

<p>SUPREME COURT, STATE OF COLORADO</p> <p>2 East 14th Avenue Denver, CO 80203</p>	<p>FILED IN THE SUPREME COURT</p> <p>JUN 16 2008</p> <p>OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK</p>
<p>On Certiorari to the Colorado Court of Appeals Court of Appeals Case No.</p>	
<p>IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2007- 2008, #103 ("COLORADO HOUSING INVESTMENT FUND"), ROBERT GOLDEN, OBJECTOR ,</p> <p>Petitioner,</p> <p>v.</p> <p>NEDRA SAN FILLIPPO AND KENNETH HOAGLAND, PROPONENTS; AND WILLIAM HOBBS, SHARON EUBANKS AND DANIEL DOMENICO, TITLE BOARD,</p> <p>Respondents.</p>	<p>▲ COURT USE ONLY ▲</p>
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<p>ANSWER BRIEF OF TITLE BOARD</p>	

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William Hobbs, Sharon Eubanks and Daniel Domenico, in their capacities as members of the Title Board, hereby submit their Answer Brief. This Answer Brief will respond only to those issues not addressed in the Board’s Opening Brief.

ARGUMENT

I. #113 contains a single subject.

Much of Objector’s argument rests on the notion that the measure’s central purpose is to increase the quantity of affordable housing in Colorado. (Objector’s Opening Brief, pp. 5.) This statement inaccurately summarizes the scope of the #103. It deals with more than adding to housing stock. The measure states that the Housing Investment Fund will be used “to support the creation *and preservation* of affordable housing *opportunities*.” (Emphasis added.) As noted in section 1 of the measure, it is intended to enhance the ability of very-low income, low income and workforce households to live in a home.¹ Opportunities include purchasing or renting a new abode or having access to resources to stay in an existing residence.

At page 6 of Objector’s Opening Brief, he states that the goal of “permanent supportive housing” is primarily providing social services and not housing.

¹ The statement identifying the beneficiaries forecloses the argument that the program may benefit individuals facing foreclosure “regardless of their personal wealth or how expensive their home might be.” (Objector’s Opening Brief, p. 5.)

Therefore, permanent supportive housing constitutes a separate subject. In support of this proposition, he notes that the program in Colorado is operated by the Department of Human Services. (Attachment C to Objector's Opening Brief.) The attachment, in fact, supports the Board's position. To the extent the identity of the governmental agency is significant, it is interesting to note that the money comes from the federal Department of Housing and Urban Development and not the federal Department of Health and Human Services. In addition, the attachment establishes the direct correlation between housing and permanent supportive services. The program "is a permanent supportive housing program" "For each dollar spent on the housing assistance, an equal amount of supportive services must be provided." This analysis is consistent with the Board's position. Thus, the social services programs offered under the program are connected directly to housing.

II. The titles are not misleading.

Objector argues that the initiative "will fund far more than what the average voter thinks of as 'affordable housing.'" (Objector's Opening Brief, p. 11.) His argument is based on the same false assumption underlying his single subject argument. Any social services which may be provided will be tied to obtaining or maintaining housing. Thus, the titles accurately state that the money in the fund will be used for "housing programs."

Objector also asserts that the term “affordable housing” is misleading. According to Objector, “affordable housing” connotes housing for low income individuals. Because a “workforce household” is covered by the measure and is defined as a household the income of which is up to 120% of the median income, Objector contends that the measure encompasses more than poor households. Objector’s analysis is incomplete. A household with up to 120% of the median income may be a poor household because housing costs may be so high that a family may not be able to afford housing, even though the income is slightly higher than the median. In addition, increases in other costs, such as transportation, food and health care, may make it difficult, if not impossible, to pay for housing.

Finally, Objector contends that the titles are incomplete and misleading because the list of housing programs does not discuss the social programs which may be available. (Objector’s Opening Brief, at pp. 14-15). The measure itself does not discuss social programs even though the programs are not mentioned in the measure itself.


As the Court has recently explained, the titles should be a relatively brief and plain summary of the measure. *Blake v. King*, 2008 WL 2167847 (Colo.) (May 23, 2008) *4. Titles that accurately track the content of the initiative are sufficient. *In re Title, Ballot Title and Submission Clause for 2007-2008 #62*, 2008

WL 2081571 (Colo.) (May 16, 2008) *7. As the Objector concedes, the titles mirror the measure. (Objector's Opening Brief, p. 14). As such, the titles are fair and accurate.

CONCLUSION

For the reasons stated in the Board's briefs, the Court must affirm the Board's actions.

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CERTIFICATE OF SERVICE

This is to certify that I have duly served the within **ANSWER BRIEF OF TITLE BOARD** upon all parties herein by depositing copies of same, overnight by DHL at Denver, Colorado, this 16th day of June 2008 addressed as follows:

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A handwritten signature in black ink, appearing to read "Daniel D. Paul", is written over a horizontal line.