

CHAPTER 55

GOVERNMENT - MUNICIPAL

SENATE BILL 23-052

BY SENATOR(S) Hinrichsen, Gonzales, Marchman;
also REPRESENTATIVE(S) Martinez and Mauro, Duran, Ricks, Snyder.

AN ACT

CONCERNING A MUNICIPAL PRIORITY LIEN THAT A COUNTY TREASURER IS REQUIRED TO ACCEPT FOR COLLECTION IF A MUNICIPALITY FOLLOWS A SPECIFIED PROCEDURE.

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

SECTION 1. In Colorado Revised Statutes, 31-15-401, **amend** (1)(d)(II); and **add** (1)(d)(III) as follows:

31-15-401. General police powers. (1) In relation to the general police power, the governing bodies of municipalities have the following powers:

(d) (II) ~~In case such~~ IF AN assessment is not paid within a reasonable time specified by ordinance ~~it~~ AND A MUNICIPALITY COMPLIES WITH THE RECORDING AND CERTIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (1)(d)(III) OF THIS SUBSECTION, THE AMOUNT OF THE UNPAID ASSESSMENT ~~may be certified by the clerk~~ to the county treasurer who shall collect the assessment, together with a ten percent penalty for cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, ~~shall~~ apply to the collection of such assessments.

(III) A COUNTY TREASURER SHALL ACCEPT FOR COLLECTION PURSUANT TO SUBSECTION (1)(d)(II) OF THIS SECTION AND SECTION 31-20-105 A LIEN LEVIED PURSUANT TO SUBSECTION (1)(d)(I) OF THIS SECTION IF:

(A) WITHIN FOUR MONTHS OF ABATING A NUISANCE PURSUANT TO SUBSECTION (1)(d)(I) OF THIS SUBSECTION, A MUNICIPALITY FILES FOR RECORDING A NOTICE OF LIEN WITH THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(B) WITHIN ONE YEAR OF FILING THE NOTICE OF LIEN FOR RECORDING SPECIFIED BY SUBSECTION (1)(d)(III)(A) OF THIS SECTION, A MUNICIPALITY CERTIFIES THE AMOUNT OF THE UNPAID ASSESSMENT FOR WHICH THE LIEN WAS LEVIED TO THE COUNTY TREASURER OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED.

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

Approved: April 3, 2023