

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 26-0387.02 Nicole Myers x4326

HOUSE BILL 26-1233

HOUSE SPONSORSHIP

Lukens and Zokaie,

SENATE SPONSORSHIP

Roberts,

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROPERTY TAX PROCEDURES FOR NONRESIDENTIAL**
102 **PROPERTIES.**

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>.)

Penalties for providing false information for tax purposes. A county may require a nonresidential property owner to provide certain information to the assessor, the county board of equalization, or the board of county commissioners in connection with property valuation. Currently, there is no penalty for a property owner's failure to provide this information or for misreporting information that is provided. For property

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 13, 2026

tax years commencing on or after January 1, 2026, the bill imposes civil penalties for a nonresidential property owner's failure to provide information and for willfully providing false information.


Option to move an appeal to district court. Currently, an appeal from a board of county commissioners' decision on an abatement petition may only be filed with the board of assessment appeals. In addition, currently an appeal from a county board of equalization's decision on a petition for appeal may be filed in either the district court or with the board of assessment appeals at the election of the taxpayer. For property tax years commencing on or after January 1, 2026, the bill allows a county or the board of assessment appeals to request to move or transfer a nonresidential property case that was filed with the board of assessment appeals to the district court when certain criteria are satisfied. The bill does not alter the de novo nature of a nonresidential appeal, but specifies that when weighing evidence and assessing credibility, the board of assessment appeals or district court shall consider changes in the valuation information submitted by a petitioner to the county assessor, county board of equalization, or board of county commissioners regarding the property at issue.

Waiver of the right to interest during the tax appeal process. Currently, a county is required to pay penalty interest at the rate of 1% per month for a total of 12% per year, on any refund of taxes. For property tax years commencing on or after January 1, 2026, if the district court or board of assessment appeals finds that a nonresidential property owner changed certain disclosed information, intentionally delayed the resolution process, or intentionally provided false information, the property owner waives the right to interest earned on the tax refunded.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-5-115, **add** (3) as
3 follows:

4 **39-5-115. Taxpayer to furnish information - affidavit on**
5 **mineral leases.**

6 
7 (3) (a) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
8 JANUARY 1, 2026, ANY PERSON WHO, IN CONNECTION WITH
9 NONRESIDENTIAL PROPERTY, WILLFULLY MAKES AND SUBSCRIBES ANY
10 INFORMATION REQUIRED BY THIS SECTION THAT IS VERIFIED BY A WRITTEN

1 DECLARATION CERTIFYING THE TRUTH AND ACCURACY OF THE
2 INFORMATION BUT THAT IS NOT TRUE AND ACCURATE AS TO EVERY
3 MATERIAL MATTER, COMMITS A PETTY OFFENSE.

4 (b) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
5 JANUARY 1, 2026, ANY PERSON WHO, IN CONNECTION WITH
6 NONRESIDENTIAL PROPERTY, WILLFULLY AIDS OR ASSISTS IN, OR
7 PROCURES, COUNSELS, OR ADVISES THE PREPARATION OR PRESENTATION
8 OF ANY INFORMATION REQUIRED BY THIS SECTION THAT IS FRAUDULENT
9 OR FALSE, COMMITS A PETTY OFFENSE.

10 (c) CONVICTION OF A PETTY OFFENSE PURSUANT TO THIS
11 SUBSECTION (3) IS LIMITED TO THE PERSON WHO FILES OR ASSISTS IN
12 FILING INFORMATION THAT IS NOT TRUE AND ACCURATE AS SPECIFIED IN
13 SUBSECTION (3)(a) OF THIS SECTION OR INFORMATION THAT IS
14 FRAUDULENT OR FALSE AS SPECIFIED IN SUBSECTION (3)(b) OF THIS
15 SECTION.

16 (d) ANY PERSON CONVICTED OF A PETTY OFFENSE UNDER THIS
17 SUBSECTION (3) SHALL BE SENTENCED IN ACCORDANCE WITH SECTION
18 18-1.3-503.

19 (e) THE COUNTY ATTORNEY IS AUTHORIZED TO FILE AND
20 PROSECUTE ANY ACTION ARISING UNDER THIS SUBSECTION (3) IN THE
21 COUNTY COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

22 **SECTION 2.** In Colorado Revised Statutes, 39-8-107, **amend**
23 (1) and (5)(a)(I) as follows:

24 **39-8-107. Hearings on appeal.**

25 (1) At the hearing upon a petition, the assessor or the assessor's
26 authorized representative shall be present and shall produce information
27 to support the basis and amount of the assessor's valuation of the

1 property. The board shall hear and consider all testimony and examine all
2 exhibits produced or introduced by either the petitioner or the assessor,
3 with no presumption in favor of any pending valuation, and may
4 subpoena witnesses to testify. THE PETITIONER SHALL PAY the costs of
5 producing the petitioner's witnesses ~~shall be paid by the petitioner~~, and
6 THE COUNTY SHALL PAY the costs of producing the assessor's witnesses.
7 ~~shall be paid by the county~~. On the basis of the testimony produced and
8 the exhibits introduced, the board shall grant or deny the petition, in
9 whole or in part, and shall notify the petitioner and the assessor in
10 writing. If the board denies the petition, in whole or in part, ~~such~~ THE
11 written notice shall inform the petitioner of the right to appeal within the
12 thirty-day period following the denial to the district court or the board of
13 assessment appeals pursuant to the provisions of section 39-8-108 (1) or
14 within the thirty-day period following the denial to submit the case to
15 arbitration pursuant to the provisions of section 39-8-108.5. ~~Such~~ THE
16 notice shall state that, if the appeal is to the board of assessment appeals,
17 the hearing before the board of assessment appeals ~~shall~~ WILL be the last
18 hearing at which testimony, exhibits, or any other type of evidence may
19 be introduced by either party, and that, if there is an appeal to the court of
20 appeals pursuant to section 39-8-108 (2), the record from the hearing
21 before the board of assessment appeals and no new evidence shall be the
22 basis for the court's decision. The phone number and address of the board
23 of assessment appeals shall also be included on the notice. The notice
24 shall also state, in general terms, how to pursue arbitration and that, if a
25 taxpayer submits the case to arbitration, the decision reached under such
26 process ~~shall~~ WILL be final and not subject to review. If a referee heard
27 the case, the board shall, at the written request of any taxpayer or any

1 agent of such taxpayer within seven working days after receipt of said
2 request, make available to the taxpayer or agent the referee's findings and
3 recommendations. At the board's election, the board may either mail, fax,
4 or send by electronic transmission ~~such~~ THE findings and
5 recommendations OF THE REFEREE to the address, phone number, or
6 electronic address supplied by said taxpayer or agent. Upon receipt of
7 such request, the board shall notify the taxpayer or agent of the estimated
8 cost of providing ~~such~~ THE findings and recommendations OF THE
9 REFEREE, payment of which shall be made prior to providing such
10 findings and recommendations. Upon providing ~~such~~ THE findings and
11 recommendations OF THE REFEREE, the board may include a bill for the
12 reasonable cost above the estimated cost and up to the statutory maximum
13 which shall be due and payable upon receipt by the taxpayer or agent.

14 (5) (a) (I) On and after August 10, 2011, in addition to any other
15 requirements under law, any petitioner appealing either a valuation of
16 rent-producing commercial real property to the board of assessment
17 appeals pursuant to section 39-8-108 (1) or a denial of an abatement of
18 taxes pursuant to section 39-10-114 shall provide to the county board of
19 equalization or to the board of county commissioners of the county in the
20 case of an abatement, and not to the board of assessment appeals, the
21 following information, if applicable:

22 (A) PROPERTY-SPECIFIC actual annual rental income for two full
23 years including the base year for the relevant property tax year;

24 (B) PROPERTY-SPECIFIC tenant reimbursements for two full years
25 including the base year for the relevant property tax year;

26 (C) PROPERTY-SPECIFIC itemized expenses for two full years
27 including the base year for the relevant property tax year; and

1 (D) PROPERTY-SPECIFIC rent roll data as of the valuation date,
2 including the name of any tenants, the address, unit, or suite number of
3 the subject property, lease start and end dates, option terms, base rent,
4 square footage leased, and vacant space for two years including the year
5 of the valuation date and the prior year.

6 ■ ■ ■

7 **SECTION 3.** In Colorado Revised Statutes, 39-8-108, **amend** (1)
8 and (5)(d) as follows:

9 **39-8-108. Decision - review - opportunity to submit case to**
10 **arbitration.**

11 (1) (a) If the county board of equalization grants a petition, in
12 whole or in part, the assessor shall adjust the valuation accordingly; but,
13 if the petition is denied, in whole or in part, the petitioner may appeal the
14 valuation set by the assessor or, if the valuation is adjusted as a result of
15 a decision of the county board of equalization, the adjusted valuation to
16 the board of assessment appeals or to the district court of the county
17 wherein the petitioner's property is located for a trial de novo, or the
18 petitioner may submit the case to arbitration pursuant to the provisions of
19 section 39-8-108.5. Such appeal or submission to arbitration shall be
20 taken no later than thirty days after the date such denial was mailed
21 pursuant to section 39-8-107 (2). Any decision rendered by the county
22 board of equalization shall state that the petitioner has the right to appeal
23 the decision of the county board to the board of assessment appeals or to
24 the district court of the county wherein the petitioner's property is located
25 or to submit the case to arbitration and, to preserve such right, the time by
26 which such appeal or submission to arbitration must be made. Any
27 request by a taxpayer for a hearing before the board of assessment appeals

1 shall be accompanied by a nonrefundable filing fee in an amount
2 specified in section 39-2-125 (1)(h). In addition, any request by a
3 taxpayer for a hearing before the board of assessment appeals shall be
4 stamped with the date on which such request was received by the board.
5 All such requests shall be presumed to be on time unless the board can
6 present evidence to show otherwise.

7 (b) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
8 JANUARY 1, 2026, IF A NONRESIDENTIAL PROPERTY OWNER APPEALS A
9 DECISION TO THE BOARD OF ASSESSMENT APPEALS PURSUANT TO
10 SUBSECTION (1)(a) OF THIS SECTION, THE GOVERNING BODY OF THE
11 COUNTY MAY FILE A MOTION WITH THE BOARD OF ASSESSMENT APPEALS
12 NOTING THE COUNTY'S PREFERENCE THAT THE CASE BE HEARD IN THE
13 DISTRICT COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.
14 THE COUNTY MUST FILE ITS MOTION WITHIN FORTY-TWO DAYS AFTER THE
15 FILING OF THE PETITION WITH THE BOARD OF ASSESSMENT APPEALS. THE
16 PETITIONER MUST RESPOND WITH THEIR ELECTION WITHIN TWENTY-ONE
17 DAYS AFTER THE COUNTY'S MOTION. THE FILING OF SUCH A MOTION DOES
18 NOT ALTER THE VENUE OF THE CASE, AND THE BOARD OF ASSESSMENT
19 APPEALS RETAINS JURISDICTION UNLESS THE PETITIONER ELECTS TO
20 WITHDRAW THE APPEAL AND FILE IN DISTRICT COURT PURSUANT TO
21 APPLICABLE LAW.

22 (5) In any appeal authorized by this section or by section
23 39-5-122, 39-5-122.7, or 39-10-114:

24 (d) Upon request, the respondent shall make available to the
25 taxpayer two working days prior to any appeal hearing data supporting the
26 assessor's valuation. Such request shall be accompanied by data
27 supporting the taxpayer's valuation. Nothing in this ~~paragraph (d)~~

1 SUBSECTION (5)(d) shall be construed to prohibit the introduction at such
2 appeal hearing of any data discovered as a result of the exchange of data
3 required by this ~~paragraph (d)~~; and SUBSECTION (5)(d);

4

5 **SECTION 4.** In Colorado Revised Statutes, 39-10-104.5, **add**
6 (3)(d) as follows:

7 **39-10-104.5. Payment dates - optional payment dates - failure**
8 **to pay - delinquency.**

9

10 (3) (d) (I) IF A COURT OF COMPETENT JURISDICTION FINDS THAT
11 THE TAXPAYER HAS COMMITTED A PETTY OFFENSE UNDER SECTION
12 39-5-115 (3), THE TAXPAYER IS NOT ENTITLED TO PENALTY INTEREST
13 PURSUANT TO THIS SUBSECTION (3).

14 (II) THE BOARD OF ASSESSMENT APPEALS DOES NOT HAVE
15 AUTHORITY TO DETERMINE WHETHER A TAXPAYER HAS FORFEITED THE
16 RIGHT TO PENALTY INTEREST. A DETERMINATION OF WHETHER A
17 TAXPAYER HAS FORFEITED THE RIGHT TO PENALTY INTEREST IS MADE
18 SOLELY BY THE COURT IN CONNECTION WITH A PROSECUTION FOR WILLFUL
19 MISINFORMATION.

20 **SECTION 5. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.