

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0746.01 Esther van Mourik x4215

HOUSE BILL 19-1135

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION THAT THE INCOME TAX CREDIT FOR**
102 **RETROFITTING A RESIDENCE TO INCREASE A RESIDENCE'S**
103 **ACCESSIBILITY IS AVAILABLE FOR CHANGES MADE TO A**
104 **RESIDENCE THAT BENEFIT A QUALIFIED INDIVIDUAL'S**
105 **DEPENDENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill clarifies that the income tax credit for retrofitting a residence is available for changes made to a residence that benefit a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
March 22, 2019

HOUSE
3rd Reading Unamended
February 19, 2019

HOUSE
Amended 2nd Reading
February 14, 2019

qualified individual's dependent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-541, **amend**
3 **(2)(a), (2)(d), (3)(a)(I), (3)(b)(II), and (4)** as follows:

4 **39-22-541. Credit for retrofitting a residence to increase a**
5 **residence's visitability - legislative declaration - definitions - repeal.**

6 (2) As used in this section:

7 (a) ~~"Dependent" has the same meaning as in section 152 (a)~~
8 **MEANS:**

9 (I) ~~A QUALIFYING CHILD OR QUALIFYING RELATIVE AS DEFINED IN~~
10 ~~SECTIONS 152 (c) AND 152 (d), RESPECTIVELY, of the internal revenue~~
11 ~~code; AND~~

12 (II) ~~A QUALIFIED INDIVIDUAL'S SPOUSE OR THE PERSON IN A CIVIL~~
13 ~~UNION WITH THE QUALIFIED INDIVIDUAL.~~

14 (d) "Retrofit" means changes made to a residence that must:

15 (I) Be necessary to ensure the health, welfare, and safety of a
16 qualified individual OR A DEPENDENT;

17 (II) Increase the residence's visitability;

18 (III) Enable greater accessibility and independence in the
19 residence for a qualified individual OR A DEPENDENT;

20 (IV) Be required due to a qualified individual's OR DEPENDENT'S
21 illness, impairment, or disability; and

22 (V) Allow a qualified individual OR DEPENDENT to age in place.

23 (3) (a) (I) Except as provided in subsection (3)(b)(III) of this
24 section, for income tax years commencing on or after January 1, 2019, but
25 prior to January 1, 2024, ~~an~~ A QUALIFIED individual who retrofits or hires

1 someone to retrofit the QUALIFIED individual's residence and who meets
2 any additional requirements established by the division of housing is
3 allowed a credit against the income taxes imposed by this article 22 in an
4 amount equal to the cost of the retrofit or five thousand dollars PER
5 RESIDENCE, whichever is less. ONLY ONE CREDIT IS ALLOWED PER
6 RESIDENCE; EXCEPT THAT IF A RETROFIT IS REQUIRED FOR THE QUALIFIED
7 INDIVIDUAL AND FOR ONE OR MORE DEPENDENTS RESIDING IN THE
8 QUALIFIED INDIVIDUAL'S RESIDENCE OR A RETROFIT IS REQUIRED FOR
9 MORE THAN ONE DEPENDENT RESIDING IN THE QUALIFIED INDIVIDUAL'S
10 RESIDENCE, THEN A CREDIT IS ALLOWED IN AN AMOUNT EQUAL TO THE
11 COST OF THE RETROFIT OR FIVE THOUSAND DOLLARS PER INDIVIDUAL FOR
12 WHOM THE RETROFIT IS REQUIRED, WHICHEVER IS LESS.

13 (b) (II) To claim the credit under this section, the QUALIFIED
14 individual must include the credit certificate with the income tax return
15 filed with the department of revenue.

16 (4) If the amount of the credit allowed in this section exceeds the
17 amount of income taxes otherwise due on the QUALIFIED individual's
18 income in the income tax year for which the credit is being claimed, the
19 amount of the credit not used as an offset against income taxes in the
20 current income tax year may be carried forward and used as a credit
21 against subsequent years' income tax liability for a period not to exceed
22 five years and must be applied first to the earliest income tax years
23 possible. Any credit remaining after the period may not be refunded or
24 credited to the QUALIFIED individual.

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2020 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.