

**+First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 17-1212.01 Thomas Morris x4218

HOUSE BILL 17-1363

HOUSE SPONSORSHIP

Hansen,

SENATE SPONSORSHIP

Martinez Humenik,

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN EXEMPTION FROM OTHERWISE APPLICABLE**
102 **REQUIREMENTS FOR FINANCING FROM THE COLORADO NEW**
103 **ENERGY IMPROVEMENT DISTRICT IF A RESIDENTIAL PROPERTY**
104 **OWNER IS NOT SEEKING TO SUBORDINATE THE PRIORITY OF**
105 **EXISTING MORTGAGES.**

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>.)

Current law authorizes a homeowner to finance certain energy efficiency improvements to the home through a loan pursuant to the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

property assessed clean energy (PACE) program. The program requires an applicant to file a title commitment on the home and a hearing must be held in order to seek a voluntary subordination of existing liens to the program's junior lien.

The bill exempts a homeowner from the title commitment and hearing requirements if the owner is not seeking to subordinate the priority of existing liens.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-20-105, **amend**
3 (3) introductory portion as follows:

4 **32-20-105. District - purpose - general powers and duties -**
5 **new energy improvement program.** (3) The district shall establish,
6 develop, finance, and administer a new energy improvement program.
7 However, the district may conduct the program within any given county
8 only if the board of county commissioners of the county has adopted a
9 resolution authorizing the district to conduct the program within the
10 county. If a county adopts a resolution authorizing the district to conduct
11 the program within the county, the county treasurer shall retain a
12 collection fee as specified in section 30-1-102 (1)(c) ~~€R.S.~~, for each
13 special assessment that it collects as part of the program. The board of
14 county commissioners of any county that has adopted a resolution
15 authorizing the district to conduct the program within the county may
16 subsequently adopt a resolution deauthorizing the district from
17 conducting the program within the county. However, if the county adopts
18 a deauthorizing resolution, the county shall continue to meet all of its
19 obligations under this ~~article~~ ARTICLE 20 as to program financing
20 obligations existing on the effective date of the deauthorization until any
21 and all special assessments within the county have been paid in full and
22 remitted to the district. The district shall design the program to allow an

1 owner of eligible real property to apply to join the district, receive
2 reimbursement or a direct payment from the district, and consent to the
3 levying of a special assessment on the eligible real property specially
4 benefited by a new energy improvement for which the district makes
5 reimbursement or a direct payment. The district shall establish an
6 application process for the program that allows an owner of eligible real
7 property to become a qualified applicant by submitting an application to
8 the district and that may include one or more deadlines for the filing of an
9 application. EXCEPT AS SPECIFIED IN SECTION 32-20-111, the application
10 process must require the applicant to submit with the application a
11 commitment of title insurance issued by a duly licensed Colorado title
12 insurance company within thirty days before the date the application is
13 submitted. The district may charge program application fees. In order to
14 administer the program, the district, acting directly or through a program
15 administrator or other agents, employees, or professionals as the district
16 may appoint, hire, retain, or contract with, may aggregate qualified
17 applicants into one or more bond issues and shall:

18 **SECTION 2.** In Colorado Revised Statutes, 32-20-106, **amend**
19 (3)(a) introductory portion as follows:

20 **32-20-106. Special assessments - determination of special**
21 **benefits - notice and hearing requirements - certification of**
22 **assessment roll - manner of collection.** (3) (a) The district may levy a
23 special assessment against eligible real property specially benefited by a
24 new energy improvement based on the cost to the district of the new
25 energy improvement. The district shall initiate the levy of any special
26 assessment by the adoption of a resolution of the board that sets the
27 special assessment, approves the preparation of a preliminary special

1 assessment roll, and sets a date for a public hearing regarding the special
2 assessment roll. The district shall prepare a preliminary special
3 assessment roll listing all special assessments to be levied. The district
4 may post notice of the hearing on the special assessment on any district
5 internet website and shall, EXCEPT AS SPECIFIED IN SECTION 32-20-111,
6 send notice that the special assessment roll has been completed and notice
7 of a hearing on the special assessment roll no later than thirty days before
8 the hearing date to:

9 **SECTION 3.** In Colorado Revised Statutes, **add** 32-20-111 as
10 follows:

11 **32-20-111. Procedure if lien subordination not sought.** THE
12 PROVISIONS OF THIS ARTICLE 20 PERTAINING TO THE REQUIREMENT OF
13 TITLE INSURANCE CONTAINED IN SECTION 32-20-105 (3) AND THE
14 PROVISION OF NOTICE, OBJECTION, AND APPEAL CONTAINED IN SECTION
15 32-20-106 (3)(a)(I), (3)(a)(II), (3)(b), AND (3)(c), AND ALL SECTIONS
16 REFERENCING THESE SECTIONS, DO NOT APPLY TO RESIDENTIAL ELIGIBLE
17 REAL PROPERTY IF THE PROPERTY OWNER IS NOT SEEKING TO
18 SUBORDINATE THE PRIORITY OF EXISTING MORTGAGES PURSUANT TO
19 SECTION 32-20-105 (3)(i).

20 **SECTION 4. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
22 the expiration of the ninety-day period after final adjournment of the
23 general assembly (August 9, 2017, if adjournment sine die is on May 10,
24 2017); except that, if a referendum petition is filed pursuant to section 1
25 (3) of article V of the state constitution against this act or an item, section,
26 or part of this act within such period, then the act, item, section, or part
27 will not take effect unless approved by the people at the general election

1 to be held in November 2018 and, in such case, will take effect on the
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to applications filed on or after the applicable
4 effective date of this act.