

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 24-0392.01 Pierce Lively x2059

HOUSE BILL 24-1052

HOUSE SPONSORSHIP

Weissman and Marshall,

SENATE SPONSORSHIP

Kolker and Hansen,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REINSTATEMENT OF AN INCOME TAX CREDIT TO**
102 **HELP INCOME-QUALIFIED SENIORS AFFORD HOUSING, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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/>.)

Legislative Oversight Committee Concerning Tax Policy.
Section 2 of the bill reinstates a refundable income tax credit (credit) that was available for the income tax year commencing on January 1, 2022, so that the credit is available for the income tax year commencing on January 1, 2024, and is available in a different amount to joint-filers. The

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

HOUSE
Amended 2nd Reading
April 25, 2024

credit is for a qualifying senior, which means a resident individual who:

- Is 65 years of age or older at the end of 2024;
- Has federal adjusted gross income (AGI) that is less than or equal to \$75,000 if filing a single return, or less than or equal to \$150,000 if filing a joint return; and
- Has not claimed the senior property tax exemption for the 2024 property tax year.

The amount of the credit is:

- \$1,000 for a qualifying senior filing a single return with federal AGI that is \$25,000 or less. For every \$500 of AGI above \$25,000, the amount of the credit is reduced by \$10.
- \$1,000 for a qualifying senior filing a joint return with another individual who is not a qualifying senior with federal AGI that is \$50,000 or less. For every \$500 of AGI above \$50,000, the amount of the credit is reduced by \$10.
- \$2,000 for a qualifying senior filing a joint return with another qualifying senior with federal AGI that is \$50,000 or less. For every \$500 of AGI above \$50,000, the amount of the credit is reduced by \$10.

Notwithstanding the income-based reductions in the allowable credit amount, a taxpayer who also qualifies for a property tax and rent assistance grant or heat assistance grant during calendar year 2024 is eligible to receive the full credit amount.

Section 1 requires the property tax administrator to provide reports from counties related to taxpayers who are eligible for and actually claim the homestead property tax exemption.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** In Colorado Revised Statutes, 39-3-207, **add** (8) as
3 follows:
4 **39-3-207. Reporting of exemptions - reimbursement to local**
5 **governmental entities - repeal.** (8) (a) ON OR BEFORE DECEMBER 1,
6 2024, THE ADMINISTRATOR SHALL PROVIDE A REPORT TO THE
7 DEPARTMENT OF REVENUE WITH THE NAMES AND SOCIAL SECURITY
8 NUMBERS OF ALL APPLICANTS ELIGIBLE FOR THE EXEMPTION FOR THE
9 PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2024, BASED ON THE
10 ADMINISTRATOR'S EXAMINATION UNDER SUBSECTION (2) OF THIS SECTION

1 OF THE REPORTS RECEIVED IN ACCORDANCE WITH SUBSECTION (1) OF THIS
2 SECTION.

3 (b) ON OR BEFORE APRIL 1, 2025, THE ADMINISTRATOR SHALL
4 PROVIDE A REPORT TO THE DEPARTMENT OF REVENUE WITH THE NAMES
5 AND SOCIAL SECURITY NUMBERS OF ALL TAXPAYERS ENTITLED TO THE
6 EXEMPTION FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1,
7 2024, BASED ON THE ADMINISTRATOR'S EXAMINATION UNDER SUBSECTION
8 (3.5) OF THIS SECTION OF THE REPORTS RECEIVED IN ACCORDANCE WITH
9 SUBSECTION (3) OF THIS SECTION.

10 (c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2025.

11 **SECTION 2.** In Colorado Revised Statutes, 39-22-544, **amend**
12 **(3), (4), and (6); repeal (2)(b) as follows:**

13 **39-22-544. Credit against tax - qualifying seniors - creation -**
14 **legislative declaration - definitions.** (2) As used in this section, unless
15 the context otherwise requires:

- 16 (b) ~~"Qualifying senior" means a resident individual who:~~
- 17 ~~(I) Is sixty-five years of age or older at the end of 2022;~~
- 18 ~~(II) Has a federal adjusted gross income that is less than or equal~~
19 ~~to seventy-five thousand dollars for the income tax year commencing on~~
20 ~~January 1, 2022; and~~
- 21 ~~(III) Has not claimed a property tax exemption under section~~
22 ~~39-3-203 for the property tax year commencing on January 1, 2022.~~

23 (3) (a) (I) For the income tax year commencing on January 1,
24 2022, a qualifying senior is allowed a credit against the tax imposed by
25 this article 22 in an amount set forth in subsection (4) of this section.

26 (II) AS USED IN THIS SUBSECTION (3)(a), "QUALIFYING SENIOR"
27 MEANS A RESIDENT INDIVIDUAL WHO:

1 (A) IS SIXTY-FIVE YEARS OF AGE OR OLDER AT THE END OF 2022;

2 (B) HAS A FEDERAL ADJUSTED GROSS INCOME THAT IS LESS THAN
3 OR EQUAL TO SEVENTY-FIVE THOUSAND DOLLARS FOR THE INCOME TAX
4 YEAR COMMENCING ON JANUARY 1, 2022; AND

5 (C) HAS NOT CLAIMED A PROPERTY TAX EXEMPTION UNDER
6 SECTION 39-3-203 FOR THE PROPERTY TAX YEAR COMMENCING ON
7 JANUARY 1, 2022.

8 (b) (I) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,
9 2024, A QUALIFYING SENIOR IS ALLOWED A CREDIT AGAINST THE TAX
10 IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT SET FORTH IN SUBSECTION (4)
11 OF THIS SECTION.

12 (II) AS USED IN THIS SUBSECTION (3)(b), "QUALIFYING SENIOR"
13 MEANS A RESIDENT INDIVIDUAL WHO:

14 (A) IS SIXTY-FIVE YEARS OF AGE OR OLDER AT THE END OF 2024;

15 (B) HAS, FOR THE INCOME TAX YEAR COMMENCING ON JANUARY
16 1, 2024, A FEDERAL ADJUSTED GROSS INCOME LESS THAN OR EQUAL TO
17 SEVENTY-FIVE THOUSAND DOLLARS FOR AN INDIVIDUAL FILING A SINGLE
18 RETURN, OR HAS A FEDERAL ADJUSTED GROSS INCOME LESS THAN OR
19 EQUAL TO ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR AN
20 INDIVIDUAL FILING A JOINT RETURN; AND

21 (C) HAS NOT CLAIMED A PROPERTY TAX EXEMPTION UNDER
22 SECTION 39-3-203 FOR THE PROPERTY TAX YEAR COMMENCING ON
23 JANUARY 1, 2024, ON OR BEFORE AUGUST 15, 2024.

24 (4) (a) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,
25 2022, THE AMOUNT OF THE CREDIT IS ONE THOUSAND DOLLARS FOR A QUALIFYING
26 SENIOR WITH FEDERAL ADJUSTED GROSS INCOME THAT IS TWENTY-FIVE THOUSAND
27 DOLLARS OR LESS. FOR EVERY FIVE HUNDRED DOLLARS OF ADJUSTED GROSS INCOME

1 above twenty-five thousand dollars, the amount of the credit is reduced
2 by ten dollars.

3 (b) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,
4 2022, the credit is the same whether it is claimed by one taxpayer filing
5 a single return or two taxpayers filing a joint return. In the case of two
6 taxpayers who share the same primary residence and who may legally file
7 a joint return but actually file separate returns, both taxpayers may claim
8 the credit, but the maximum credit for each is five hundred dollars and,
9 for every five hundred dollars of adjusted gross income above twenty-five
10 thousand dollars, the amount of the credit is reduced by five dollars.

11 (c) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,
12 2022, notwithstanding subsections (4)(a) and (4)(b) of this section, a
13 taxpayer who also qualifies for a grant under article 31 of this title 39
14 during calendar year 2022 is eligible to receive the full credit without an
15 income-based reduction that otherwise applies for the taxpayer under
16 subsection (4)(a) or (4)(b) of this section.

17 (4.5) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,
18 2024:

19 (a) THE AMOUNT OF THE CREDIT IS EIGHT HUNDRED DOLLARS FOR
20 A QUALIFYING SENIOR FILING A SINGLE RETURN WITH A FEDERAL
21 ADJUSTED GROSS INCOME THAT IS TWENTY-FIVE THOUSAND DOLLARS OR
22 LESS. FOR EVERY FIVE HUNDRED DOLLARS OF ADJUSTED GROSS INCOME
23 ABOVE TWENTY-FIVE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT
24 IS REDUCED BY EIGHT DOLLARS.

25 (b) THE AMOUNT OF THE CREDIT IS EIGHT HUNDRED DOLLARS FOR
26 TWO TAXPAYERS FILING A JOINT RETURN WITH A FEDERAL ADJUSTED
27 GROSS INCOME THAT IS TWENTY-FIVE THOUSAND DOLLARS OR LESS. FOR

1 EVERY FIVE HUNDRED DOLLARS OF ADJUSTED GROSS INCOME ABOVE
2 TWENTY-FIVE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT IS
3 REDUCED BY FOUR DOLLARS.

4 (c) IN THE CASE OF TWO TAXPAYERS WHO SHARE THE SAME
5 PRIMARY RESIDENCE AND WHO MAY LEGALLY FILE A JOINT RETURN BUT
6 ACTUALLY FILE SEPARATE RETURNS, BOTH TAXPAYERS MAY CLAIM THE
7 CREDIT, BUT THE MAXIMUM CREDIT FOR EACH TAXPAYER IS FOUR
8 HUNDRED DOLLARS AND, FOR EVERY FIVE HUNDRED DOLLARS OF
9 ADJUSTED GROSS INCOME ABOVE TWENTY-FIVE THOUSAND DOLLARS, THE
10 AMOUNT OF THE CREDIT IS REDUCED BY FOUR DOLLARS.

11 (d) NOTWITHSTANDING SUBSECTIONS (4.5)(a), (4.5)(b), AND
12 (4.5)(c) OF THIS SECTION, A TAXPAYER WHO ALSO QUALIFIES FOR A GRANT
13 UNDER ARTICLE 31 OF THIS TITLE 39 DURING CALENDAR YEAR 2024 IS
14 ELIGIBLE TO RECEIVE THE FULL CREDIT WITHOUT AN INCOME-BASED
15 REDUCTION THAT OTHERWISE APPLIES FOR THE TAXPAYER PURSUANT TO
16 SUBSECTIONS (4.5)(a), (4.5)(b), AND (4.5)(c) OF THIS SECTION.

17 (e) IN THE CASE OF A PART-YEAR RESIDENT, THE CREDIT ALLOWED
18 UNDER THIS SUBSECTION (4.5) IS APPORTIONED IN THE RATIO DETERMINED
19 UNDER SECTION 39-22-110 (1).

20 (6) ~~The department of revenue may use the reports received from~~
21 ~~the property tax administrator in accordance with section 39-3-207 (7) for~~
22 ~~purposes of confirming that a taxpayer meets the eligibility requirement~~
23 ~~set forth in subsection (2)(b)(III) of this section.~~ THE DEPARTMENT OF
24 REVENUE MAY USE THE REPORTS RECEIVED FROM THE PROPERTY TAX
25 ADMINISTRATOR IN ACCORDANCE WITH SECTION 39-3-207 (8) FOR
26 PURPOSES OF CONFIRMING THAT A TAXPAYER MEETS THE ELIGIBILITY
27 REQUIREMENT SET FORTH IN SUBSECTION (3)(b)(II)(C) OF THIS SECTION.

1 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal
2 year, \$113,407 is appropriated to the department of revenue. This
3 appropriation is from the general fund. To implement this act, the
4 department may use this appropriation as follows:

5 (a) \$20,576 for use by the taxation business group for personal
6 services related to taxation services,

7 (b) \$46,350 for tax administration IT system (GenTax) support;

8 (c) \$39,725 for use by the executive director's office for personal
9 services related to administration and support; and

10 (d) \$6,756 for document management services.

11 (2) For the 2024-25 state fiscal year, \$6,756 is appropriated to the
12 department of personnel. This appropriation is from reappropriated funds
13 received from the department of revenue under subsection (1)(d) of this
14 section. To implement this act, the department of personnel may use this
15 appropriation to provide document management services for the
16 department of revenue.

17 **SECTION 4. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2024 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.