

Federal, State and Intergovernmental Relations (FSIR) Meeting

May 29, 2020

1:00 PM

WebEx Meeting

Access information provide to Internal Staff

Public Participation Dialing Instructions

Dial Access Number: 1-877-820-7831

Enter Participant Code: 254610#

Council Member Angela Lawson, Chair

Council Member Allison Hiltz, Vice Chair

Council Member Crystal Murillo, Member

Serve as leaders and partner with other governments and jurisdictions

1. Consent Items (None)
2. Approval of Minutes Lawson
3. Federal Legislative Update Hettinger
4. State Legislative Update O'Keefe/Palmisano
5. Water Update Kitzmann
6. Miscellaneous Matters for Consideration

Next meeting – June 12, 2020

**Federal, State and Intergovernmental Relations (FSIR) Meeting
Video Conference Call Meeting
May 15, 2020**

Members Present: Council Member Angela Lawson, Chair; Council Member Crystal Murillo, Member

Others Present: Roberto Venegas, Luke Palmisano, Nancy Rodgers, Natasha Campbell, Kathy Kitzmann, Peggi O’Keefe, Totsy Rees, Dave Lathers, Council Member Alison Coombs, Shelley McKittrick, Council Member Marsha Berzins Steve Ruger, Lauri Hettinger, Jessica Prosser, Barbara Dahl, Rene Pettinato Mosley, Jake Bergeron,

1. **APPROVAL OF MINUTES:** May 1, 2020 minutes were approved as written.
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2. **CONSENT ITEMS:** None.
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3. **WELCOME AND INTRODUCTIONS:**

Summary of Issue and Discussion: Chair CM Angela Lawson welcomed the committee to the video conference call and introductions were made.

Outcome: Information only.

Follow-up Action: None.

4. **FEDERAL LEGISLATIVE UPDATE:**

Summary of Issue and Discussion: Lauri Hettinger, federal lobbyist, gave an update on current federal legislation. On May 12, House Speaker Nancy Pelosi (D-Calif.) and House Democrats introduced the "Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act" ([H.R. 6800](#)) to address the effect of the evolving impact of the coronavirus (COVID-19) pandemic on Americans.

The HEROES Act allocates new state and local Coronavirus Relief Funds (CRF) through the U.S. Department of the Treasury to help first responders, frontline health workers, transit employees, teachers and other workers providing vital services. The House of Representatives was scheduled to vote on this bill on Friday, May 15. It is expected that the Senate will begin moving their own package forward in the coming weeks.

L. Hettinger said that the HEROES Act is a Democrat-backed bill and it contains all the wish list priorities that Democrats would like to see but will not likely pass the Senate. The Senate will draft its own bill and the two chambers will come up with a compromise that will hopefully pass before the July 4 recess.

The HEROES Act contains the following:

Local Governments – \$375 billion available. \$250 billion would be awarded within 30 days of bill enactment to all municipalities and counties. \$125 billion to counties based on population. \$125 billion to municipalities using a modified Community Development Block Grant (CDBG) formula, including: \$87.5 billion awarded to entitlement municipalities (generally defined as those with populations of at least 50,000). \$37.5 billion to non-entitlement municipalities (generally defined as those with populations of less than 50,000). These funds will be awarded to states, which must make awards to non-entitlement cities based solely on population within 30 days of receipt. \$125 billion awarded one year after date of bill enactment to all municipalities and counties, including: \$62.5 billion to municipalities using a modified CDBG formula. \$43.75 billion to entitlement municipalities (generally defined as those with populations of at least 50,000). \$18.75 billion to non-entitlement municipalities (generally defined as those with populations of less than 50,000). These funds will be awarded to states, which must make awards to non-entitlement cities based solely on population within 30 days of receipt. \$62.5 billion to counties based on population.

Funds can be used for COVID-19-related expenses, to replace foregone revenues not projected on Jan. 31, 2020, or to respond to negative economic impacts of COVID-19. Includes amendment to retroactively allow CRF from CARES Act to be used to address lost revenue not projected on Jan. 31, 2020. CM Marsha Berzins asked if there is a time limit on when states or municipalities need to use the money from this bill. L. Hettinger said no. She will check to see if there is a time limit on the CARES Act.

Housing and Homelessness: The HEROES Act authorizes \$100 billion for an Emergency Rental Assistance (ERA) program that would allocate funding to states, territories, counties and cities to help renters pay their rent and utility bills during the COVID-19 pandemic and help rental property owners of all sizes continue to cover their costs. The bill provides \$75 billion to states, territories and tribes to address the ongoing needs of homeowners struggling to afford their housing, directly or indirectly, because of the impacts of the COVID-19 pandemic by providing direct assistance with mortgage payments, property taxes, property insurance, utilities and other housing-related costs. The bill protects renters and homeowners from evictions and foreclosures: extends and expands the eviction moratorium and foreclosure moratorium in the CARES Act to include all renters and homeowners, improves the forbearance provided under the CARES Act, and specifies the loan modifications and loss mitigation that should be available to homeowners following a moratorium to prevent any homeowner from facing a lump sum payment that they cannot afford.

Community Development Block Grants (CDBG): The bill authorizes \$5 billion in CDBG funding to provide states and local governments with additional flexible resources to mitigate and address the health and economic impacts of COVID-19. Continues waiver of the public services cap and provides additional waiver for duration of rental assistance beyond three months. Public Housing and Tenant-Based Rental Assistance authorizes \$2 billion for the public housing operating fund and \$3 billion for the Housing Choice Voucher program, including \$500 million for administrative fees to help public housing authorities (PHAs) absorb reductions in tenant rent contributions and mitigate other costs associated with the COVID-19 pandemic. The bill provides supplemental funding for supportive housing for the elderly, supportive housing for persons with disabilities, supportive housing for persons with AIDS and project-based Section 8 rental assistance.

The bill authorizes \$500 million in funding for the U.S. Housing and Urban Development (HUD) Section 202 Supportive Housing for the Elderly program to ensure sufficient staffing, services and other resources for 3,500 senior and disabled resident communities during the COVID-19 pandemic. This section would also authorize \$200 million in funding for the HUD Section 811 Supportive Housing for Persons with Disabilities program, \$15 million for the Housing Opportunities for People with AIDS program (HOPWA) and \$750 million for Project-Based Section 8 rental assistance.

Fair Housing: The bill authorizes \$14 million to ensure individuals are protected from housing-related hate crimes and increasing forms of housing discrimination from coronavirus motivated bias through adequate and accessible housing discrimination complaint intake, investigations and public education of housing rights.

Housing Counseling Services: The bill authorizes \$100 million in funding to support housing counseling services that help homeowners, renters and people experiencing or at-risk of homelessness to navigate their housing options and rights, including protections and resources provided through COVID-19 relief legislation.

Emergency Rental Assistance Voucher Program: The bill authorizes \$1 billion for Housing Choice Vouchers targeted to people experiencing or at-risk of homelessness and survivors of domestic violence.

Homeless Assistance: The bill authorizes \$11.5 billion for the Emergency Solutions Grants program to enable state and local governments to finance housing- and health-related services for the hundreds of thousands of people currently experiencing homelessness.

L. Hettinger said the bill also has funds for highways through the U.S. Department of Transportation (DOT), \$15 billion in highway formula funds (funding is from the Treasury's General Fund vs. Highway Trust Fund) to mitigate the effects of COVID-19 including staff salaries and other administrative expenses. The funding will be distributed to states in the same way as FY 2020 highway funding was distributed. States may also use their remaining FY 2020 highway funding for administrative and operations expenses. CM Lawson said that she sits on the Reimagine RTD Committee and in the last meeting it was brought to her attention that the Denver metro area was not considered for this funding because of populations parameters. She said the committee or council as a whole might want to send a letter because our area is in the top 14 states for transit in the nation. L. Hettinger said she is hearing the same thing from a lot of municipalities regarding the same issue. They allocated the funds using a different formula. It is for municipalities over 3 million in population and the funds are for repairing aging railroads. As this bill works its way through the senate, we could revise our letter and have RTD send a letter to Senators Gardner and Bennett explaining how this formula does not work. CM Lawson said this is important in regard to our transit system and what we are currently facing specifically in Aurora. L. Hettinger said she thinks these issues will be looked at in the Senate and in the committees working on this bill.

Low-Income Household Drinking Water and Wastewater Assistance: The bill authorizes \$1.5 billion for grants to states and tribes to assist households, particularly those with the lowest incomes, that pay a high proportion of household income for drinking water and wastewater

services, by providing funds to owners or operators of public water systems or treatment works to reduce rates charged to such households for such services.

There are provisions for first responders, making sure they have adequate PPE. There are provisions for immigrants including Cash Payments to Immigrant Families. The bill extends CARES Act cash payments including payments made under the CARES Act to persons filing with an Individual Taxpayer Identification Number. Currently, everyone in the filing unit must use a Social Security number or the entire family is excluded. Expands eligibility for the \$500 CARES Act child payment to include "dependents" not just "children" (i.e. full-time students under age 24 plus adult dependents).

The bill provides no-cost testing, treatment and vaccines for all through Medicaid. The bill permits testing, treatment, vaccines and other healthcare, regardless of immigration status, to a person who may be indicated to have contracted the virus. Use of Medicaid for such treatment would not be considered for public charge purposes. Under current law, nonemergency Medicaid may only be provided to certain "qualified" immigrants such as green card holders after five years in the relevant status. Undocumented immigrants, people with Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS) holders, U-visa applicants and holders, and others are excluded from the definition of "qualified" immigrant and are therefore ineligible for nonemergency Medicaid. This bill would make these populations eligible for COVID-19 testing and treatment under Medicaid. Extension of filing and other deadlines creates protections for certain noncitizens in the United States, as well as certain immigrant visa applicants, affected by processing delays and travel restrictions related to the COVID-19 public health emergency.

L. Hettinger said that this is definitely a wish list. She will go through the bill and get more information from Senate staff to see what they are considering and help create an advocacy plan for lobbying our senators. CM Lawson said she noticed there are some provisions in the proposed bill regarding retirement. She asked how will that affect the FPPA and how will that impact the city? Will the bill be reviewed in its entirety or how will it work? L. Palmisano said he is getting regular updates from the Holland & Knight team and if this passes the House they will see where it goes. There is a lot of work to be done on the Senate side. We are tracking it and will give everyone regular updates.

R. Venegas said Holland & Knight has provided a condensed memo with only the provisions that would have an impact on Aurora. Going forward they will be lobbying for the items that would benefit the city and would like to see what remains in the bill for other possible programs not mentioned at this time. This may require another formal letter. Most of what the city asked for is in the original letter is in the HEROES Act bill. CM Murillo said this sounds like the wish list bill and we already put out there what the city needs in the letter, is there anything else we can do? She feels like this is going to go through the regular process and we lean on our lobbyist to address our priorities with our congressional delegation.

Outcome: Information only.

Follow-up Action: None.

5. STATE LEGISLATIVE UPDATE

Summary of Issue and Discussion: Peggi O’Keefe, State Lobbyist, gave an update of the current state legislative issues. There has been an updated date for the return of the legislature which is now scheduled to return the Tuesday after Memorial Day. They will return for a short session to work on priority issues such as the budget, school finance bill, sunset legislation, and bills that are associated with the pandemic. The Joint Budget Committee has been meeting for the past couple of weeks to work on the \$3.3 billion budget shortfall that the State will see.

On May 11 the Executive Committee met to formally discuss what the legislative session will look like. It looks like it will be a short session with the possibility of an additional session later. T. Rees said there is a possible Workers Comp bill coming out of the senate. They have been given permission to draft a bill. At this point it is all up in the air. L. Palmisano said it is hard for staff to comment on the issue not knowing if the bill will even get any traction. He is monitoring it but until there is a draft it is hard to advocate for any particular position.

Renee Pettinato Mosely, Risk manager, said her position has always been that any prescribed or presumptuous statute has a detrimental effect on city if it is looking toward COVID as a work-related illness instead of a community spread. It may be different with our first responders and there may be room for some consideration. There are already provisions that would allow people, if they can prove that they have been exposed to COVID at work, to be eligible for coverage. But with the illness as it is and the lack of testing it will be very hard to prove. Human Resources was proactive on this issue and drafted protocols for first responders and work comp claims. The city has had very few claims even filed. L. Palmisano said they will keep an eye on this to see if it makes it to the legislation and then report back at the next meeting.

Outcome: Information only.

Follow-up Action: None.

6. HOMELESSNESS

Summary of Issue and Discussion: Shelley McKittrick, Homelessness program director, gave an update on what her department is doing in the community. CM Lawson asked if there needed to be any further action regarding a letter being sent to the Governor. S. McKittrick said one of the things they were worried about was the eviction and foreclosure moratorium would be extended; that has happened at the state level. The rental assistance program is going to start next week. It will cover up to 2 months. There is nothing else that needs to be addressed with the governor at this point.

CM Lawson asked if there will be an increase in applications for rental assistance once the moratorium lapses? S. McKittrick said yes, they expect thousands of applications to come through. They are hoping to take care of April and May’s rent for people before the moratorium is up on June 27. There is a waiting period after that so evictions will not show up in court until mid-August. CM Lawson asked how much assistance can people get and how is it evaluated? Jessica Prosser, Community Development manager, said 2 months are covered. The coverage can be retroactive, for current, or for future months. It is done on a case by case basis. CM Lawson asked if this will be available on the website? J. Prosser said yes.

CM Berzins asked if they are planning on ending the motel program, and do they not have to give a 2-week notice? S. McKittrick said they are not ending the program but they are reducing the number of rooms the city is responsible to pay for from 122 down to 60 starting June 1st. CM Murillo said she is glad to see the rental assistance programs is going to be up and running.

Outcome: Information only.

Follow-up Action: None.

7. WATER

Summary of Issue and Discussion: Kathy Kitzmann, Water Resources Principal gave an update on the Aurora Water Cares program and fund balance:

Aurora Water provided the initial \$20,000 to fund the Aurora Water Cares Program. Aurora partners with Energy Outreach of Colorado to be able to use funding from other charities and donors. Through early March 2020, a total of \$39,746.68 assisted payment of customer accounts and the funding dedicated specifically to Aurora Water Cares was depleted. The \$39,746.68 came from the Aurora Water's original \$20,000, \$13,781 from Energy Outreach charities, and nearly \$6,000 from Aurora Water customer donations. In March 2020, Aurora Water added \$50,000 to the program. Since March 18th, \$1,436.17 of program funds assisted with payment on 12 water customer accounts. In April 2020, Aurora Water customers donated \$1,325.52, the highest the program has received in a one-month period. Currently, the Aurora Water Cares Program has approximately \$50,000 to disburse.

K. Kitzmann said there is a new water resources fee bill is being circulated at the state legislature. If that does get introduced, we will bring that back to the committee. T. Rees said that bill was killed by the JBC. It will not be going forward at the Joint Budget Committee bill, but a member may want to bring the item forward, but either someone in the House or Senate will give it a late bill status. But for now, we are ok on this issue. K. Kitzmann said that is good news.

Outcome: Information only.


Follow-up Action: None.

8. MISCELLANEOUS MATTERS FOR CONSIDERATION

9. CONFIRM NEXT MEETING

The next meeting is scheduled for May 29, 2020, 1:00 PM WebEx video conference meeting.

Approved:


Angela Lawson
Committee Chair

5-21-20
Date

MEMORANDUM

TO: FSIR
FROM: LUKE PALMISANO: INTERGOVERNMENTAL RELATIONS MANAGER
SUBJECT: STATE LEGISLATIVE UPDATE
DATE: 5/29 /2020

FSIR Action Items

Sick Leave for Employees: SB20-205

The bill creates the Healthy Families and Workplaces Act (act), which requires employers to provide paid sick leave to employees under various circumstances.

On and after the effective date of the act through December 31, 2020, employers are required to provide each of their employees paid sick leave for employees to take for reasons related to the COVID-19 pandemic in the amounts and for the purposes specified in the federal Emergency Paid Sick Leave Act in the Families First Coronavirus Response Act. The bill has been assigned to the Senate State, Veterans, and Military Affairs Committee. No hearing date has been set.

City staff is seeking approval to pursue changes through the bill sponsor.

Aurora currently provides paid sick leave. If there are additional requirements it would be considered an unfunded mandate.

FSIR Information Items

Mobile Home Park Act Updates: HB20-1196

This bill concerns updates to laws governing mobile home parks including eviction, tenancy, and rental agreements. The Aurora Mobile Home Task Force met fifteen times over 2018-2019 and outlined key findings and recommendations including creating city policies and defining best practices that support and protect mobile home parks and mobile home residents in the city of Aurora. This bill passed the Senate Committee on Judiciary on Tuesday, May 26th. It will be heard next in the Senate Appropriations Committee. No date has been set. **City staff recommended an active support position.**

Mobile Home Park residents Opportunity to Purchase: HB20-1201

Concerning providing home owners in a mobile home park the opportunity to purchase the park under specified circumstances. The Aurora Mobile Home Task Force met fifteen times over 2018-2019 and outlined key findings and recommendations including creating city policies and defining best practices that support and protect mobile home parks and mobile home residents in the city of Aurora. This bill passed the Senate Committee on Local Government on Tuesday, May 26th. It will be heard next by the Senate Committee of the Whole. No date has been set. **City staff recommended an active support position.**

Administration of the RTD Regional Transportation District: SB20-151

This bill makes several changes to the Regional Transportation District Act including providing factors for the district to consider in making decisions about services, route planning, and rates. The bill was Postponed Indefinitely by the Senate Judiciary Committee on Tuesday, May 26th. **City staff recommended an active oppose position.**

Analysis of the proposed Covid 19 Presumptive statute: SB 20-1245

The consensus from the City's experienced Worker's Compensation adjusters is that the proposed legislation will significantly increase costs for employers and will erode one of the basic principles of the worker's compensation system: the employee has the burden of proof that an injury or illness arose out of employment and occurred while acting in the course and scope of employment.

Under existing law, the employee has to prove by a "preponderance of the evidence" that the virus was contracted at work. The proposed statute, however shifts the burden of proof to the employer and raises the bar to refute any presumption claim by "clear and convincing evidence." With a virus that is nearly ubiquitous and is not fully understood, the City of Aurora has to balance support for our front-line workers filing claims for a work-related illness with the obligation to verify that the workers actually contracted the virus while performing their duties and not out in the community. Absent any witnesses, Facebook posts or medical records that explicitly state the employee contracted the virus elsewhere, employers will end up paying for 98% of all claims filed and contested cases will incur legal fees to defend a denial of coverage.

The proposed presumption statute for Covid 19 does not account for numerous variables, including:

- verification of Covid 19 given an on-going lack of testing and false negatives;
- occupations applicable to the presumption;
- inclusion of Covid 19 virus mutations in the presumption;
- inclusion of co-worker(s) of an infected person regardless of occupation;
- projection of financial impact(s) of presumptive Covid claims
- expansion of the presumption beyond Covid 19 to future viruses, making other communicable diseases compensable.

The presumption statute does not provide additional benefits to City employees. All City employees have sick leave and health insurance, including wage replacement (injury leave). Given these benefits, City employees are not deprived of benefits addressed by the Covid Presumption statute as these benefits are already covered.

To illustrate the potential financial impact of this statute, the team put together the following examples:

A. If a first responder dies from COVID with a newborn and spouse surviving, the City would owe payments until the child is emancipated, or the spouse dies.

Assuming payments for 21-40+ years of Maximum Temporary Total Disability (as most first responders are maximum average weekly wage):

- TTD rate as of July 2020 is \$1,074.22 x 21 years.
- For 21 years, total costs would be \$1,173,048.24
- If a widow lives for 42 years (as an example), the payout would be **\$2,346,096.48**

B. A first responder has medical treatment in ICU for 1 week: \$140,000.00

- An additional week on ventilator/monitoring: \$140,000.00
- TTD for at least 2 months while rehabbing w/o complications: \$8,593.76
- If the person were to be awarded a whole person rating for lung scarring etc., that would cost an additional \$10,000.00.
- Total case cost: **\$298,593.76ⁱ**

ⁱ Calculations by the Aurora Risk Management team based on the highest paid employees with significant exposure