

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-1059.01 Pierce Lively x2059

HOUSE BILL 22-1416

HOUSE SPONSORSHIP

Esgar and Neville,

SENATE SPONSORSHIP

Kolker and Rankin,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROCEDURAL REQUIREMENTS FOR THE ADMINISTRATION
102 OF PROPERTY TAX, AND, IN CONNECTION THEREWITH,
103 REQUIRING THE PROPERTY TAX ADMINISTRATOR TO MAINTAIN
104 A LIST OF PERSONS INTERESTED IN RECEIVING NOTIFICATIONS
105 ABOUT POSSIBLE AMENDMENTS TO PROPERTY TAX MANUALS,
106 REQUIRING PUBLIC HEARINGS WITH NOTICE IN CONNECTION
107 WITH AMENDMENTS TO PROPERTY TAX MANUALS, REQUIRING
108 PETITIONS FOR CHANGES TO PROPERTY TAX MATERIALS TO BE
109 IN WRITING, REQUIRING NOTIFICATION ABOUT THE
110 OPPORTUNITY TO OBTAIN ADDITIONAL INFORMATION ABOUT
111 THE VALUATION OF COMMERCIAL PROPERTY, REQUIRING
112 NOTIFICATION ABOUT THE ABATEMENT PROCESS, ALLOWING
113 FOR THE CORRECTION OF ERRORS IMPACTING VALUATION OF 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.

101 CLASS OR SUBCLASS OF PROPERTY, AND ESTABLISHING A
102 PROCESS FOR ACCELERATED CONSIDERATION OF CERTAIN
103 APPEALS.

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 property tax administrator is required by law to prepare and publish manuals, appraisal procedures, instructions, and guidelines (property tax materials) concerning the administration of property tax. Beginning January 1, 2023, **section 1** of the bill requires the administrator to conduct a public hearing on a proposed change to the property tax materials prior to submitting the proposed change to the advisory committee to the property tax administrator. The administrator must publish notice of the hearing and mail notice to those people who so request. At the hearing, interested persons may submit information and the administrator is required to consider any submissions. Any interested person may also file a written petition to the administrator for the issuance, amendment, or repeal of any property tax material.

At least 2 weeks prior to the advisory committee to the property tax administrator reviewing a proposed change to the property tax materials, **section 2** requires the property tax administrator to publish notice about the proposed change.

Under current law, an assessor may, with the permission of the board of county commissioners, include an estimate of property taxes owed in a notice of valuation. **Section 3** requires an assessor to include this estimate and allows the assessor to include a range of values.

Section 3 also requires any valuation sent to the owner of any real property to alert the property owner to the process of requesting an abatement if they do make a timely objection to their property's valuation. Likewise, any notice of valuation sent to the owner of commercial property must include contact information for the relevant county assessor and a specific statement directing the owner to contact the county assessor if needed for information on how the property was valued.

Currently, a taxpayer who wishes to protest the valuation of their taxable real property must file a notice of their objection and protest with the assessor by June 1. **Sections 3 and 4** extend this deadline to June 8.

Section 4 requires an assessor who discovers any error that impacts the valuation of a class or subclass of property to recommend to

the county board of equalization an adjustment to the class or subclass of property to correct the error.

Section 5 requires the state board of assessment appeals to advance an appeal concerning the valuation of rent-producing commercial real property on the board of assessment appeals' calendar when the taxpayer provides certain relevant information and requests an advancement on or before July 15 of the same calendar year. This section also allows the board of assessment appeals to charge a fee to a taxpayer whose appeal the board of assessment appeals advances.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-2-109, **amend**
3 (1)(e) and (1)(k); and **add** (2) as follows:

4 **39-2-109. Duties, powers, and authority - definition.** (1) It is
5 the duty of the property tax administrator, and the administrator shall have
6 and exercise authority:

7 (e) To prepare and publish from time to time manuals, appraisal
8 procedures, and instructions, after consultation with the advisory
9 committee to the property tax administrator and the approval of the state
10 board of equalization, concerning methods of appraising and valuing
11 land, improvements, personal property, and mobile homes, and to require
12 their utilization by assessors in valuing and assessing taxable property.
13 Said manuals, appraisal procedures, and instructions shall be based upon
14 the three approaches to appraisal and the procedures set forth in section
15 39-1-103 (5)(a). Such manuals, appraisal procedures, and instructions
16 shall be subject to legislative review, the same as rules, ~~and regulations,~~
17 pursuant to section 24-4-103 (8)(d). ~~C.R.S.~~ BEGINNING JANUARY 1, 2023,
18 THE ADMINISTRATOR SHALL COMPLY WITH SUBSECTION (2) OF THIS
19 SECTION WHEN MODIFYING THE MANUALS, APPRAISAL PROCEDURES, AND
20 INSTRUCTIONS.

1 (k) To prepare and publish guidelines, after consultation with the
2 advisory committee to the property tax administrator and approval of the
3 state board of equalization, concerning the audit and compliance review
4 of oil and gas leasehold properties for property tax purposes, which shall
5 be utilized by assessors, treasurers, and their agents. Such guidelines shall
6 be subject to legislative review, the same as rules, ~~and regulations,~~
7 pursuant to section 24-4-103 (8)(d). ~~C.R.S.~~ BEGINNING JANUARY 1, 2023,
8 THE ADMINISTRATOR SHALL COMPLY WITH SUBSECTION (2) OF THIS
9 SECTION WHEN MODIFYING THE GUIDELINES.

10 (2) (a) AS USED IN THIS SUBSECTION (2), "PROPERTY TAX
11 MATERIALS" MEANS THE MANUALS, APPRAISAL PROCEDURES,
12 INSTRUCTIONS, AND GUIDELINES THAT THE ADMINISTRATOR PREPARES
13 AND PUBLISHES UNDER THE AUTHORITY CONFERRED BY SUBSECTIONS
14 (1)(e) AND (1)(k) OF THIS SECTION.

15 (b) PRIOR TO PROPOSING ANY CHANGES TO THE PROPERTY TAX
16 MATERIALS, THE ADMINISTRATOR SHALL CONDUCT A PUBLIC HEARING
17 DESCRIBED IN SUBSECTION (2)(d) OF THIS SECTION. NO LESS THAN TWO
18 WEEKS PRIOR TO THE HEARING, THE ADMINISTRATOR SHALL PUBLISH
19 NOTICE OF THE PROPOSED CHANGES TO THE PROPERTY TAX MATERIALS.
20 THE ADMINISTRATOR MUST INCLUDE IN THE NOTICE:

21 (I) THE DATE, TIME, AND PLACE OF THE HEARING; AND

22 (II) EITHER THE TERMS OR SUBSTANCE OF THE PROPOSED CHANGE
23 OR A DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED.

24 (c) THE ADMINISTRATOR SHALL MAINTAIN A LIST OF ALL PERSONS
25 WHO REQUEST NOTIFICATION OF PROPOSED CHANGES TO THE PROPERTY
26 TAX MATERIALS. ON OR BEFORE THE DATE OF THE PUBLICATION OF NOTICE
27 REQUIRED BY SUBSECTION (2)(b) OF THIS SECTION, THE ADMINISTRATOR

1 SHALL PROVIDE NOTICE VIA E-MAIL OF THE PROPOSED CHANGES TO ALL
2 PERSONS ON THE LIST. THE ADMINISTRATOR SHALL NOT CHARGE A FEE FOR
3 SENDING THIS E-MAIL NOTICE. UPON REQUEST OF A PERSON ON THE LIST,
4 THE ADMINISTRATOR MAY MAIL THE NOTICE TO THE PERSON. ANY PERSON
5 ON THE LIST WHO REQUESTS TO RECEIVE A COPY OF THE PROPOSED
6 CHANGES BY MAIL MUST PAY A FEE TO THE ADMINISTRATOR THAT IS SET
7 BASED UPON THE ADMINISTRATOR'S ACTUAL COST OF COPYING AND
8 MAILING THE PROPOSED CHANGES TO THE PERSON. ALL FEES COLLECTED
9 BY THE ADMINISTRATOR ARE CONTINUOUSLY APPROPRIATED TO THE
10 ADMINISTRATOR SOLELY FOR THE PURPOSE OF DEFRAYING THE COST OF
11 THE NOTICE.

12 (d) AT THE PLACE AND TIME STATED IN THE NOTICE, THE
13 ADMINISTRATOR SHALL HOLD A PUBLIC HEARING AT WHICH THE
14 ADMINISTRATOR SHALL AFFORD INTERESTED PERSONS AN OPPORTUNITY
15 TO SUBMIT WRITTEN DATA, VIEWS, OR ARGUMENTS AND TO PRESENT THE
16 SAME ORALLY UNLESS THE ADMINISTRATOR DEEMS IT UNNECESSARY. THE
17 ADMINISTRATOR SHALL CONSIDER ALL SUBMISSIONS WHEN FINALIZING A
18 PROPOSED CHANGE TO THE PROPERTY TAX MATERIALS THAT THE
19 ADMINISTRATOR SUBMITS TO THE ADVISORY COMMITTEE TO THE
20 PROPERTY TAX ADMINISTRATOR FOR THE ADVISORY COMMITTEE'S REVIEW
21 IN ACCORDANCE WITH SECTION 39-2-131 (1).

22 (e) THE ADMINISTRATOR SHALL ADOPT PROPOSED CHANGES TO THE
23 PROPERTY TAX MATERIALS CONSISTENT WITH THE SUBJECT MATTER AS SET
24 FORTH IN THE NOTICE REQUIRED BY SUBSECTION (2)(b) OF THIS SECTION
25 PRIOR TO CONSIDERATION BY THE ADVISORY COMMITTEE TO THE
26 PROPERTY TAX ADMINISTRATOR.

27 (f) ANY INTERESTED PERSON SHALL HAVE THE RIGHT TO PETITION

1 THE ADMINISTRATOR IN WRITING FOR THE ISSUANCE, AMENDMENT, OR
2 REPEAL OF ANY PROPERTY TAX MATERIALS. THE PETITION IS OPEN TO
3 PUBLIC INSPECTION. THE ADMINISTRATOR IS NOT REQUIRED TO TAKE ANY
4 ACTION BASED ON A PETITION, BUT WHEN THE ADMINISTRATOR PROPOSES
5 A CHANGE TO THE PROPERTY TAX MATERIALS, THE ADMINISTRATOR SHALL
6 CONSIDER ALL RELATED WRITTEN PETITIONS.

7 **SECTION 2.** In Colorado Revised Statutes, 39-2-131, **add** (3) as
8 follows:

9 **39-2-131. Function of the committee - notice of proposed**
10 **changes - property tax materials - definition.** (3) (a) AT LEAST TWO
11 WEEKS PRIOR TO THE ADVISORY COMMITTEE TO THE PROPERTY TAX
12 ADMINISTRATOR REVIEWING A PROPOSED CHANGE TO THE PROPERTY TAX
13 MATERIALS IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION,
14 THE PROPERTY TAX ADMINISTRATOR SHALL PUBLISH NOTICE THAT
15 INCLUDES:

- 16 (I) THE DATE, TIME, AND PLACE OF THE HEARING; AND
 - 17 (II) THE PROPOSED CHANGES TO THE PROPERTY TAX MATERIALS.
- 18 (b) AS USED IN THIS SUBSECTION (3), "PROPERTY TAX MATERIALS"
19 HAS THE SAME MEANING AS SET FORTH IN SECTION 39-2-109 (2)(a).

20 **SECTION 3.** In Colorado Revised Statutes, 39-5-121, **amend**
21 (1)(a)(I); and **add** (4) as follows:

22 **39-5-121. Notice of valuation - legislative declaration - repeal.**
23 (1) (a) (I) No later than May 1 in each year, the assessor shall mail to
24 each person who owns land or improvements a notice setting forth the
25 valuation of such land or improvements. For agricultural property, the
26 notice must separately state the actual value of such land or improvements
27 in the previous year, the actual value in the current year, and the amount

1 of any adjustment in actual value. For all other property, the notice must
2 state the total actual value of such land and improvements together in the
3 previous year, the total actual value in the current year, and the amount
4 of any adjustment in total actual value. The notice must not state the
5 valuation for assessment of such land or improvements or combination of
6 land and improvements. Based upon the classification of such taxable
7 property, the notice must also set forth the appropriate ratio of valuation
8 for assessment to be applied to said actual value prior to the calculation
9 of property taxes for the current year and that any change or adjustment
10 of the ratio of valuation for assessment must not constitute grounds for
11 the protest or abatement of taxes. ~~With the approval of the board of~~
12 ~~county commissioners,~~ The assessor ~~may~~ SHALL include in the notice an
13 estimate of the taxes, OR A RANGE OF THE TAXES, owed for the current
14 property tax year. ~~If such estimate is included,~~ The notice must clearly
15 state that the tax amount is merely an estimate based upon the best
16 available information. The notice must state, in bold-faced type, that the
17 taxpayer has the right to protest any adjustment in valuation but not the
18 estimate of taxes if such an estimate is included in the notice, the
19 classification of the property that determines the assessment percentage
20 to be applied, and the dates and places at which the assessor will hear
21 such protest. The notice must also set forth the following: That, to
22 preserve the taxpayer's right to protest, the taxpayer shall notify the
23 assessor either in writing or in person of the taxpayer's objection and
24 protest; that such notice must be delivered, postmarked, or given in
25 person no later than ~~June~~ † JUNE 8; and that, after such date, the
26 taxpayer's right to object and protest the adjustment in valuation is lost.
27 The notice must be mailed together with a form that, if completed by the

1 taxpayer, allows the taxpayer to explain the basis for the taxpayer's
2 valuation of the property. Such form may be completed by the taxpayer
3 to initiate an appeal of the assessor's valuation. However, in accordance
4 with section 39-5-122 (2), completion of this form does not constitute the
5 exclusive means of appealing the assessor's valuation. For the years that
6 intervene between changes in the level of value, if the difference between
7 the actual value of such land or improvements in the previous year and
8 the actual value of such land or improvements in the intervening year as
9 set forth in such notice constitutes an increase in actual value of more
10 than seventy-five percent, the assessor shall mail together with the notice
11 an explanation of the reasons for such increase in actual value.

12 (4) (a) ANY NOTICE OF VALUATION REQUIRED BY SUBSECTIONS (1)
13 AND (1.5) OF THIS SECTION SENT TO THE OWNER OF ANY REAL PROPERTY
14 MUST INCLUDE THE FOLLOWING STATEMENT: "IF A PROPERTY OWNER DOES
15 NOT TIMELY OBJECT TO THEIR PROPERTY'S VALUATION BY JUNE 8 UNDER
16 SECTION 39-5-122, C.R.S., THEY MAY FILE A REQUEST FOR AN ABATEMENT
17 UNDER SECTION 39-10-114, C.R.S., BY CONTACTING THE COUNTY
18 ASSESSOR."

19 (b) ANY NOTICE OF VALUATION REQUIRED BY SUBSECTIONS (1)
20 AND (1.5) OF THIS SECTION SENT TO THE OWNER OF COMMERCIAL
21 PROPERTY MUST INCLUDE CONTACT INFORMATION FOR THE RELEVANT
22 COUNTY ASSESSOR ALONG WITH THE FOLLOWING STATEMENT: "IF YOU
23 WOULD LIKE INFORMATION ABOUT THE APPROACH USED TO VALUE YOUR
24 PROPERTY, PLEASE CONTACT YOUR COUNTY ASSESSOR."

25 **SECTION 4.** In Colorado Revised Statutes, 39-5-122, **amend**
26 (1)(a) and (2); and **add** (6) as follows:

27 **39-5-122. Taxpayer's remedies to correct errors.** (1) (a) On or

1 before May 1 of each year, the assessor shall give public notice in at least
2 one issue of a newspaper published in the assessor's county that,
3 beginning on the first working day after notices of adjusted valuation are
4 mailed to taxpayers, the assessor will sit to hear all objections and protests
5 concerning valuations of taxable real property determined by the assessor
6 for the current year; that, for a taxpayer's objection and protest to be
7 heard, notice must be given to the assessor; and that such notice must be
8 postmarked, delivered, or given in person by ~~June 1~~ JUNE 8. The notice
9 must also state that objections and protests concerning valuations of
10 taxable personal property determined by the assessor for the current year
11 will be heard commencing June 15; that, for a taxpayer's objection and
12 protest to be heard, notice must be given to the assessor; and that such
13 notice must be postmarked or physically delivered by June 30. If there is
14 no such newspaper, then such notice must be conspicuously posted in the
15 offices of the assessor, the treasurer, and the county clerk and recorder
16 and in at least two other public places in the county seat. The assessor
17 shall send news releases containing such notice to radio stations,
18 television stations, and newspapers of general circulation in the county.

19 (2) If any person is of the opinion that his or her property has been
20 valued too high, has been twice valued, or is exempt by law from taxation
21 or that property has been erroneously assessed to such person, he or she
22 may appear before the assessor and object, complete the form mailed with
23 his or her notice of valuation pursuant to section 39-5-121 (1) or (1.5), or
24 file a written letter of objection and protest by mail with the assessor's
25 office before the last day specified in the notice, stating in general terms
26 the reason for the objection and protest. Reasons for the objection and
27 protest may include, but shall not be limited to, the installation and

1 operation of surface equipment relating to oil and gas wells on
2 agricultural land. Any change or adjustment of any ratio of valuation for
3 assessment shall not constitute grounds for an objection. If the form
4 initiating an appeal or the written letter of objection and protest is filed by
5 mail, it shall be presumed that it was received as of the day it was
6 postmarked. If the form initiating an appeal or the written letter of
7 objection and protest is hand-delivered, the date it was received by the
8 assessor shall be stamped on the form or letter. As stated in the public
9 notice given by the assessor pursuant to subsection (1) of this section, the
10 taxpayer's notification to the assessor of his or her objection and protest
11 to the adjustment in valuation must be delivered, postmarked, or given in
12 person by ~~June 1~~ JUNE 8 in the case of real property. In the case of
13 personal property, the notice must be postmarked or physically delivered
14 by June 30. All such forms and letters received from protesters shall be
15 presumed to be on time unless the assessor can present evidence to show
16 otherwise. The county shall not prescribe the written form of objection
17 and protest to be used. The protester shall have the opportunity on the
18 days specified in the public notice to present his or her objection in
19 writing or protest in person and be heard, whether or not there has been
20 a change in valuation of such property from the previous year and
21 whether or not any change is the result of a determination by the assessor
22 for the current year or by the state board of equalization for the previous
23 year. If the assessor finds any valuation to be erroneous or otherwise
24 improper, the assessor shall correct the error. If the assessor declines to
25 change any valuation that the assessor has determined, the assessor shall
26 state his or her reasons in writing on the form described in section
27 39-8-106, shall insert the information otherwise required by the form, and

1 shall mail two copies of the completed form to the person presenting the
2 objection and protest so denied on or before the last regular working day
3 of the assessor in June in the case of real property and on or before July
4 10 in the case of personal property; except that, if a county has made an
5 election pursuant to section 39-5-122.7 (1), the assessor shall mail the
6 copies on or before August 15 in the case of both real and personal
7 property.

8 (6) IF, DURING THE APPEAL PROCESS DESCRIBED IN THIS SECTION,
9 THE ASSESSOR DISCOVERS ANY ERROR THAT IMPACTS THE VALUATION OF
10 A CLASS OR SUBCLASS OF PROPERTY, THEN, PURSUANT TO SECTION
11 39-8-102 (1), THE ASSESSOR SHALL RECOMMEND TO THE COUNTY BOARD
12 OF EQUALIZATION AN ADJUSTMENT TO THE VALUATION OF THE CLASS OR
13 SUBCLASS OF PROPERTY TO CORRECT THE ERROR.

14 **SECTION 5.** In Colorado Revised Statutes, 39-2-125, **add** (2.5)
15 as follows:

16 **39-2-125. Duties of the board - board of assessment appeals**
17 **cash fund - creation - accelerated appeal cash fund.** (2.5) (a) ALONG
18 WITH COMPLAINTS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, A
19 TAXPAYER'S APPEAL CONCERNING THE VALUATION OF RENT-PRODUCING
20 COMMERCIAL REAL PROPERTY PURSUANT TO SECTION 39-8-108 (1) IS
21 ADVANCED ON THE CALENDAR AND TAKES PRECEDENCE OVER OTHER
22 MATTERS PENDING BEFORE THE BOARD, IF:

23 (I) THE TAXPAYER FILES A WRITTEN LETTER OF OBJECTION AND
24 PROTEST UNDER SECTION 39-5-122 (2) OR 39-5-122.7 (2) AND, ON OR
25 BEFORE JULY 15 OF THE SAME CALENDAR YEAR, THE TAXPAYER PROVIDES
26 TO THE ASSESSOR THE INFORMATION DESCRIBED IN SECTION 39-8-107
27 (5)(a)(I);

1 (II) THE TAXPAYER REQUESTS THE PRIORITIZATION UNDER THIS
2 SUBSECTION (2.5) AT THE TIME THE APPEAL IS FILED WITH THE BOARD; AND

3 (III) THE ASSESSOR, UPON ISSUING THE WRITTEN DETERMINATION
4 REGARDING THE OBJECTION AND PROTEST REQUIRED BY SECTION 39-5-122
5 (2) OR 39-5-122.7 (2), VERIFIES THAT THE TAXPAYER HAS MET THE
6 REQUIREMENTS OF SUBSECTIONS (2.5)(a)(I) AND (2.5)(a)(II) OF THIS
7 SECTION.

8 (b) THE BOARD OF ASSESSMENT APPEALS MAY CHARGE A FEE TO
9 A TAXPAYER WHOSE APPEAL IS ADVANCED PURSUANT TO THIS SUBSECTION
10 (2.5). THE FEE MUST BE:

11 (I) BASED UPON THE BOARD OF ASSESSMENT APPEALS' ACTUAL
12 COSTS IN ADVANCING THE TAXPAYER'S APPEAL; AND

13 (II) DEPOSITED IN THE ACCELERATED APPEAL CASH FUND, WHICH
14 IS HEREBY CREATED IN THE STATE TREASURY. THE STATE TREASURER
15 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
16 AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. MONEY IN THE
17 FUND IS CONTINUOUSLY APPROPRIATED TO THE BOARD OF ASSESSMENT
18 APPEALS TO DEFRAY THE COSTS ASSOCIATED WITH ADVANCING A
19 TAXPAYER'S APPEAL.

20 **SECTION 6. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.