

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0703.01 Ed DeCecco x4216

HOUSE BILL 19-1175

HOUSE SPONSORSHIP

Gray, Bird, Buentello, Galindo, Valdez A.

SENATE SPONSORSHIP

Gonzales,

House Committees
Transportation & Local Government

Senate Committees
Local Government

SENATE
3rd Reading Unamended
March 4, 2019

A BILL FOR AN ACT
101 **CONCERNING THE PROPERTY TAX VALUATION APPEAL PROCESS.**

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>.)

SENATE
2nd Reading Unamended
March 1, 2019

For counties that have elected to use the alternate protest and appeal procedures, **section 1** of the bill requires:

- ! A taxpayer who owns rent-producing commercial real property to provide the assessor with property rental information (rental information) on or before July 15 of the year of the appeal; and
- ! The county assessor to mail the notice of determination regarding the appeal by August 15 of the year of the appeal

HOUSE
3rd Reading Unamended
February 19, 2019

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 15, 2019

instead of the last working day in August.

For all counties, **section 2** modifies:

- ! The rental information that a petitioner appealing the valuation of rent-producing commercial property or the denial of an abatement must provide to a county; and
- ! The information related to a county's determination of the value that a county is required to provide to a petitioner who has filed an appeal with the board of assessment appeals.

A petitioner who provides rental information to an assessor as part of an alternate protest and appeal is not required to provide the same information in an appeal of the valuation.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-5-122, **amend** (2);
3 and **add** (2.5) as follows:

4 **39-5-122. Taxpayer's remedies to correct errors.** (2) If any
5 person is of the opinion that his or her property has been valued too high,
6 has been twice valued, or is exempt by law from taxation or that property
7 has been erroneously assessed to such person, he or she may appear
8 before the assessor and object, complete the form mailed with his or her
9 notice of valuation pursuant to section 39-5-121 (1) or (1.5), or file a
10 written letter of objection and protest by mail with the assessor's office
11 before the last day specified in the notice, stating in general terms the
12 reason for the objection and protest. Reasons for the objection and protest
13 may include, but shall not be limited to, the installation and operation of
14 surface equipment relating to oil and gas wells on agricultural land. Any
15 change or adjustment of any ratio of valuation for assessment for
16 residential real property pursuant to the provisions of section 39-1-104.2
17 shall not constitute grounds for an objection. If the form initiating an
18 appeal or the written letter of objection and protest is filed by mail, it
19 shall be presumed that it was received as of the day it was postmarked. If

1 the form initiating an appeal or the written letter of objection and protest
2 is hand-delivered, the date it was received by the assessor shall be
3 stamped on the form or letter. As stated in the public notice given by the
4 assessor pursuant to subsection (1) of this section, the taxpayer's
5 notification to the assessor of his or her objection and protest to the
6 adjustment in valuation must be delivered, postmarked, or given in person
7 by June 1 in the case of real property. In the case of personal property, the
8 notice must be postmarked or physically delivered by June 30. All such
9 forms and letters received from protesters shall be presumed to be on time
10 unless the assessor can present evidence to show otherwise. The county
11 shall not prescribe the written form of objection and protest to be used.
12 The protester shall have the opportunity on the days specified in the
13 public notice to present his or her objection in writing or protest in person
14 and be heard, whether or not there has been a change in valuation of such
15 property from the previous year and whether or not any change is the
16 result of a determination by the assessor for the current year or by the
17 state board of equalization for the previous year. If the assessor finds any
18 valuation to be erroneous or otherwise improper, the assessor shall correct
19 the error. If the assessor declines to change any valuation that the assessor
20 has determined, the assessor shall state his or her reasons in writing on the
21 form described in section 39-8-106, shall insert the information otherwise
22 required by the form, and shall mail two copies of the completed form to
23 the person presenting the objection and protest so denied on or before the
24 last regular working day of the assessor in June in the case of real
25 property and on or before July 10 in the case of personal property; except
26 that, if a county has made an election pursuant to section 39-5-122.7 (1),
27 the assessor shall mail the copies on or before ~~the last working day of the~~

1 assessor in ~~August~~ AUGUST 15 in the case of both real and personal
2 property.

3 (2.5) IF THE PROPERTY THAT IS THE SUBJECT OF AN OBJECTION AND
4 PROTEST IS RENT-PRODUCING COMMERCIAL REAL PROPERTY LOCATED IN
5 A COUNTY THAT HAS MADE AN ELECTION PURSUANT TO SECTION
6 39-5-122.7 (1), THEN, ON OR BEFORE JULY 15, THE TAXPAYER SHALL
7 PROVIDE TO THE ASSESSOR THE INFORMATION DESCRIBED IN SECTION
8 39-8-107 (5)(a)(I).

9 **SECTION 2.** In Colorado Revised Statutes, 39-8-107, **amend**
10 (5)(a)(I)(D), (5)(a)(II), and (5)(b)(I) as follows:

11 **39-8-107. Hearings on appeal.** (5) (a) (I) On and after August
12 10, 2011, in addition to any other requirements under law, any petitioner
13 appealing either a valuation of rent-producing commercial real property
14 to the board of assessment appeals pursuant to section 39-8-108 (1) or a
15 denial of an abatement of taxes pursuant to section 39-10-114 shall
16 provide to the county board of equalization or to the board of county
17 commissioners of the county in the case of an abatement, and not to the
18 board of assessment appeals, the following information, if applicable:

19 (D) Rent roll data AS OF THE VALUATION DATE, including the name
20 of any tenants, the address, unit, or suite number of the subject property,
21 lease start and end dates, option terms, base rent, square footage leased,
22 and vacant space for two ~~full~~ years including the ~~base year for the~~
23 ~~relevant property tax year~~ OF THE VALUATION DATE AND THE PRIOR YEAR.

24 (II) The petitioner shall provide the information required by
25 ~~subparagraph (I) of this paragraph~~ (a) SUBSECTION (5)(a)(I) OF THIS
26 SECTION within ninety days after the appeal has been filed with the board
27 of assessment appeals; EXCEPT THAT A PETITIONER WHO HAS ALREADY

1 PROVIDED INFORMATION TO AN ASSESSOR IN ACCORDANCE WITH SECTION
2 39-5-122 (2.5) IS NOT REQUIRED TO PROVIDE ANY ADDITIONAL
3 INFORMATION UNDER THIS SUBSECTION (5)(a).

4 (b) (I) The assessor, the county board of equalization, or the board
5 of county commissioners of the county, as applicable, shall, upon request
6 made by the petitioner, provide to a petitioner who has filed an appeal
7 with the board of assessment appeals not more than ninety days after
8 receipt of the petitioner's request, the following information:

9 (A) ~~All of the underlying data used by the county in calculating
the value of the subject property that is being appealed, including the
capitalization rate for such property~~ THE PRIMARY METHOD USED BY THE
12 COUNTY TO DETERMINE THE VALUE OF THE SUBJECT PROPERTY; and

13 (B) ~~The names of any commercially available and copyrighted
publications used in calculating~~ THE RATES USED BY THE COUNTY TO
15 DETERMINE the value of the subject property UNDER THE METHOD
16 IDENTIFIED IN ACCORDANCE WITH SUBSECTION (5)(b)(I)(A) OF THIS
17 SECTION.

18 **SECTION 3. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.