

CHAPTER 357

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 17-1363

BY REPRESENTATIVE(S) Hansen, Arndt, Becker K., Bridges, Esgar, Garnett, Gray, Jackson, Kraft-Tharp, Michaelson Jenet, Mitsch Bush, Pabon, Rosenthal, Salazar, Singer, Valdez, Winter, Young, Duran;
also SENATOR(S) Martinez Humenik, Court.

AN ACT

CONCERNING AN EXEMPTION FROM OTHERWISE APPLICABLE REQUIREMENTS FOR FINANCING FROM THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT IF A RESIDENTIAL PROPERTY OWNER IS NOT SEEKING TO SUBORDINATE THE PRIORITY OF EXISTING MORTGAGES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 32-20-105, **amend** (3) introductory portion as follows:

32-20-105. District - purpose - general powers and duties - new energy improvement program. (3) The district shall establish, develop, finance, and administer a new energy improvement program. However, the district may conduct the program within any given county only if the board of county commissioners of the county has adopted a resolution authorizing the district to conduct the program within the county. If a county adopts a resolution authorizing the district to conduct the program within the county, the county treasurer shall retain a collection fee as specified in section 30-1-102 (1)(c) ~~C.R.S.~~, for each special assessment that it collects as part of the program. The board of county commissioners of any county that has adopted a resolution authorizing the district to conduct the program within the county may subsequently adopt a resolution deauthorizing the district from conducting the program within the county. However, if the county adopts a deauthorizing resolution, the county shall continue to meet all of its obligations under this ~~article~~ **ARTICLE 20** as to program financing obligations existing on the effective date of the deauthorization until any and all special assessments within the county have been paid in full and remitted to the district. The district shall design the program to allow an owner of eligible real property to apply to join the district, receive reimbursement or a direct payment from the district, and consent to the levying of a special assessment on the eligible real property specially benefited by

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

a new energy improvement for which the district makes reimbursement or a direct payment. The district shall establish an application process for the program that allows an owner of eligible real property to become a qualified applicant by submitting an application to the district and that may include one or more deadlines for the filing of an application. EXCEPT AS SPECIFIED IN SECTION 32-20-111, the application process must require the applicant to submit with the application a commitment of title insurance issued by a duly licensed Colorado title insurance company within thirty days before the date the application is submitted. The district may charge program application fees. In order to administer the program, the district, acting directly or through a program administrator or other agents, employees, or professionals as the district may appoint, hire, retain, or contract with, may aggregate qualified applicants into one or more bond issues and shall:

SECTION 2. In Colorado Revised Statutes, 32-20-106, **amend** (3)(a) introductory portion as follows:

32-20-106. Special assessments - determination of special benefits - notice and hearing requirements - certification of assessment roll - manner of collection. (3) (a) The district may levy a special assessment against eligible real property specially benefited by a new energy improvement based on the cost to the district of the new energy improvement. The district shall initiate the levy of any special assessment by the adoption of a resolution of the board that sets the special assessment, approves the preparation of a preliminary special assessment roll, and sets a date for a public hearing regarding the special assessment roll. The district shall prepare a preliminary special assessment roll listing all special assessments to be levied. The district may post notice of the hearing on the special assessment on any district internet website and shall, EXCEPT AS SPECIFIED IN SECTION 32-20-111, send notice that the special assessment roll has been completed and notice of a hearing on the special assessment roll no later than thirty days before the hearing date to:

SECTION 3. In Colorado Revised Statutes, **add** 32-20-111 as follows:

32-20-111. Procedure if lien subordination not sought. THE PROVISIONS OF THIS ARTICLE 20 PERTAINING TO THE REQUIREMENT OF TITLE INSURANCE CONTAINED IN SECTION 32-20-105 (3) AND THE PROVISION OF NOTICE, OBJECTION, AND APPEAL CONTAINED IN SECTION 32-20-106 (3)(a)(I), (3)(a)(II), (3)(b), AND (3)(c), AND ALL SECTIONS REFERENCING THESE SECTIONS, DO NOT APPLY TO RESIDENTIAL ELIGIBLE REAL PROPERTY IF THE PROPERTY OWNER OR PRIVATE THIRD PARTY THAT IS FINANCING THE IMPROVEMENTS ARE NOT SEEKING TO SUBORDINATE THE PRIORITY OF EXISTING MORTGAGES PURSUANT TO SECTION 32-20-105 (3)(i).

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications filed on or after the applicable effective date of this act.

Approved: June 5, 2017