P.2d 871 (Colo. 1994).....	12, 13

Constitutional Provisions

Colorado Const., art. V, § 1(5.5)	2, 4
---	------

Statutes

§ 1-40-106.5	2, 4
§ 1-40-106(3)(b).....	10

Petitioner Robert Golden, a registered elector of the State of Colorado, through his undersigned counsel hereby submits this Opening Brief in this original proceeding challenging the title, ballot title and submission clause set by the Title Board for Proposed Initiative 2007-2008 #103 (“Initiative #103”).

ISSUES PRESENTED FOR REVIEW

- I. The stated purpose of Initiative #103 is to increase the quantity of affordable housing in Colorado. Does the fact that the measure also provides funding for a variety of other unrelated social programs violate the single subject requirement?
- II. The title of Initiative #103 fails to describe key aspects of the measure and relies on a catch-phrase to elicit voter support. Should the measure be remanded to the Title Board to set a title that is clear and accurate?

STATEMENT OF THE CASE

Initiative #103 was heard by the Title Board on May 21, 2008, at which time the Title Board found that the measure contained a single subject and set a title (Attachment A hereto). Petitioner subsequently filed a timely Motion for Rehearing challenging both the Title Board's single subjection determination and the title set for the measure. That motion was heard on May 29, 2008, and was denied as to the single subject challenge and granted in part as to the title with amendments (Attachment B hereto). Petitioner subsequently filed a timely Petition for Review in this Court on June 3, 2008 challenging both the single subject determination and the revised title.

SUMMARY OF THE ARGUMENT

If adopted by the voters, Initiative #103 will impose a .04% real estate transfer tax on every real property transaction. *See Initiative 2007-2008 #103, § 4(1).* Under the measure, the tax revenue would be used to support a wide range of housing and social programs. §§ 2(2), 3(2). Proponents argue that the measure includes only a single subject: **the imposition of a new tax to fund increases in the quantity of affordable housing in Colorado.** Under the text of the measure, however, permissible expenditures include not only housing-related costs, but also a multitude of other social programs, including mental health services, drug and alcohol treatment, job training and HIV/AIDS treatment. These social programs bear no connection to increasing the quantity of affordable housing and therefore constitute separate subjects in violation of article V, section 1(5.5), of the Colorado Constitution and section 1-40-106.5 of the Colorado Revised Statutes.

In addition, the title set by the Title Board is misleading, inaccurate, and contains an impermissible catch phrase. The title is misleading because it states that only housing-related programs are funded by the measure. In reality, the measure is an open-ended funding mechanism for an unlimited number of social programs. The title is further misleading because “affordable housing” is an impermissible catch phrase that serves only to provide a campaign slogan for supporters of the measure and does little to educate voters about the underlying

measure. Finally, the title is misleading and inaccurate because its listing of ten different programs covered by the measure creates the erroneous impression that the list is exhaustive.

To the extent that Petitioner's single subject challenge is rejected, the measure should therefore be returned to the Title Board with instruction to draft a new title consistent with the arguments made herein. *See Matter of Proposed Initiative on "Obscenity"*, 877 P.2d 848 (Colo. 1994).

STANDARD OF REVIEW

It has been well established by this Court that actions of the Title Board are presumed valid and will be reversed only if this Court finds that the measure contains multiple unconnected subjects or that the title as set by the board is clearly misleading or inaccurate. *See generally In re Title, Ballot Title and Submission Clause & Summary for 1999-2000 #258(A)*, 4 P.3d 1094, 1097 (Colo. 2000). This Court will generally decline to address the merits of a proposed initiative, interpret its language, or predict its impact. *In re Initiative for 1999-2000 #235(A)*, 3 P.3d 1219, 1222 (Colo. 2000). When necessary, however, the Court has characterized a proposal sufficiently to enable review of the Title Board's action and to determine whether or not the constitutional single subject requirement has been violated and that a clear and accurate title has been set. *See In re Initiative for 1997-1998 #30*, 959 P.2d 822, 825 (Colo. 1998).

ARGUMENT

I. INITIATIVE #103 CONTAINS MULTIPLE SUBJECTS THAT HAVE NO NECESSARY OR PROPER CONNECTION TO EACH OTHER OR TO INCREASING THE QUANTITY OF AFFORDABLE HOUSING

A. Standard of review for single subject analysis.

Colorado's Constitution and statutes limit voter initiatives to a single subject. COLO. CONST. art. V, § 1(5.5); § 1-40-106.5. The purpose of the single subject requirement is to avoid "disconnected and incongruous measures" that have no "necessary or proper connection," thereby ensuring that voters are protected from fraud and surprise occasioned by the inadvertent passage of surreptitious provisions "coiled up in the folds" of a complex – or even not so complex – proposal. *Accord In re Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d 273 (Colo. 2006); *In re Breene*, 24 P. 3, 4 (Colo. 1890). This limitation serves to ensure that each proposal depends upon its own merits for passage. *2005-2006 #55*, 138 P.3d 273. Although an initiative may contain several purposes, they must be interrelated under the rubric of a single subject. *Id.* at 278. Thus, an initiative violates the single subject requirement only when it (1) relates to more than one subject and (2) has at least two distinct and separate purposes that are not dependent upon or connected to each other. *In re "Public Rights in Waters II"*, 898 P.2d 1076, 1078-79 (Colo. 1995).

B. Initiative #103 contains multiple unconnected and incongruous subjects.

While Initiative #103 has been advertised as an "affordable housing" measure, tucked within its folds are at least three independent subjects not dependent or connected to each other or the measure's purpose of increasing the quantity of affordable housing.

Section 3(2) of the measure lists ten different activities that can be funded by the new revenue stream, including new construction, real property acquisition, predevelopment, and building rehabilitation. According to the introductory clause to that section, the purpose of these provisions is to "support the creation and preservation of affordable housing stock." § 3(2). While activities such as "new construction" and "building rehabilitation" seem to logically meet that objective, it is difficult to understand how that purpose is served by some of the other activities and programs included in that list.

Specifically, section 3(2)(i) allows for the funding of "foreclosure and homelessness prevention" programs; two subjects unrelated to the measure's central purpose of increasing the quantity of affordable housing in Colorado. Under this provision, funds generated by the measures could be used, for example, to support Colorado's Foreclosure Hotline (*see* www.dola.state.co.us/cdh/foreclosure.htm) or to provide individual counseling to those facing foreclosure, regardless of their personal wealth or how expensive their home might be. Such programs, while admittedly relating to housing, have

no relation to the stated subject of Initiative #103 to increase the quantity of affordable housing in Colorado.

Likewise, “homelessness prevention” programs, which can include drug and alcohol treatment, mental health counseling, meals, and even clothing, do nothing to increase the quantity of affordable housing. And while it may be that the homeless often seek both housing assistance and assistance with these other social services, the single subject of Initiative #103 should not (and cannot) be read as “homelessness prevention,” nor have the Proponents claimed as such.

Hidden deeper within the folds of the measure is yet another mechanism for funding an unlimited number of social programs unrelated to increasing the affordable housing stock in Colorado. Section 2(2) defines the types of "affordable housing stock" that can be funded as including not only different types of housing, but also "permanent supportive housing," which is a term of art used to describe a vast array of social services typically provided to those who occupy some type of group housing. The primary focus of a permanent supportive housing program is to provide a range of social services, including HIV/AIDS treatment, mental health treatment, drug and alcohol treatment, job training, childcare, food, and virtually any other social service deemed necessary by those running the program. Notably, Colorado's permanent supportive housing program falls under the management of the Colorado Department of Human Services, not the Division of Housing where housing related services

typically reside. *See Attachment C hereto.* Thus, notwithstanding the Proponents' stated single subject of increasing the quantity of affordable housing, the entire tax stream derived from this measure can be dedicated to virtually any social service falling under the rubric of "permanent supportive housing." There is simply no requirement in the measure that the funds be used for housing purposes.

To highlight the incongruous nature of these provisions, the Court need only ask: How is the measure's funding of foreclosure prevention programs connected to its funding of drug treatment programs? How is funding for new housing construction connected to HIV/AIDS treatment? How are energy efficiency programs connected to mental health services? The only reasonable answer is that none of these connections can be made. And while it is possible that people having difficulty finding housing might also suffer from any number of physical, mental or economic problems, that fact alone does not provide the necessary connection to allow funding of more housing units in the same measure that provides funding for job training, counseling, and drug treatment.

Nor can these independent subjects be saved for single subject purposes by categorizing them under a generic theme of "affordable housing" or "affordable housing programs." *See In re Proposed Initiative for 1997-1998 #63*, 960 P.2d 1192, 1200-01 (Colo. 1998). This Court has consistently rejected the use of overly-broad themes, particularly when doing so will mislead voters about the

types of services provided under the measure. For example, this Court rejected a single subject of "judicial qualifications" and its stated purpose of making changes to the judicial branch because the measure contained provisions regarding both judicial qualifications and unrelated constitutional provisions governing judicial selection procedures. *See 1997-98 #63*, 960 P.2d at 1200-01; *see also In re Title, Ballot Title and Submission Clause for Proposed Initiative 1999-2000 #29*, 972 P.2d 257 (Colo. 1999) (rejecting similar measure).

Likewise, the Court rejected "water" as a theme connecting subjects of a measure seeking to change the makeup of water conservation districts and to create a public trust doctrine. *In re "Public Trust in Waters II"*, 898 P.2d at 1080. Other generic themes rejected as overly-broad include "monetary impact," "revenue," "tax cuts," and "limiting government spending." *See In re House Bill No. 1353*, 738 P.2d 371, 373 (Colo. 1987) (monetary impact); *In re Title and Ballot Title and Submission Clause for 2005-2006 # 74*, 136 P.2d 237, 239 (Colo. 2006) (government revenue changes); *In re Proposed Initiative 1997-98 #30*, 959 P.2d 826, 823 (Colo. 1998)(tax cuts); *In re Proposed Initiative 1996-4*, 916 P.2d 528 (Colo. 1996) (limiting government spending).

Similarly, the grouping of independent subjects under the generic theme of "affordable housing" belies the true breadth of this measure. While voters might support the construction of more low-income housing, they would be surprised to learn that they are also voting to fund drug treatment programs or foreclosure

services for the poor and wealthy. The funding of controversial social programs through an affordable housing measure is simply a classic case of impermissible "log-rolling" or "Christmas tree tactics," whereby individually unpopular ideas are grouped together under a single measure to garner support from various factions which may have different or even competing interests. *See In re Title and Ballot Title and Submission Clause for Proposed Initiative 2001-2002 #43*, 46 P.3d 438, 441 (Colo. 2002). As Proponents surely know, some of the programs covered by this measure, such as drug and alcohol treatment, HIV/AIDS treatment, and mental health services, may be politically unpopular and unable to receive sufficient political support at the ballot absent a coalition of those supporting the various subjects in this measure. By combining these subjects in a single measure, however, Proponents may engender enough political support to pass them collectively. It is this type of voter fraud that the single subject requirement seeks to avoid. *Id.*

Accordingly, the finding of the Title Board that Initiative #103 contains a single subject should be reversed.

II. THE TITLE IS INACCURATE AND MISLEADING AND CONTAINS AN IMPERMISSIBLE CATCH PHRASE

To the extent the Court finds that Initiative #103 contains a single subject, Petitioner alternatively argues that the title should be rejected as misleading, inaccurate and containing an impermissible catch phrase.

A. Standard of review for titles.

The purpose of setting a title rather than simply printing the initiative number or the entire measure on the ballot is to "correctly and fairly express the true intent and meaning" of a proposed measure in a short and concise fashion that assists voters in making an informed choice. *See* § 1-40-106(3)(b); *see generally In re Proposed Initiative for 1999-2000 #37*, 977 P.2d 845, 846 (Colo. 1999). In setting and reviewing titles, the Title Board and this Court must avoid the public confusion caused by a misleading title. § 1-40-106(3)(b).

In addition, the Title Board should avoid using catch phrases that tend to elicit prejudice for or against a measure merely by using words that appeal to emotion without contributing to voter understanding. *See 1999-2000 #258(A)*, 4 P.3d at 1100. Catch phrases consist of words that could form the basis of a campaign slogan for the measure. *In re Title, Ballot Title and Submission Clause for 1999-2000 # 227 & #228*, 3 P.3d 1 (Colo. 2000).

The Title Board set the following ballot title for Initiative #103 during the May 29, 2008 rehearing:

SHALL STATE TAXES BE INCREASED \$38.0 MILLION ANNUALLY BY AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING THE CREATION OF A REAL ESTATE TRANSFER TAX TO FUND AFFORDABLE HOUSING PROGRAMS, AND, IN CONNECTION THEREWITH, COMMENCING JULY 1, 2009, IMPOSING THE TRANSFER TAX AT THE RATE OF FOUR CENTS FOR EACH \$100 PAID IN CERTAIN REAL PROPERTY TRANSACTIONS; CREATING A COLORADO HOUSING INVESTMENT FUND TO WHICH TRANSFER TAX REVENUES ARE CREDITED; REQUIRING MONEYS IN THE FUND TO BE USED FOR HOUSING PROGRAMS RELATING TO CONSTRUCTION, REAL PROPERTY ACQUISITION, PREDEVELOPMENT, ORDINANCE COMPLIANCE COSTS, BUILDING REHABILITATION, ASSISTANCE WITH PURCHASE COSTS, ENERGY EFFICIENCY IMPROVEMENTS, ACCESSIBILITY MODIFICATIONS AND CONSTRUCTION, AND

FORECLOSURE AND HOMELESSNESS PREVENTION; AND EXEMPTING REVENUES FROM
THE TRANSFER TAX FROM STATE AND LOCAL GOVERNMENT REVENUE AND
SPENDING LIMITS?

This title is misleading and inaccurate for three reasons. First, the phrase "affordable housing" in the single subject clause is misleading because it belies the extent to which non-housing social programs will be funded under this measure, and because it erroneously implies that only those individuals most in need of housing assistance will benefit from the measure. Second, the phrase "affordable housing" is an impermissible catch phrase. Third, the title creates an erroneous impression that the enumerated list of programs is exhaustive.

B. The phrase "affordable housing programs" in the single subject clause is misleading.

The single subject clause of the title states that the real estate transfer tax will simply fund "affordable housing programs." But as described in the single subject discussion above, Initiative #103 will fund far more than what the average voter would think of as "affordable housing." Reading just the title, the average voter will not realize that the measure also funds drug and alcohol treatment programs, HIV/AIDS treatment programs, job training, and mental health services. Eliminating key features of the initiative from the title is a fatal defect if that omission might mislead voters about what the initiative actually proposes.

See In re Title, Ballot Title and Submission Clause and Summary for 1999-2000 #104, 987 P.2d 249 (Colo. 1999).

This Court faced a similar situation in *Proposed Initiative Designated "Governmental Business"*, 875 P.2d 871 (Colo. 1994). In that case, the Court rejected a title that characterized the measure as applying to government all laws intended for "consumer protection" or to ensure "open government." *Id.* The Court found the title misleading because the measure, while in fact applying principles such as tort liability to government, actually went far beyond consumer protection into such areas as prohibiting government lobbying and imposing tax liability on government business activities. *Id.*; *see also* #258(A), 4 P.3d at 1098 (title failed to articulate that school districts and schools could not be required to offer bilingual programs).

Moreover, describing the measure as funding "affordable housing" creates the appearance that only those individuals and families in the lower-income brackets will be eligible to participate. By its own terms, however, the services are available to not only anyone in the lower one-half of all income earners, *see* § 2(6) (defining "low-income household"), but even to those earning as much as 120% of the area median income, *see* § 2(8) (defining "workforce household"). Thus, because the measure provides funding to as much as 60% or 70% of the general public, rather than just those typically thought of as needing "affordable housing," it is patently misleading.

C. "Affordable housing" and "affordable housing programs" are impermissible catch phrases.

The phrases "affordable housing" and "affordable housing programs" are impermissible catch phrases that will likely serve as campaign slogans for proponents of this measure and prejudice voter understanding of the true impact of the measure. As discussed above, these phrases are not only misleading in their failure to adequately describe the true scope of the measure, but also erroneously imply that only those people of limited means will be eligible for the services. In addition, much like "consumer protection" or "open government" in this Court's *Governmental Business* decision, "affordable housing" has an overtly positive connotation likely to elicit favorable votes without contributing to voter understanding. *See 1999-2000 #258(A)*, 4 P.3d 1094. "By drawing attention to themselves and triggering a favorable response, catch phrases generate support for a proposal that hinges not on the content of the proposal itself, but merely on the wording of the catch phrase." *Id.* The fact that the text of Initiative #103 itself uses the phrase "affordable housing" and even defines it is of no import if including it in the title will lead to a favorable response from voters without advancing their understanding of the measure. *Id.*; *See also 1999-2000 #258(A)*, 4 P.3d at 1100 (determination of catch-phrases dependent upon contemporary political debate). Such was the case in the *Governmental Business* decision discussed above, and such is the case here. *See Governmental Business*, 875 P.2d

871. Accordingly, the title should be rejected as including an impermissible catch-phrase.

D. The title is misleading because it provides an exhaustive list of covered programs while the measure itself funds other significant and unrelated programs.

The original title adopted by the Title Board at its first hearing stated, in relevant part, that the measure specifies:

the permissible uses and allocations of moneys in the fund for affordable housing purposes

(See Attachment A)

After Petitioner filed a motion for rehearing objecting to the original language as inaccurate and incomplete (for the same reasons as stated herein), the Title Board seemed to concur. Perhaps unable to accurately or fully describe the true scope of the measure, however, the Title Board amended that portion of the title to simply mirror the text of the measure itself, describing the measure as:

requiring moneys in the fund to be used for housing programs relating to new construction, real property acquisition, predevelopment, ordinance compliance costs, building rehabilitation, assistance with purchase costs, energy efficiency improvements, accessibility modifications and construction, and foreclosure and homelessness prevention.

See Attachment B. By including an extensive laundry list of permissible uses in the title, however, voters will be misled into believing that the list is exhaustive, despite the measure providing funding for a variety of "permanent supportive housing" programs (as discussed in Section I above). Proponents must either

acknowledge that these types of social programs are covered by the measure but improperly excluded from the title, or they must contend that they were not intended to be covered by the measure and therefore need not be reflected in the title. Yet even if they do argue the latter, doing so conflicts with clear language of the measure allowing such expenditures. Moreover, not only does the title fail to describe those social programs, but by providing a lengthy list of covered activities it may actually dissuade voters from reading the measure itself to understand what else might be covered, as one might do if a more general description were used.

Accordingly, the title should either be rejected and returned to the Title Board or amended to more accurately reflect the true scope of the measure.

CONCLUSION

The decision of the Title Board finding that Initiative #103 contains a single subject should be reversed. Alternatively, the title as set by the Title Board should be rejected as misleading, inaccurate and including an impermissible catch-phrase, and should therefore be returned to the Title Board to reset consistent with the arguments expressed herein.

Respectfully submitted this 11th day of June, 2008

BROWNSTEIN HYATT FARBER SCHRECK LLP

A handwritten signature in blue ink that reads "Jason R. Dunn". The signature is written in a cursive style with a large, looping initial "J".

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Ballot Title Setting Board

Proposed Initiative 2007-2008 #103¹

The title as designated and fixed by the Board is as follows:

State taxes shall be increased \$38.0 million annually by an amendment to the Colorado constitution concerning the creation of a real estate transfer tax to expand the availability of affordable housing, and, in connection therewith, commencing July 1, 2009, imposing the transfer tax at the rate of four cents for each \$100 paid in certain real property transactions; creating a Colorado housing investment fund to which transfer tax revenues are credited; specifying the permissible uses and allocations of moneys in the fund for affordable housing purposes; exempting revenues from the transfer tax from state and local government revenue and spending limits; and requiring the general assembly to enact legislation to further the purposes of the amendment.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall state taxes be increased \$38.0 million annually by an amendment to the Colorado constitution concerning the creation of a real estate transfer tax to expand the availability of affordable housing, and, in connection therewith, commencing July 1, 2009, imposing the transfer tax at the rate of four cents for each \$100 paid in certain real property transactions; creating a Colorado housing investment fund to which transfer tax revenues are credited; specifying the permissible uses and allocations of moneys in the fund for affordable housing purposes; exempting revenues from the transfer tax from state and local government revenue and spending limits; and requiring the general assembly to enact legislation to further the purposes of the amendment?

Hearing May 21, 2008:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 1:26 p.m.

¹ Unofficially captioned "Colorado Housing Investment Fund" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

Ballot Title Setting Board

Proposed Initiative 2007-2008 #103¹

The title as designated and fixed by the Board is as follows:

STATE TAXES SHALL BE INCREASED \$38.0 MILLION ANNUALLY BY AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING THE CREATION OF A REAL ESTATE TRANSFER TAX TO FUND AFFORDABLE HOUSING PROGRAMS, AND, IN CONNECTION THEREWITH, COMMENCING JULY 1, 2009, IMPOSING THE TRANSFER TAX AT THE RATE OF FOUR CENTS FOR EACH \$100 PAID IN CERTAIN REAL PROPERTY TRANSACTIONS; CREATING A COLORADO HOUSING INVESTMENT FUND TO WHICH TRANSFER TAX REVENUES ARE CREDITED; REQUIRING MONEYS IN THE FUND TO BE USED FOR HOUSING PROGRAMS RELATING TO CONSTRUCTION, REAL PROPERTY ACQUISITION, PREDEVELOPMENT, ORDINANCE COMPLIANCE COSTS, BUILDING REHABILITATION, ASSISTANCE WITH PURCHASE COSTS, ENERGY EFFICIENCY IMPROVEMENTS, ACCESSIBILITY MODIFICATIONS AND CONSTRUCTION, AND FORECLOSURE AND HOMELESSNESS PREVENTION; AND EXEMPTING REVENUES FROM THE TRANSFER TAX FROM STATE AND LOCAL GOVERNMENT REVENUE AND SPENDING LIMITS.

The ballot title and submission clause as designated and fixed by the Board is as follows:

SHALL STATE TAXES BE INCREASED \$38.0 MILLION ANNUALLY BY AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING THE CREATION OF A REAL ESTATE TRANSFER TAX TO FUND AFFORDABLE HOUSING PROGRAMS, AND, IN CONNECTION THEREWITH, COMMENCING JULY 1, 2009, IMPOSING THE TRANSFER TAX AT THE RATE OF FOUR CENTS FOR EACH \$100 PAID IN CERTAIN REAL PROPERTY TRANSACTIONS; CREATING A COLORADO HOUSING INVESTMENT FUND TO WHICH TRANSFER TAX REVENUES ARE CREDITED; REQUIRING MONEYS IN THE FUND TO BE USED FOR HOUSING PROGRAMS RELATING TO CONSTRUCTION, REAL PROPERTY ACQUISITION, PREDEVELOPMENT, ORDINANCE COMPLIANCE COSTS, BUILDING REHABILITATION, ASSISTANCE WITH PURCHASE COSTS, ENERGY EFFICIENCY IMPROVEMENTS, ACCESSIBILITY MODIFICATIONS AND CONSTRUCTION, AND FORECLOSURE AND HOMELESSNESS PREVENTION; AND EXEMPTING REVENUES FROM THE TRANSFER TAX FROM STATE AND LOCAL GOVERNMENT REVENUE AND SPENDING LIMITS?

Hearing May 21, 2008:

Single subject approved; staff draft amended; titles set.

Hearing adjourned 1:26 p.m.

Hearing May 29, 2008:

Motions for Rehearing granted in part to the extent Board amended titles; denied in all other respects.

Hearing adjourned 4:15 p.m.

¹ Unofficially captioned "Colorado Housing Investment Fund" by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.


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Shelter Plus Care

The Shelter Plus Care Program (S+C) is a permanent-supportive housing program sponsored by the U.S. Department of Housing and Urban Development (HUD). It is designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities, (primarily those with serious mental illness, chronic problems with alcohol and/or drugs, and acquired immunodeficiency syndrome (AIDS) or related diseases) and their families who are living in places not intended for human habitation (e.g., streets) or in emergency shelters. The program offers a range of supportive services funded by other sources, in response to the needs of the homeless population with disabilities and significant personal barriers such as physical and mental health services, case management, and substance abuse programs. Participants typically pay around 30% of their monthly adjusted income for rent, with the balance of rent paid by HUD. For each dollar spent on the housing assistance, an equal amount of supportive services must be provided.

Applicants must meet the following criteria to qualify for the S+C program:

- Must meet HUD's homeless definition;
- Must be a person with a disability. The program is designed to serve those with serious mental illness, chronic problems with alcohol and/or drugs, and those with AIDS or related diseases;
- Must work with one of the agencies below to develop and comply with a service/treatment plan;
- Must agree to live within the service area boundaries of the service agency.

The following agencies work in conjunction with SHHP to maintain the waiting lists and administer the Shelter Plus Care program:

Housing & Urban
Development



Homeless Prevention
Activities Program



- Arapahoe/Douglas Mental Health Network
- Aurora Mental Health Center
- Colorado Coalition for the Homeless
- Community Reach Center
- Jefferson Center for Mental Health
- Larimer Center for Mental Health
- Mental Health Center serving Boulder & Broomfield
- Mental Health Center of Denver
- Pikes Peak Mental Health Center
- North Range Behavioral Health Center
- San Luis Valley Comprehensive Community Mental Health Center
- Catholic Charities Northern

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2008, a true and correct copy of this OPENING BRIEF was hand delivered to the following:

Blain Myhre, Esq.
Isaacson Rosenbaum, P.C.
633 17th Street, #2200
Denver, Colorado 80202

Maurice Knaizer, Esq.
Assistant Attorney General
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A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be 'Blain Myhre'.