



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 20-0621
Prime Sponsors: Sen. Gardner, Rep. Carver

Date: January 28, 2020
Bill Status: Senate SVMA
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Bill Topic: SENIOR PROPERTY TAX EXEMPTION MEDICAL NECESSITY

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill allows seniors who qualify for the senior homestead exemption to continue to claim the exemption if they move for reasons of medical necessity. It increases state expenditures to reimburse local governments on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 20-049

Table with 5 columns: Category, Sub-category, FY 2020-21, FY 2021-22, FY 2022-23, FY 2030-31. Rows include Revenue, Expenditures (General Fund), Transfers, and TABOR Refund (General Fund).

## **Summary of Legislation**

Beginning in 2021, this bill allows seniors who qualify for the senior homestead exemption to continue to claim the exemption if they move for reasons of medical necessity.

Under current law, the senior homestead exemption reduces the value of a senior's home to which assessment rates and mill levies are applied by 50 percent, up to a maximum of \$100,000. For example, a home with an actual value of \$150,000 is taxed as if it were worth \$75,000, and a home with an actual value of \$500,000 is taxed as if it were worth \$400,000 using the maximum exemption. A homeowner is eligible to claim the senior homestead exemption if he or she meets the following requirements:

- the homeowner is 65 years old as of January 1 of the tax year; and
- the homeowner has occupied the home as his or her primary residence for at least 10 years.

Under the bill, eligible homeowners who move for reasons of medical necessity are treated as satisfying the 10 year residency requirement. The homeowner must file a form with their county assessor, to be created by the Division of Property Taxation in the Department of Local Affairs, that indicates that the homeowner was required to move as a result of a medical condition. The form must be certified by a licensed physician.

Homeowners must occupy their new home as their primary residence, may not reside at a third home during an intervening period, and may not claim the exemption for more than one property after that at which they originally qualified.

## **State Expenditures**

The bill increases General Fund expenditures by \$1.0 million in FY 2021-22, \$2.1 million in FY 2022-23, and larger amounts in subsequent fiscal years. When fully phased in, the bill is expected to increase General Fund expenditures by about \$12.0 million annually. Through at least FY 2022-23, the increased expenditures are expected to be paid from the TABOR refund obligation and are not expected to impact the amount of revenue available for the General Fund budget.

The bill requires additional General Fund expenditures to reimburse local governments for their property tax loss associated with an increase in the number of persons eligible for the senior homestead exemption. The bill only impacts reimbursements to the extent that persons who would move and therefore lose the exemption under current law are able to continue claiming the exemption as a result of the bill. Homeowners who are induced to move to a different home as a result of the bill do not increase reimbursements, as these taxpayers would be assumed to claim the exemption for their current home under current law.

**Assumptions.** Based on national figures adjusted for Colorado's demographics where possible, this fiscal note assumes that:

- about 28 percent of homes sold in Colorado are sold by seniors aged 65 and above;
- about 74 percent of seniors selling their homes had satisfied the residency requirement and previously qualified for the exemption; and
- about 12 percent of sales by seniors are due to reasons of medical necessity, based on the national share of seniors who sold their home because upkeep had become too difficult due to health limitations.

Based on these assumptions, it is estimated that about 3,000 of the 118,000 home sales reported by the Colorado Association of Realtors for 2019 were made by seniors who previously qualified for the exemption and who moved for reasons of medical necessity. Based on national statistics, it is further assumed that about 52 percent of these homesellers bought another home in Colorado. For property tax year 2018, the average expenditure per exemption was \$580.

Caseload and average exemption amounts were grown to tax year 2021 by the December 2019 Legislative Council Staff forecast for senior homestead exemptions. Exemptions for 2021 are reimbursed from the General Fund in FY 2021-22, and so on.

Expenditures for reimbursements will compound as more seniors move for reasons of medical necessity in each year after 2021. The estimated \$12.0 million in expenditure increase for FY 2030-31 represents the bill's annual impact after a full phase-in period of approximately ten years.

**Department of Local Affairs.** Workload in the Division of Property Taxation will increase to prepare a new form, update information on the division website, and respond to questions from taxpayers. The workload increase is assessed as minimal and can be accomplished within existing appropriations.

**TABOR refund mechanism.** Beginning in tax year 2021, the bill increases the amounts of TABOR refunds that will be paid via homestead exemptions on property tax forms rather than sales tax refunds on income tax forms. Based on the December 2019 LCS forecast, the bill will decrease sales tax refunds by \$1.0 million for tax year 2021 and \$2.1 million for tax year 2022. A forecast of state revenue subject to TABOR is not available beyond FY 2021-22, so the refund mechanisms that will be used beyond tax year 2022 have not been forecast.

## **Local Government**

The bill has offsetting impacts on local government revenue that will not change net revenue to any jurisdiction. It decreases local government revenue from property taxes and increases local government revenue from state reimbursements by the amounts shown in Table 1.

Workload for county assessors will increase to administer additional exemptions. This work can be accomplished within current assessor staffing levels.

## **Effective Date**

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

## **State and Local Government Contacts**

Counties  
Property Taxation

County Assessors  
Treasury

Local Affairs