

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.**

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

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.

- 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
11 OF THE REPORTS RECEIVED IN ACCORDANCE WITH SUBSECTION (1) OF THIS

1 SECTION.

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

9 (c) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2025.

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

12 **39-22-544. Credit against tax - qualifying seniors - creation -**
13 **legislative declaration - definitions.** (2) As used in this section, unless
14 the context otherwise requires:

15 (b) ~~"Qualifying senior" means a resident individual who:~~

16 ~~(I) Is sixty-five years of age or older at the end of 2022;~~

17 ~~(II) Has a federal adjusted gross income that is less than or equal~~
18 ~~to seventy-five thousand dollars for the income tax year commencing on~~
19 ~~January 1, 2022; and~~

20 ~~(III) Has not claimed a property tax exemption under section~~
21 ~~39-3-203 for the property tax year commencing on January 1, 2022.~~

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

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

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

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

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

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

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

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

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

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

23 (4) (a) FOR THE INCOME TAX YEARS COMMENCING ON JANUARY 1,
24 2022, AND JANUARY 1, 2024, the amount of the credit is one thousand
25 dollars for a qualifying senior with federal adjusted gross income that is
26 twenty-five thousand dollars or less. For every five hundred dollars of
27 adjusted gross income above twenty-five thousand dollars, the amount of

1 the credit is reduced by ten dollars.

2 (b) FOR THE INCOME TAX YEARS COMMENCING ON JANUARY 1,
3 2022, AND JANUARY 1, 2024, the credit is the same whether it is claimed
4 by one taxpayer filing a single return or two taxpayers filing a joint return.
5 In the case of two taxpayers who share the same primary residence and
6 who may legally file a joint return but actually file separate returns, both
7 taxpayers may claim the credit, but the maximum credit for each is five
8 hundred dollars and, for every five hundred dollars of adjusted gross
9 income above twenty-five thousand dollars, the amount of the credit is
10 reduced by five dollars.

11 (c) FOR THE INCOME TAX YEARS COMMENCING ON JANUARY 1,
12 2022, AND JANUARY 1, 2024, notwithstanding subsections (4)(a) and
13 (4)(b) of this section, a taxpayer who also qualifies for a grant under
14 article 31 of this title 39 during calendar year 2022 is eligible to receive
15 the full credit without an income-based reduction that otherwise applies
16 for the taxpayer under subsection (4)(a) or (4)(b) of this section.

17 (d) IN THE CASE OF A PART-YEAR RESIDENT, THE CREDIT ALLOWED
18 UNDER THIS SECTION IS APPORTIONED IN THE RATIO DETERMINED UNDER
19 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~~

1 REQUIREMENT SET FORTH IN SUBSECTION (3)(b)(II)(C) OF THIS SECTION.

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