

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1078.01 Caroline Martin x5902

HOUSE BILL 24-1411

HOUSE SPONSORSHIP

Sirota and Taggart, Bird

SENATE SPONSORSHIP

Kirkmeyer and Zenzinger,

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN INCREASE IN THE AMOUNT OF FEES PAID TO THE
102 PROPERTY TAX EXEMPTION FUND FOR FILING PROPERTY TAX
103 EXEMPTION FORMS.

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/>.)

This bill increases the amounts of certain fees, with subsequent adjustments for inflation or deflation, for filing forms and annual reports relating to exemptions of real and personal property from taxation as follows:

- The fee for claiming an initial exemption of real and

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.

- personal property is increased from \$175 to \$200;
- The fee for filing an annual report containing information relating to property that has been granted exemption from taxation in previous years is increased from \$75 to \$110;
- The fee for filing a late annual report containing information relating to property that has been granted exemption from taxation in previous years that is filed later than April 15, but prior to July 1, is increased from \$250 to \$300; and
- The fee for filing a delinquent annual report containing information relating to property that has been granted exemption from taxation in previous years that is filed within a 12-month period commencing on July 1 of the year in which the annual report was due is increased from \$250 to \$300.

The bill requires the property tax administrator to adjust the filing fees for inflation or deflation annually and to round the adjusted amount upward or downward to the nearest \$5.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-2-117, **amend**
 3 (1)(a)(I), (3)(a)(I), and (3)(a)(III); and **add** (9) as follows:

4 **39-2-117. Applications for exemption - review - annual reports**
 5 **- procedures - rules - definition.** (1) (a) (I) Every application filed on
 6 or after January 1, 1990, claiming initial exemption of real and personal
 7 property from general taxation pursuant to the provisions of sections
 8 39-3-106 to 39-3-113.5, 39-3-116, and 39-3-127.7 ~~shall~~ **MUST** be made on
 9 forms prescribed and furnished by the administrator, must contain such
 10 information as specified in subsection (1)(b) of this section, and must be
 11 signed by the owner of such property or the owner's authorized agent
 12 under the penalty of perjury in the second degree and, except as otherwise
 13 provided in this subsection (1)(a), must be accompanied by a payment of
 14 ~~one hundred seventy-five~~ **TWO HUNDRED** dollars, ADJUSTED FOR
 15 INFLATION OR DEFLATION, which must be credited to the property tax

1 exemption fund created in subsection (8) of this section. The
2 administrator shall examine and review each application submitted, and,
3 if it is determined that the exemption therein claimed is justified and in
4 accordance with the intent of the law, the exemption must be granted, the
5 same to be effective upon such date in the year of application as the
6 administrator shall determine, but ~~in no event shall~~ the exemption SHALL
7 NOT apply to any year prior to the year preceding the year in which
8 application is made. The decision of the administrator must be issued in
9 writing and a copy thereof furnished to the applicant and to the assessor,
10 treasurer, and board of county commissioners of the county in which the
11 property is located.

12 (3) (a) (I) On and after January 1, 1990, and no later than April 15
13 of each year, every owner of real or personal property for which
14 exemption from general taxation has previously been granted shall file a
15 report with the administrator upon forms furnished by the division,
16 containing such information relative to the exempt property as specified
17 in subsection (3)(b) of this section, and signed under the penalty of
18 perjury in the second degree. Each such annual report must be
19 accompanied by a payment of ~~seventy-five~~ ONE HUNDRED TEN dollars,
20 ADJUSTED FOR INFLATION OR DEFLATION, which must be credited to the
21 property tax exemption fund created in subsection (8) of this section.
22 Each such annual report filed later than April 15, but prior to July 1, must
23 be accompanied by a late filing fee of ~~two hundred fifty~~ THREE HUNDRED
24 dollars, ADJUSTED FOR INFLATION OR DEFLATION; except that the
25 administrator has the authority to waive all or a portion of the late filing
26 fee for good cause shown as determined by the administrator by rules
27 adopted pursuant to subsection (7) of this section. On and after January

1 1, 1990, every owner of real or personal property for which exemption
2 from general taxation has previously been granted pursuant to the
3 provisions of section 39-3-111 and that is used for any purpose other than
4 the purposes specified in sections 39-3-106 to 39-3-113.5 and 39-3-127.7
5 for less than two hundred eight hours during the calendar year or if the
6 use of the property for such purposes results in annual gross rental income
7 to such owner of less than twenty-five thousand dollars must not be
8 required to file any annual report pursuant to the provisions of this
9 subsection (3). In order to claim such exemption, in lieu of such annual
10 report, the owner shall annually file with the administrator a declaration
11 stating that the property is used for such purposes for less than two
12 hundred eight hours during the calendar year or that such use results in
13 annual gross rental income to the owner of less than twenty-five thousand
14 dollars.

15 (III) ~~In the event~~ IF an annual report is not received by June 1
16 from an owner of real or personal property for which an exemption was
17 granted for the previous year pursuant to the provisions of section
18 39-3-106 or 39-3-106.5, the administrator shall give notice in writing to
19 such property owner by June 15 that failure to file a delinquent report
20 during a twelve-month period commencing the following July 1 shall
21 operate as the forfeiture of any right to claim exemption of previously
22 exempt property from general taxation for the year in which such notice
23 is given. Upon the filing of the delinquent annual report, a late filing fee
24 of ~~two hundred fifty~~ THREE HUNDRED dollars, ADJUSTED FOR INFLATION
25 OR DEFLATION, shall be paid, which ~~shall~~ MUST be credited to the property
26 tax exemption fund created in subsection (8) of this section; except that
27 the administrator ~~shall have~~ HAS the authority to waive all or a portion of

1 the late filing fee for good cause shown as determined by the
2 administrator by rules adopted pursuant to subsection (7) of this section.
3 Failure to file the delinquent annual report within the twelve-month
4 period shall result in the forfeiture of any right to claim exemption of
5 such property from general taxation for the year in which such failure to
6 file the annual report first occurred. The administrator shall review each
7 report filed to determine if the property continues to qualify for
8 exemption, and, if it is determined that the property does not so qualify,
9 the owner of the property shall be notified in writing of the
10 disqualification, and the assessor, treasurer, and board of county
11 commissioners of the county in which the property is located shall also be
12 so notified.

13 (9) (a) AS USED IN THIS SECTION, "INFLATION OR DEFLATION"
14 MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES
15 DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE
16 INDEX, OR A SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR
17 ALL ITEMS PAID BY URBAN CONSUMERS.

18 (b) THE ADMINISTRATOR SHALL ANNUALLY ADJUST FOR INFLATION
19 OR DEFLATION THE FEES REQUIRED BY SUBSECTIONS (1)(a)(I), (3)(a)(I),
20 AND (3)(a)(III) OF THIS SECTION. THE ADMINISTRATOR SHALL ROUND THE
21 ADJUSTED AMOUNT UPWARD OR DOWNWARD TO THE NEAREST FIVE
22 DOLLARS.

23 **SECTION 2. Effective date - applicability.** This act takes effect
24 July 1, 2024, and applies to forms and annual reports filed on or after said
25 date.

26 **SECTION 3. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.