

CHAPTER 215

GOVERNMENT - LOCAL

HOUSE BILL 17-1354

BY REPRESENTATIVE(S) Becker K., Benavidez, Exum, Foote, Ginal, Gray, Herod, Hooton, Jackson, Kennedy, Kraft-Tharp, Lebsack, Lontine, Michaelson Jenet, Mitsch Bush, Pettersen, Rosenthal, Singer, Weissman, Winter; also SENATOR(S) Priola and Kefalas, Aguilar, Crowder, Fenberg, Fields, Jones, Martinez Humenik, Merrifield, Moreno, Tate.

AN ACT**CONCERNING THE COLLECTION OF DELINQUENT TAXES ON CERTAIN MOBILE HOMES.**

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

SECTION 1. In Colorado Revised Statutes, 39-10-111, **amend** (1)(a), (2), and (7) as follows:

39-10-111. Distraint, sale of personal property. (1) (a) At any time after the first day of October, the treasurer shall enforce collection of delinquent taxes on personal property by commencing a court action for collection or employing a collection agency as provided in section 39-10-112 or by distraining, seizing, and selling the property; EXCEPT THAT THIS SECTION DOES NOT APPLY TO THE COLLECTION OF DELINQUENT TAXES ON MOBILE HOMES OR MANUFACTURED HOMES. THE TREASURER SHALL ENFORCE THE COLLECTION OF DELINQUENT TAXES ON MOBILE HOMES OR MANUFACTURED HOMES PURSUANT TO SECTION 39-10-111.5. Whenever a distraint warrant is issued, it shall be served by the sheriff or a commissioned deputy or, at the discretion of the sheriff, by a private server of process hired for the purpose. Any cost incurred as a result of hiring a private server of process shall be paid by the sheriff's office, and the cost shall not exceed the amount specified in section 30-1-104 (1)(a). ~~C.R.S.~~

(2) Whenever any personal property is distrained and seized, the treasurer or his deputy shall make a list of such property and deliver a copy thereof to the owner of such property or to his OR HER agent, ~~and, as to any mobile home, to any lienholder of record;~~ together with a statement of the amount demanded and notice of the time and place fixed for the sale of such property.

(7) In all cases of sale, the treasurer shall issue a certificate of sale to each

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

purchaser, and such certificate shall be prima facie evidence of the right of the treasurer to make such sale and conclusive evidence of the regularity of the proceedings in conducting and making such sale. ~~Except as provided in subsection (10) of this section with respect to mobile homes,~~ The treasurer's certificate shall transfer to the purchaser all right, title, and interest of the owner in and to the property sold.

SECTION 2. In Colorado Revised Statutes, **add** 39-10-111.5 as follows:

39-10-111.5. Distraint - sale - redemption - mobile homes. (1) THIS SECTION APPLIES TO THE COLLECTION OF DELINQUENT TAXES ON MOBILE HOMES FOR WHICH A CERTIFICATE OF TITLE HAS BEEN ISSUED PURSUANT TO PART 1 OF ARTICLE 29 OF TITLE 38 AND THAT DOES NOT HAVE A CERTIFICATE OF PERMANENT LOCATION PURSUANT TO SECTION 38-29-202. FOR PURPOSES OF THIS SECTION, "MOBILE HOME" INCLUDES A MANUFACTURED HOME.

(2) (a) AT ANY TIME AFTER THE FIRST DAY OF OCTOBER, THE TREASURER MAY ENFORCE COLLECTION OF DELINQUENT TAXES ON MOBILE HOMES BY COMMENCING A COURT ACTION FOR COLLECTION OR EMPLOYING A COLLECTION AGENCY AS PROVIDED IN SECTION 39-10-112 OR BY DISTRAINING, SEIZING, AND SELLING THE MOBILE HOME. WHENEVER A DISTRAINT WARRANT IS ISSUED, IT SHALL BE SERVED BY THE SHERIFF OR A COMMISSIONED DEPUTY OR, AT THE DISCRETION OF THE SHERIFF, BY A PRIVATE SERVER OF PROCESS HIRED FOR THE PURPOSE. ANY COST INCURRED AS A RESULT OF HIRING A PRIVATE SERVER OF PROCESS SHALL BE PAID BY THE SHERIFF'S OFFICE, AND THE COST SHALL NOT EXCEED THE AMOUNT SPECIFIED IN SECTION 30-1-104 (1)(a).

(b) WHEN A MOBILE HOME UPON WHICH A DISTRAINT WARRANT HAS BEEN ISSUED OR WHICH IS SUBJECT TO SUCH WARRANT BY REASON OF DELINQUENCY HAS BEEN REMOVED TO ANOTHER COUNTY IN THE STATE, THE TREASURER OF THE COUNTY LEVYING THE TAX SHALL ISSUE A CERTIFICATE TO THE TREASURER OF THE COUNTY TO WHICH THE MOBILE HOME HAS BEEN REMOVED, RECITING THE AMOUNT OF TAXES AND DELINQUENT INTEREST UNPAID AND A DESCRIPTION OF THE MOBILE HOME TO BE DISTRAINED.

(c) THE TREASURER RECEIVING SUCH CERTIFICATE SHALL PROCEED TO DISTRAIN, SEIZE, AND SELL SUCH MOBILE HOME IN THE SAME MANNER AS IF IT WERE ORIGINALLY TAXED IN HIS OR HER COUNTY AND IF THE TREASURER PROCEEDS, HE OR SHE SHALL REMIT THE NET PROCEEDS, AFTER PAYMENT OF ANY SHERIFF'S FEES AND OTHER COSTS OF SEIZURE AND SALE, TO THE TREASURER WHO CERTIFIED THE DELINQUENCY.

(3) WHENEVER A MOBILE HOME IS DISTRAINED AND SEIZED, THE TREASURER, THE TREASURER'S DEPUTY, OR AN AUTHORIZED AGENT OF THE TREASURER SHALL DELIVER TO THE OWNER OF THE MOBILE HOME OR TO HIS OR HER AGENT, AND TO ANY LIENHOLDER OF RECORD, A STATEMENT OF THE AMOUNT DEMANDED AND NOTICE OF THE TIME AND PLACE FIXED FOR THE SALE OF THE MOBILE HOME.

(4) THE TREASURER, IN HIS OR HER DISCRETION, MAY SELL TAX LIENS ON MOBILE HOMES OR MAY STRIKE OFF TO THE COUNTY THE TAX LIENS BY DECLARING THEM COUNTY-HELD. IF A TAX LIEN ON A MOBILE HOME WILL BE SOLD, THE SALE SHALL BE

IN ACCORDANCE WITH ARTICLE 11 OF THIS TITLE 39.

(5) REDEMPTIONS OF MOBILE HOMES SHALL BE IN ACCORDANCE WITH ARTICLE 12 OF THIS TITLE 39; EXCEPT THAT, AT THE DISCRETION OF THE TREASURER, LIENS ON MOBILE HOMES MAY BE WITHHELD FROM SALES TO INVESTORS.

(6) (a) (I) A MOBILE HOME THAT IS LOCATED ON LEASED LAND OR OTHER LAND NOT OWNED BY THE OWNER OF THE MOBILE HOME, INCLUDING, BUT NOT LIMITED TO, LAND THAT WAS PREVIOUSLY OWNED BY THE OWNER OF THE MOBILE HOME AND THE OWNERSHIP OF WHICH WAS SUBSEQUENTLY ACQUIRED BY FORECLOSURE, AND THAT IS SOLD UNDER THE PROVISIONS OF THIS SECTION MAY BE REDEEMED BY THE OWNER THEREOF WITHIN ONE YEAR AFTER THE DATE OF THE SALE UPON PAYMENT TO THE TREASURER OF THE PROCEEDS OF THE SALE, INTEREST ON SUCH AMOUNT AT THE RATE THAT IS DETERMINED PURSUANT TO SECTION 39-12-103 (3), AND ALL TAXES DUE AND PAYABLE ON THE MOBILE HOME SUBSEQUENT TO THE TAX SALE, EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.

(II) A MOBILE HOME THAT IS LOCATED ON LAND OWNED BY THE OWNER OF A MOBILE HOME AND THAT IS SOLD UNDER THE PROVISIONS OF THIS SECTION MAY BE REDEEMED BY THE OWNER THEREOF WITHIN THREE YEARS AFTER THE DATE OF THE SALE UPON PAYMENT TO THE TREASURER OF THE PROCEEDS OF THE SALE, INTEREST ON SUCH AMOUNT AT THE RATE THAT IS DETERMINED PURSUANT TO SECTION 39-12-103 (3), AND ALL TAXES DUE AND PAYABLE ON THE MOBILE HOME SUBSEQUENT TO THE TAX SALE, EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION.

(b) THE TREASURER SHALL RETURN THE PROCEEDS OF THE SALE, INTEREST, AND ALL TAXES DUE AND PAYABLE ON THE MOBILE HOME SUBSEQUENT TO THE TAX SALE TO THE PURCHASER OR LAWFUL HOLDER OF THE CERTIFICATE OF SALE. ON OR BEFORE THIRTY DAYS PRIOR TO THE CLOSE OF THE REDEMPTION PERIOD, THE TREASURER SHALL NOTIFY THE OWNER OF THE MOBILE HOME AND ANY LIENHOLDER OF RECORD IN THE DEPARTMENT OF REVENUE AND SECRETARY OF STATE, BY PERSONAL DELIVERY OR BY CERTIFIED OR REGISTERED MAIL TO HIS OR HER LAST-KNOWN ADDRESS, THAT A TREASURER'S CERTIFICATE OF OWNERSHIP FOR THE MOBILE HOME MAY BE ISSUED TO THE PURCHASER OR LAWFUL HOLDER OF THE CERTIFICATE OF SALE AT THE CLOSE OF THE REDEMPTION PERIOD UNLESS SUCH PAYMENT IS MADE. UPON REDEMPTION, THE TREASURER SHALL NOTIFY THE DEPARTMENT OF REVENUE THAT REDEMPTION HAS BEEN MADE AND THEREAFTER RELEASE THE TAX SALE LIEN FILED AGAINST THE MOBILE HOME.

(c) IF THE OWNER HAS NOT EXERCISED HIS OR HER RIGHT OF REDEMPTION AND AFTER THE CLOSE OF THE REDEMPTION PERIOD, THE PURCHASER OR LAWFUL HOLDER OF THE CERTIFICATE OF SALE MAY APPLY TO THE TREASURER FOR A TREASURER'S CERTIFICATE OF OWNERSHIP FOR THE MOBILE HOME. UPON RECEIPT OF SUCH APPLICATION, THE TREASURER SHALL ISSUE A TREASURER'S CERTIFICATE OF OWNERSHIP TO SUCH PURCHASER OR HOLDER, AND SUCH CERTIFICATE OF OWNERSHIP SHALL TRANSFER TO HIM OR HER ALL RIGHT, TITLE, AND INTEREST IN AND TO THE MOBILE HOME. SUCH CERTIFICATE OF OWNERSHIP SHALL, UPON APPLICATION, ENTITLE THE PURCHASER OR HOLDER THEREOF TO A CERTIFICATE OF TITLE TO BE ISSUED AND FILED PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 42.

(d) ANY SURPLUS OF THE SALE PROCEEDS OVER AND ABOVE THE TAXES, DELINQUENT INTEREST, AND COSTS OF MAKING THE SEIZURE AND ADVERTISING THE SALE OF A MOBILE HOME SHALL BE CREDITED TO THE COUNTY GENERAL FUND, AND A WRITTEN ACCOUNT OF THE SALE SHALL BE FURNISHED TO THE OWNER.

(7) WHERE A MOBILE HOME HAS BEEN DECLARED TO BE PURCHASED BY THE COUNTY AT THE TAX SALE AND WHERE THE ACTUAL VALUE OF THE MOBILE HOME AS SHOWN ON THE ASSESSMENT ROLL HAS BEEN DETERMINED BY THE ASSESSOR TO BE LESS THAN ONE THOUSAND DOLLARS, THE REDEMPTION PERIOD FOR SUCH MOBILE HOME SHALL BE SIXTY DAYS. THE ASSESSOR'S DETERMINATION OF VALUE SHALL BE DEEMED ACCURATE ABSENT A SHOWING OF NEGLIGENCE ON THE PART OF THE ASSESSOR. ON OR BEFORE TEN DAYS PRIOR TO THE CLOSE OF THE REDEMPTION PERIOD, THE TREASURER SHALL NOTIFY THE OWNER OF THE MOBILE HOME AND ANY LIENHOLDER OF RECORD IN THE DEPARTMENT OF REVENUE AND SECRETARY OF STATE, BY PERSONAL DELIVERY OR BY CERTIFIED OR REGISTERED MAIL TO THE LAST-KNOWN ADDRESS, THAT THE MOBILE HOME SHALL BE DECLARED CONDEMNED AND SHALL BE DISPOSED OF AT THE END OF THE REDEMPTION PERIOD. THE TREASURER HAS THE AUTHORITY TO SO DECLARE A MOBILE HOME CONDEMNED AFTER THE REDEMPTION PERIOD HAS TERMINATED. AFTER THE TITLED MOBILE HOME IS DECLARED CONDEMNED, IT MAY BE DISPOSED OF AS THE TREASURER DEEMS APPROPRIATE.

SECTION 3. In Colorado Revised Statutes, 39-10-111, **repeal** (10) and (12).

SECTION 4. 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 (August 9, 2017, if adjournment sine die is on May 10, 2017); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 24, 2017

Note: The signature date on the act incorrectly identifies that the governor signed the act on May 19, 2017. The governor's office filed a letter with the house of representatives identifying the correct signature date as May 24, 2017.