

**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. 24-0965.01 Rebecca Bayetti x4348

HOUSE BILL 24-1316

HOUSE SPONSORSHIP

Lindstedt and Lindsay,

SENATE SPONSORSHIP

Bridges,

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PILOT PROGRAM FOR A**
102 **MIDDLE-INCOME HOUSING INCOME TAX CREDIT.**

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 creates a pilot program for an income tax credit for owners of qualified housing developments focused on rental housing for middle-income individuals and families. Middle-income individuals and families are those individuals and families with an annual household income between 80% and 120% of the area median income of the households of the same size in the county in which the housing

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 30, 2024

development is located; except that, for rural resort counties, the annual income is between 80% and 140% of the area median income of the households of the same size in the county in which the housing development is located.

During the calendar years commencing on January 1, 2025, and ending on December 31, 2027, the owner of a qualified housing development may be allocated a credit by the Colorado housing and finance authority (CHFA). The amount of the credit is determined by CHFA. The allocation of credits must follow CHFA's published allocation plan, and the aggregate amount of credits allocated in one calendar year cannot exceed \$10 million. The allocated credit amount may be used to offset a qualified taxpayer's income taxes each year for a period of 5 years, beginning in the year that the qualified housing development is placed in service. Although the credit may only be claimed for a 5-year period, the owner is required to provide middle-income housing in the qualified housing development for 15 years. A portion of the credit may be recaptured under certain conditions, for instance when the owner reduces the number of units serving middle-income individuals and families. In addition, the credit is allowed against insurance premium taxes for eligible taxpayers that are not subject to income taxes.

The bill also requires CHFA to annually report on the middle-income tax credit pilot program to the general assembly and to make the report publicly available.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 54 to article
3 22 of title 39 as follows:

4 **PART 54**

5 **MIDDLE-INCOME HOUSING TAX CREDIT**

6 **39-22-5401. Tax preference performance statement -**
7 **legislative declaration.** (1) IN ACCORDANCE WITH SECTION 39-21-304,
8 WHICH REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE TO
9 INCLUDE A TAX PREFERENCE PERFORMANCE STATEMENT AS PART OF A
10 STATUTORY LEGISLATIVE DECLARATION, THE GENERAL ASSEMBLY FINDS
11 AND DECLARES THAT THE PURPOSES OF THE TAX CREDIT ALLOWED IN THIS

1 PART 54 ARE TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS
2 AND TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES OR INDIVIDUALS.
3 SPECIFICALLY, THE CREDIT SEEKS TO ADDRESS THE SHORTAGE OF
4 AFFORDABLE HOUSING IN THE STATE AND INCREASE ACCESS TO
5 AFFORDABLE HOUSING BY ENCOURAGING DEVELOPERS TO BUILD UNITS
6 SPECIFICALLY FOR MIDDLE-INCOME INDIVIDUALS AND FAMILIES AND ALSO
7 TO ENCOURAGE PRIVATE SECTOR INVESTMENT IN AFFORDABLE HOUSING.

8 (2) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
9 MEASURE THE EFFECTIVENESS OF THE INCOME TAX CREDIT ALLOWED IN
10 THIS PART 54 IN ACHIEVING THE PURPOSES SPECIFIED IN SUBSECTION (1)
11 OF THIS SECTION BASED ON THE INFORMATION REQUIRED TO BE REPORTED
12 TO THE STATE AUDITOR BY THE COLORADO HOUSING AND FINANCE
13 AUTHORITY PURSUANT TO SECTION 39-22-5408.

14 **39-22-5402. Definitions.** AS USED IN THIS PART 54, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "ALLOCATION CERTIFICATE" MEANS A STATEMENT ISSUED BY
17 THE AUTHORITY CERTIFYING THAT A QUALIFIED DEVELOPMENT MEETS THE
18 REQUIREMENTS OF THIS PART 54 AND SPECIFYING THE AMOUNT OF THE
19 CREDIT ALLOCATED TO THE OWNER OF A QUALIFIED DEVELOPMENT.

20 (2) "ALLOCATION PLAN" MEANS THE ALLOCATION PLAN ADOPTED
21 BY THE AUTHORITY THAT GOVERNS THE SELECTION CRITERIA AND
22 PREFERENCES FOR ALLOCATING THE CREDITS ALLOWED IN THIS PART 54
23 AND THAT IS POSTED ON THE AUTHORITY'S WEBSITE.

24 (3) "AUTHORITY" MEANS THE COLORADO HOUSING AND FINANCE
25 AUTHORITY CREATED IN SECTION 29-4-704.

26 (4) "COMPLIANCE PERIOD" MEANS THE PERIOD OF FIFTEEN YEARS
27 BEGINNING WITH THE FIRST TAXABLE YEAR OF THE CREDIT PERIOD.

1 (5) "CREDIT" MEANS THE MIDDLE-INCOME HOUSING TAX CREDIT
2 ALLOWED PURSUANT TO THIS PART 54.

3 (6) (a) "CREDIT PERIOD" MEANS THE PERIOD OF FIVE TAXABLE
4 YEARS BEGINNING WITH THE TAXABLE YEAR IN WHICH A QUALIFIED
5 DEVELOPMENT IS PLACED IN SERVICE.

6 (b) FOR PURPOSES OF THIS SUBSECTION (6), "PLACED IN SERVICE"
7 MEANS THE DATE DEFINED BY THE AUTHORITY AS SET FORTH IN THE
8 ALLOCATION PLAN AND BASED ON 26 CFR 1.46-3 (d).

9 (7) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF
10 REVENUE.

11 (8) "MIDDLE-INCOME HOUSING UNIT" MEANS A RESIDENTIAL UNIT
12 IN A QUALIFIED DEVELOPMENT THAT IS RENT RESTRICTED AND RESERVED
13 FOR OCCUPANCY ONLY BY MIDDLE-INCOME INDIVIDUALS AND FAMILIES.

14 (9) (a) "MIDDLE-INCOME INDIVIDUALS AND FAMILIES" MEANS
15 INDIVIDUALS AND FAMILIES WITH AN ANNUAL INCOME BETWEEN EIGHTY
16 PERCENT AND ONE HUNDRED TWENTY PERCENT OF THE AREA MEDIAN
17 INCOME OF HOUSEHOLDS OF THAT SIZE IN THE COUNTY IN WHICH THE
18 QUALIFIED DEVELOPMENT IS LOCATED; EXCEPT THAT, FOR INDIVIDUALS
19 AND FAMILIES RESIDING IN A RURAL RESORT COUNTY, THE ANNUAL
20 HOUSEHOLD INCOME IS BETWEEN EIGHTY PERCENT AND ONE HUNDRED
21 FORTY PERCENT OF THE AREA MEDIAN INCOME OF HOUSEHOLDS OF THAT
22 SIZE IN THE COUNTY IN WHICH THE QUALIFIED DEVELOPMENT IS LOCATED.

23 (b) FOR PURPOSES OF THIS SUBSECTION (9), "AREA MEDIAN
24 INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME OF HOUSEHOLDS OF A
25 GIVEN SIZE IN THE COUNTY IN WHICH THE HOUSING IS LOCATED, AS
26 ESTABLISHED FOR A GIVEN YEAR BY THE UNITED STATES DEPARTMENT OF
27 HOUSING AND URBAN DEVELOPMENT.

1 (c) FOR PURPOSES OF THIS SUBSECTION (9), "RURAL RESORT
2 COUNTY" MEANS ANY COUNTY CLASSIFIED AS A RURAL RESORT COUNTY
3 BY THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS AS
4 SPECIFIED IN THE FINAL REPORT OF THE COLORADO STRATEGIC HOUSING
5 WORKING GROUP, DATED JULY 6, 2021, INCLUDING UPDATES AND
6 MODIFICATIONS TO THE INITIAL CLASSIFICATION OF A COUNTY.

7 (10) "OWNER" MEANS THE OWNER OF A QUALIFIED DEVELOPMENT.

8 (11) (a) "QUALIFIED BASIS" MEANS THE AMOUNT THAT EQUALS
9 THE ADJUSTED BASIS OF THE QUALIFIED DEVELOPMENT AS OF THE CLOSE
10 OF THE FIRST TAXABLE YEAR OF THE CREDIT PERIOD MULTIPLIED BY THE
11 APPLICABLE FRACTION.

12 (b) FOR PURPOSES OF THIS SUBSECTION (11), "ADJUSTED BASIS"
13 MEANS THE ADJUSTED BASIS AMOUNT CALCULATED ACCORDING TO THE
14 ALLOCATION PLAN.

15 (c) FOR PURPOSES OF THIS SUBSECTION (11), "APPLICABLE
16 FRACTION" MEANS THE FRACTION THAT HAS AS ITS NUMERATOR THE
17 NUMBER OF MIDDLE-INCOME HOUSING UNITS IN THE QUALIFIED
18 DEVELOPMENT AND AS ITS DENOMINATOR THE NUMBER OF RESIDENTIAL
19 UNITS IN THE QUALIFIED DEVELOPMENT.

20 (12) "QUALIFIED DEVELOPMENT" MEANS A HOUSING
21 DEVELOPMENT THAT IS LOCATED IN THE STATE AND IS DETERMINED BY
22 THE AUTHORITY TO MEET THE CRITERIA ESTABLISHED IN THE ALLOCATION
23 PLAN, INCLUDING PROVIDING THE REQUIRED NUMBER OF MIDDLE-INCOME
24 HOUSING UNITS.

25 (13) "QUALIFIED TAXPAYER" MEANS AN INDIVIDUAL, PERSON,
26 FIRM, CORPORATION, OR OTHER ENTITY THAT OWNS AN INTEREST, DIRECT
27 OR INDIRECT, IN A QUALIFIED DEVELOPMENT AND THAT IS SUBJECT TO THE

1 TAXES IMPOSED BY THIS ARTICLE 22.

2 (14) (a) "RENT RESTRICTED" MEANS A RESIDENTIAL UNIT IN A
3 QUALIFIED DEVELOPMENT FOR WHICH THE GROSS RENT DOES NOT EXCEED
4 THIRTY PERCENT OF THE IMPUTED INCOME LIMITATION APPLICABLE TO THE
5 UNIT.

6 (b) FOR PURPOSES OF THIS SUBSECTION (14), "IMPUTED INCOME
7 LIMITATION APPLICABLE TO THE UNIT" MEANS THE INCOME LIMITATION
8 FOR OCCUPANTS OF THE UNIT CALCULATED BASED ON THE NUMBER OF
9 BEDROOMS IN THE UNIT AND USING THE AREA MEDIAN INCOME TARGET
10 ELECTED BY THE OWNER, AS FOLLOWS:

11 (I) IN THE CASE OF A UNIT WITHOUT A SEPARATE BEDROOM, ONE
12 INDIVIDUAL; OR

13 (II) IN THE CASE OF A UNIT WITH ONE OR MORE SEPARATE
14 BEDROOMS, ONE AND ONE-HALF INDIVIDUALS FOR EACH SEPARATE
15 BEDROOM.

16 **39-22-5403. Credit against tax - middle-income housing**
17 **developments.** (1) FOR THE INCOME TAX YEARS DURING THE CREDIT
18 PERIOD, A QUALIFIED TAXPAYER IS ALLOWED A CREDIT AGAINST THE
19 INCOME TAXES IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT DETERMINED
20 BY THE AUTHORITY PURSUANT TO THIS PART 54.

21 (2) THE AUTHORITY MAY ALLOCATE A CREDIT TO THE OWNER OF
22 A QUALIFIED DEVELOPMENT BY ISSUING AN ALLOCATION CERTIFICATE TO
23 THE OWNER. THE AUTHORITY MAY DETERMINE THE TIME AT WHICH IT WILL
24 ISSUE AN ALLOCATION CERTIFICATE. THE AUTHORITY SHALL DETERMINE
25 THE AMOUNT OF THE CREDIT. ALL CREDIT ALLOCATIONS MUST BE MADE
26 ACCORDING TO THE ALLOCATION PLAN AND EACH CREDIT MUST BE
27 NECESSARY FOR THE FINANCIAL FEASIBILITY OF THE QUALIFIED

1 DEVELOPMENT.

2 (3) THE AUTHORITY SHALL NOT ALLOCATE A CREDIT TO AN OWNER
3 PURSUANT TO THIS PART 54 UNLESS THE QUALIFIED DEVELOPMENT MEETS
4 THE FOLLOWING REQUIREMENTS:

5 (a) THE QUALIFIED DEVELOPMENT IS THE SUBJECT OF A RECORDED
6 RESTRICTIVE COVENANT REQUIRING THE DEVELOPMENT TO BE
7 MAINTAINED AND OPERATED AS A QUALIFIED DEVELOPMENT FOR THE
8 LENGTH OF THE COMPLIANCE PERIOD OR LONGER; AND

9 (b) THE QUALIFIED DEVELOPMENT MEETS THE ACCESSIBILITY AND
10 ADAPTABILITY REQUIREMENTS OF TITLE VIII OF THE FEDERAL "CIVIL
11 RIGHTS ACT OF 1968", AS AMENDED BY THE FEDERAL "FAIR HOUSING
12 AMENDMENTS ACT OF 1988", 24 U.S.C. 3601 ET SEQ.

13 (4) (a) DURING EACH CALENDAR YEAR OF THE PERIOD BEGINNING
14 ON JANUARY 1, 2025, AND ENDING ON DECEMBER 31, 2027, THE
15 AUTHORITY MAY ALLOCATE A CREDIT, THE FULL AMOUNT OF WHICH MAY
16 BE CLAIMED BY A QUALIFIED TAXPAYER AGAINST THE TAXES IMPOSED BY
17 THIS ARTICLE 22 FOR EACH TAX YEAR OF THE FIVE-YEAR CREDIT PERIOD.

18 (b) THE AGGREGATE AMOUNT OF ALL CREDITS ALLOCATED BY THE
19 AUTHORITY IN ONE CALENDAR YEAR MUST NOT EXCEED TEN MILLION
20 DOLLARS; EXCEPT THAT THE AUTHORITY MAY ALSO ALLOCATE ANY
21 UNALLOCATED CREDITS FROM PRECEDING CALENDAR YEARS, AND THESE
22 UNALLOCATED CREDITS ARE NOT INCLUDED IN THE ANNUAL TEN MILLION
23 DOLLAR ALLOCATION LIMIT.

24 (c) THE AUTHORITY SHALL ADD THE AGGREGATE AMOUNT OF ANY
25 UNALLOCATED CREDITS REMAINING AS OF DECEMBER 31, 2027, TO THE
26 AMOUNT OF CREDITS THE AUTHORITY MAY ALLOCATE PURSUANT TO PART
27 21 OF THIS ARTICLE 22.

1 (5) IF THE AMOUNT OF A CREDIT ALLOCATED PURSUANT TO THIS
2 SECTION EXCEEDS THE TAXES DUE ON THE QUALIFIED TAXPAYER'S INCOME
3 FOR THE TAXABLE YEAR, THE EXCESS CREDIT AMOUNT MAY BE CARRIED
4 FORWARD AS A CREDIT AGAINST THE QUALIFIED TAXPAYER'S INCOME TAX
5 LIABILITY FOR UP TO THREE TAX YEARS FOLLOWING THE CREDIT PERIOD
6 AND MUST BE APPLIED FIRST TO THE EARLIEST YEARS POSSIBLE. ANY
7 AMOUNT OF THE CREDIT THAT IS NOT APPLIED AGAINST INCOME TAX
8 LIABILITY WITHIN THIS THREE-YEAR CARRY-FORWARD PERIOD SHALL NOT
9 BE REFUNDED TO THE TAXPAYER.

10 (6) IF AN OWNER OF A QUALIFIED DEVELOPMENT RECEIVING AN
11 ALLOCATION OF A CREDIT IS A PARTNERSHIP, LIMITED LIABILITY COMPANY,
12 S CORPORATION, OR SIMILAR PASS-THROUGH ENTITY, THE OWNER MAY
13 ALLOCATE THE CREDIT AMONG ITS PARTNERS, SHAREHOLDERS, MEMBERS,
14 OR OTHER QUALIFIED TAXPAYERS IN ANY MANNER AGREED TO BY SUCH
15 PERSONS, REGARDLESS OF WHETHER ANY SUCH PERSONS ARE DEEMED A
16 PARTNER FOR FEDERAL INCOME TAX PURPOSES. THE OWNER SHALL
17 CERTIFY TO THE DEPARTMENT THE AMOUNT OF CREDIT ALLOCATED TO
18 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED TAXPAYER.
19 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED TAXPAYER
20 ADMITTED AS A PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED
21 TAXPAYER OF THE OWNER PRIOR TO THE FILING OF A TAX CREDIT
22 CLAIMING THE CREDIT IS ALLOWED TO CLAIM SUCH AMOUNT, SUBJECT TO
23 ANY RESTRICTIONS SET FORTH IN THIS PART 54 OR IMPOSED BY THE
24 AUTHORITY OR THE DEPARTMENT.

25 (7) TO CLAIM THE TAX CREDIT ALLOWED IN THIS PART 54, AN
26 OWNER OF A QUALIFIED DEVELOPMENT TO WHICH THE AUTHORITY
27 ALLOCATED A CREDIT AND ANY QUALIFIED TAXPAYER TO WHICH AN

1 OWNER HAS ALLOCATED A PORTION OF ITS CREDIT SHALL FILE WITH ITS
2 STATE INCOME TAX RETURN THE FOLLOWING DOCUMENTS:

3 (a) A COPY OF THE ALLOCATION CERTIFICATE ISSUED BY THE
4 AUTHORITY; AND

5 (b) A COPY OF THE OWNER'S CERTIFICATION TO THE DEPARTMENT
6 REGARDING ITS ALLOCATION OF THE CREDIT AMONG THE QUALIFIED
7 TAXPAYERS HAVING OWNERSHIP INTERESTS IN THE QUALIFIED
8 DEVELOPMENT, IF ANY.

9 **39-22-5404. Qualified development owned by governmental**
10 **or quasi-governmental entity. (1) NOTWITHSTANDING ANY OTHER**
11 **PROVISION OF THIS PART 54:**

12 (a) THE AUTHORITY MAY ALLOCATE CREDITS TO ANY
13 GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY, INCLUDING THE
14 MIDDLE-INCOME HOUSING AUTHORITY CREATED IN SECTION 29-4-1104,
15 WITH RESPECT TO A QUALIFIED DEVELOPMENT THAT IS OWNED BY SUCH
16 ENTITY.

17 (b) (I) A GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY MAY
18 TRANSFER CREDITS ALLOCATED TO IT BY THE AUTHORITY TO ANY
19 QUALIFIED TAXPAYER.

20 (II) SUCH A GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY
21 SHALL INVEST IN THE QUALIFIED DEVELOPMENT ANY COMPENSATION
22 RECEIVED IN CONNECTION WITH A TRANSFER OF CREDITS TO A QUALIFIED
23 TAXPAYER.

24 (III) A QUALIFIED TAXPAYER TO WHICH A CREDIT IS TRANSFERRED
25 PURSUANT TO THIS SUBSECTION (1)(b) IS ENTITLED TO CLAIM THE CREDIT
26 IN THE SAME MANNER AND SUBJECT TO THE SAME CONDITIONS AND
27 ALLOCATION RIGHTS AS AN OWNER OF A QUALIFIED DEVELOPMENT TO

1 WHICH THE AUTHORITY HAS ALLOCATED A CREDIT.

2 (c) (I) A CREDIT ALLOCATED TO A GOVERNMENTAL OR
3 QUASI-GOVERNMENTAL ENTITY OR A TRANSFEREE THEREOF IS SUBJECT TO
4 RECAPTURE PURSUANT TO SECTION 39-22-5405.

5 (II) IF A CREDIT TRANSFERRED TO A QUALIFIED TAXPAYER BY A
6 GOVERNMENTAL OR QUASI-GOVERNMENTAL ENTITY IS RECAPTURED
7 PURSUANT TO SECTION 39-22-5405, THE GOVERNMENTAL OR
8 QUASI-GOVERNMENTAL ENTITY SHALL NOTIFY THE DEPARTMENT OF THE
9 IDENTITY OF THE QUALIFIED TAXPAYER TO WHICH IT TRANSFERRED A
10 CREDIT.

11 **39-22-5405. Recapture.** (1) AS OF THE LAST DAY OF ANY
12 TAXABLE YEAR DURING THE COMPLIANCE PERIOD, IF THE AMOUNT OF THE
13 QUALIFIED BASIS OF A QUALIFIED DEVELOPMENT WITH RESPECT TO A
14 QUALIFIED TAXPAYER IS LESS THAN THE AMOUNT OF THE QUALIFIED BASIS
15 WITH RESPECT TO A QUALIFIED TAXPAYER AS OF THE LAST DAY OF THE
16 PRIOR TAXABLE YEAR, THEN THE AMOUNT OF A RELEVANT TAXPAYER'S
17 STATE INCOME TAX LIABILITY FOR THAT TAXABLE YEAR IS INCREASED BY
18 THE CREDIT RECAPTURE AMOUNT.

19 (2) FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION, THE
20 CREDIT RECAPTURE AMOUNT IS AN AMOUNT EQUAL TO THE AGGREGATE
21 DECREASE IN THE CREDIT ALLOWED TO A QUALIFIED TAXPAYER PURSUANT
22 TO THIS PART 54 FOR ALL PRIOR TAXABLE YEARS THAT WOULD HAVE
23 RESULTED IF THE ACCELERATED PORTION OF THE CREDIT ALLOWABLE BY
24 REASON OF THIS PART 54 WERE NOT ALLOWED FOR ALL PRIOR TAXABLE
25 YEARS WITH RESPECT TO THE REDUCED AMOUNT OF QUALIFIED BASIS
26 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

27 (3) FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION, THE

1 ACCELERATED PORTION OF THE CREDIT FOR THE PRIOR TAXABLE YEARS
2 WITH RESPECT TO ANY AMOUNT OF QUALIFIED BASIS IS THE DIFFERENCE
3 BETWEEN:

4 (a) THE AGGREGATE CREDIT ALLOWED PURSUANT TO THIS PART 54,
5 NOTWITHSTANDING THIS SUBSECTION (3), FOR THE YEARS WITH RESPECT
6 TO SUCH QUALIFIED BASIS; AND

7 (b) THE AGGREGATE CREDIT THAT WOULD BE ALLOWABLE
8 PURSUANT TO THIS PART 54 FOR SUCH YEARS WITH RESPECT TO THE
9 QUALIFIED BASIS IF THE AGGREGATE CREDIT THAT WOULD HAVE BEEN
10 ALLOWABLE, BUT FOR THIS SUBSECTION (3), FOR THE ENTIRE COMPLIANCE
11 PERIOD WERE ALLOWABLE RATABLY OVER FIFTEEN YEARS.

12 (4) IF RECAPTURE OF ANY CREDIT IS REQUIRED IN ANY TAX YEAR,
13 THE RETURN SUBMITTED FOR THAT TAX YEAR TO THE DEPARTMENT MUST
14 INCLUDE THE FOLLOWING INFORMATION:

15 (a) THE PORTION OF CREDIT REQUIRED TO BE RECAPTURED;

16 (b) THE IDENTITY OF EACH TAXPAYER SUBJECT TO THE
17 RECAPTURE; AND

18 (c) THE AMOUNT OF CREDIT PREVIOUSLY ALLOCATED TO THE
19 TAXPAYER.

20 **39-22-5406. Parallel credits - insurance premium taxes.**

21 (1) ANY TAXPAYER WHO IS SUBJECT TO THE TAX ON INSURANCE
22 PREMIUMS ESTABLISHED BY SECTIONS 10-3-209, 10-5-111, AND 10-6-128
23 AND WHO IS THEREFORE EXEMPT FROM THE PAYMENT OF INCOME TAX AND
24 WHO IS OTHERWISE ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS PART
25 54 MAY CLAIM THE CREDIT AND CARRY THE CREDIT FORWARD AGAINST
26 THE INSURANCE PREMIUM TAX ON ITS CALENDAR QUARTER ESTIMATED
27 TAX PAYMENTS MADE IN ACCORDANCE WITH SECTION 10-3-209 TO THE

1 SAME EXTENT AS THE TAXPAYER WOULD HAVE BEEN ABLE TO CLAIM OR
2 CARRY FORWARD SUCH CREDIT AGAINST INCOME TAX. ALL OTHER
3 PROVISIONS OF THIS PART 54 WITH RESPECT TO THE CREDIT, INCLUDING
4 THE AMOUNT, ALLOCATION, AND RECAPTURE OF THE CREDIT AND THE
5 YEARS FOR WHICH THE CREDIT MAY BE CLAIMED, APPLY TO A CREDIT
6 CLAIMED PURSUANT TO THIS SECTION.

7 (2) FOR PURPOSES OF ADMINISTERING THIS SECTION, ANY
8 REFERENCE IN THIS PART 54 TO "INCOME TAX YEAR" MEANS CALENDAR
9 YEAR.

10 **39-22-5407. Rules - compliance monitoring.** (1) THE
11 AUTHORITY AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, IN
12 CONSULTATION WITH EACH OTHER, SHALL PROMULGATE RULES
13 NECESSARY FOR THEIR RESPECTIVE ADMINISTRATION OF THIS PART 54.
14 RULES OF THE AUTHORITY ARE ADOPTED PURSUANT TO SECTION 29-4-708.

15 (2) THE AUTHORITY, IN CONSULTATION WITH THE DEPARTMENT,
16 SHALL MONITOR AND OVERSEE COMPLIANCE WITH THIS PART 54 AND
17 SHALL REPORT SPECIFIC OCCURRENCES OF NONCOMPLIANCE TO THE
18 DEPARTMENT.

19 **39-22-5408. Reporting requirements.** (1) BY DECEMBER 31 OF
20 EACH CALENDAR YEAR DURING WHICH CREDITS WERE ALLOCATED BY THE
21 AUTHORITY PURSUANT TO THIS PART 54, THE AUTHORITY SHALL PROVIDE
22 A WRITTEN REPORT ON THE MIDDLE-INCOME HOUSING TAX CREDIT PILOT
23 PROGRAM CREATED IN THIS PART 54 TO THE GENERAL ASSEMBLY AND
24 SHALL MAKE THE REPORT AVAILABLE TO THE PUBLIC. THE REPORT MUST:

25 (a) SPECIFY THE NUMBER OF QUALIFIED DEVELOPMENTS FOR
26 WHICH THE AUTHORITY HAS ALLOCATED A CREDIT TO THE OWNER OF THE
27 QUALIFIED DEVELOPMENT DURING THE CALENDAR YEAR AND THE NUMBER

1 OF UNITS IN EACH DEVELOPMENT;

2 (b) PROVIDE HOUSING MARKET AND DEMOGRAPHIC INFORMATION
3 THAT DEMONSTRATES HOW THE QUALIFIED DEVELOPMENTS SUPPORTED BY
4 THE CREDIT ARE ADDRESSING THE NEED FOR MIDDLE-INCOME HOUSING
5 WITHIN THE COMMUNITIES THEY ARE INTENDED TO SERVE AND PROVIDE
6 INFORMATION ABOUT ANY REMAINING DISPARITIES IN HOUSING
7 AFFORDABILITY WITHIN THOSE COMMUNITIES; AND

8 (c) DESCRIBE EACH QUALIFIED DEVELOPMENT FOR WHICH THE
9 AUTHORITY HAS ALLOCATED A CREDIT, INCLUDING THE FOLLOWING:

10 (I) THE GEOGRAPHIC LOCATION OF THE QUALIFIED DEVELOPMENT;

11 (II) THE TOTAL NUMBER OF HOUSING UNITS SUPPORTED BY EACH
12 QUALIFIED DEVELOPMENT;

13 (III) THE HOUSEHOLD TYPE AND ANY SPECIFIC DEMOGRAPHIC
14 INFORMATION AVAILABLE ABOUT RESIDENTS INTENDED TO BE SERVED BY
15 THE QUALIFIED DEVELOPMENT;

16 (IV) THE INCOME LEVELS INTENDED TO BE SERVED BY THE
17 QUALIFIED DEVELOPMENT; AND

18 (V) THE RENTS OR SET-ASIDES AUTHORIZED FOR EACH HOUSING
19 UNIT IN THE QUALIFIED DEVELOPMENT.

20 (1.5) IN ADDITION TO THE INFORMATION REQUIRED PURSUANT TO
21 SUBSECTION (1) OF THIS SECTION, BY DECEMBER 31 OF THE LAST
22 CALENDAR YEAR DURING WHICH CREDITS WERE ALLOCATED BY THE
23 AUTHORITY PURSUANT TO THIS PART 54, THE AUTHORITY SHALL INCLUDE
24 IN ITS ANNUAL REPORT THE FOLLOWING INFORMATION SUMMARIZING THE
25 MIDDLE-INCOME HOUSING TAX CREDIT PILOT PROGRAM CREATED IN THIS
26 PART 54:

27 (a) AN OVERVIEW OF THE DEMAND FOR AND UTILIZATION OF THE

1 MIDDLE-INCOME HOUSING TAX CREDIT PROGRAM CREATED IN THIS PART
2 54;

3 (b) A SUMMARY OF THE APPLICATIONS FOR AND ALLOCATIONS OF
4 THE TAX CREDIT CREATED IN THIS PART 54, BROKEN DOWN BY
5 GEOGRAPHIC LOCATION AND BY THE TAXPAYER APPLYING FOR THE
6 CREDIT;

7 (c) AN ANALYSIS, AS PRACTICABLE, OF THE IMPACT OF THE
8 MIDDLE-INCOME HOUSING TAX CREDIT PROGRAM CREATED IN THIS PART
9 54 ON THE FOLLOWING:

10 (I) MIDDLE-INCOME INDIVIDUALS AND FAMILIES IN THE
11 COMMUNITIES THAT THE QUALIFIED DEVELOPMENTS ARE INTENDED TO
12 SERVE;

13 (II) MIDDLE-INCOME INDIVIDUALS AND FAMILIES STATEWIDE;

14 (III) HOUSING NEEDS IN THE COMMUNITIES THAT THE QUALIFIED
15 DEVELOPMENTS ARE INTENDED TO SERVE; AND

16 (IV) HOUSING NEEDS STATEWIDE; AND

17 (d) ANY CHALLENGES OR OPPORTUNITIES RELATED TO THE
18 MIDDLE-INCOME HOUSING TAX CREDIT PROGRAM CREATED IN THIS PART
19 54, AS IDENTIFIED BY THE AUTHORITY.

20 (2) THE AUTHORITY SHALL PROVIDE ANY INFORMATION
21 DETERMINED NECESSARY TO EVALUATE THE EFFECTIVENESS OF THE
22 CREDIT ALLOWED IN THIS PART 54 IN ACHIEVING THE PURPOSES SET FORTH
23 IN SECTION 39-22-5401 (1) TO THE STATE AUDITOR AS PART OF THE STATE
24 AUDITOR'S EVALUATION OF TAX EXPENDITURES PURSUANT TO SECTION
25 39-21-305.

26 **39-22-5409. Repeal.** THIS PART 54 IS REPEALED, EFFECTIVE
27 JANUARY 1, 2055.

1 **SECTION 2.** In Colorado Revised Statutes, 29-4-1107, **amend**
2 (14) as follows:

3 **29-4-1107. Powers of the board - selection of projects -**
4 **ownership - report.** (14) The authority shall not issue exempt facility
5 bonds, as defined in section 142(a) of the internal revenue code of 1986,
6 as amended, use private activity bonds volume cap allocation in the
7 issuance of any bonds, or receive a direct allocation, statewide balance
8 award or assignment of allocation of state ceiling under the Colorado
9 private activity bond ceiling allocation act set forth in part 17 of article 32
10 of title 24, and the authority shall not use federal LIHTC or THE
11 COLORADO state affordable housing tax ~~credits~~ CREDIT AUTHORIZED
12 UNDER PART 21 OF ARTICLE 22 OF TITLE 39 for its affordable rental
13 housing projects.

14 **SECTION 3. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.