



Legislative Council Staff Research Note

Version: Final

Date: 10/6/2016

Bill Number

House Bill 16-1145

Sponsors

***Representative Lebsock
Senator Tate***

Short Title

***Documentary Fee For
Residential Real Property***

Research Analyst

Luisa Altmann (x3518)

Status

This research note reflects the final version of the bill, which became effective on April 15, 2016.

Summary

This bill clarifies that the filing fee for a residential real property conveyance is calculated based on the total sales price, as listed on the conveyance document. If there is no amount listed, or the amount is less than \$500 and there is related documentation, then the total sales price on the declaration form is used to determine the filing fee.

The bill also stipulates that, for the purposes of determining a filing fee, a property is assumed to be residential property unless otherwise indicated as either commercial or industrial property. Filing fees for commercial or industrial conveyance documents are determined by the total sales price adjusted to account for other personal property included in the real estate transaction (personal property considerations).

Background

When transferring the legal title of property, a person files the conveyance document with the county clerk and recorder and pays a document filing fee if the price paid listed on the conveyance document exceeds \$500. Under current law, the filing fee for either residential and commercial property is calculated based on the total sales price listed on the conveyance document, adjusted for personal property considerations. However, not all counties uniformly adjust total sales price based on personal property considerations.

This research note was prepared by Legislative Council Staff, the nonpartisan research staff for the Colorado General Assembly. The research note is provided for informational purposes only and should not be relied upon as an official record of action by the General Assembly. Legislative Council Staff are not attorneys, and the research note is not a legal opinion. If you have legal questions about the bill, including questions about the meaning of the bill language or amendments, please contact the drafter.

House Action

House Business Affairs and Labor Committee (February 16, 2016). At the hearing, representatives from the Land Title Association of Colorado, Colorado Mortgage Lenders Association, Colorado Bankers Association, Independent Bankers of Colorado, Colorado Association of Realtors, Colorado County Clerks Association, Denver County Clerk and Recorders Office, and Colorado Assessors' Association testified in support of the bill. The committee adopted amendment L.001, which clarified that for purposes of the filing fee, the property will be classified as residential unless the deed states otherwise, and referred the bill to the House Committee of the Whole.

House second reading (February 18, 2016). The House adopted the House Business Affairs and Labor Committee report and passed the bill on second reading with no additional amendments.

House third reading (February 19, 2016). The House passed the bill, unamended, on third reading.

Senate Action

Senate Local Government Committee (March 15, 2016). At the hearing, representatives from the Land Title Association of Colorado, Colorado Mortgage Lenders Association, Colorado Association of Realtors, Colorado County Clerks Association, Denver Clerk and Recorders Office, and Colorado Assessors' Association testified in support of the bill. The committee referred the bill, unamended, to the Senate Committee of the Whole with a recommendation that it be placed on the consent calendar.

Senate second reading (March 18, 2016). The Senate passed the bill, unamended, on second reading.

Senate third reading (March 21, 2016). The Senate passed the bill, unamended, on third reading.

