

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-0778.01 Esther van Mourik x4215

HOUSE BILL 18-1267

HOUSE SPONSORSHIP

Gray and McKean,

SENATE SPONSORSHIP

Tate,

House Committees

Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AN INCOME TAX CREDIT FOR RETROFITTING A RESIDENCE**
102 **TO INCREASE THE RESIDENCE'S VISITABILITY, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill provides an income tax credit to an individual who retrofits or hires someone to retrofit the individual's residence. The bill specifies that the retrofit must:

- ! Be necessary to ensure the health, welfare, and safety of a qualified individual;

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.

SENATE
2nd Reading Unamended
May 8, 2018

HOUSE
3rd Reading Unamended
May 1, 2018

HOUSE
Amended 2nd Reading
April 30, 2018

- ! Increase the residence's visitability;
- ! Enable greater accessibility and independence in the residence for a qualified individual;
- ! Be required due to illness, impairment, or disability of a qualified individual; and
- ! Allow a qualified individual to age in place.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 39-22-539 as
3 follows:

4 **39-22-539. Credit for retrofitting a residence to increase a**
5 **residence's visitability - legislative declaration - definitions - repeal.**

6 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE
7 INTENDED PURPOSE OF THE TAX CREDIT CREATED IN THIS SECTION IS TO
8 MAKE RETROFITTING A RESIDENCE FOR HEALTH, WELFARE, AND SAFETY
9 REASONS MORE AFFORDABLE.

10 (2) AS USED IN THIS SECTION:

11 (a) "DEPENDENT" HAS THE SAME MEANING AS IN SECTION 152 (a)
12 OF THE INTERNAL REVENUE CODE.

13 (b) "DIVISION OF HOUSING" MEANS THE DIVISION OF HOUSING IN
14 THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704.

15 (c) "QUALIFIED INDIVIDUAL" MEANS AN INDIVIDUAL WITH A
16 FAMILY INCOME AT OR BELOW ONE HUNDRED FIFTY THOUSAND DOLLARS
17 FOR THE INCOME TAX YEAR COMMENCING ON OR AFTER JANUARY 1, 2019,
18 AND AS ADJUSTED FOR INFLATION FOR EACH INCOME TAX YEAR
19 THEREAFTER.

20 (d) "RETROFIT" MEANS CHANGES MADE TO A RESIDENCE THAT
21 MUST:

22 (I) BE NECESSARY TO ENSURE THE HEALTH, WELFARE, AND SAFETY

1 OF A QUALIFIED INDIVIDUAL;

2 (II) INCREASE THE RESIDENCE'S VISITABILITY;

3 (III) ENABLE GREATER ACCESSIBILITY AND INDEPENDENCE IN THE

4 RESIDENCE FOR A QUALIFIED INDIVIDUAL;

5 (IV) BE REQUIRED DUE TO A QUALIFIED INDIVIDUAL'S ILLNESS,

6 IMPAIRMENT, OR DISABILITY; AND

7 (V) ALLOW A QUALIFIED INDIVIDUAL TO AGE IN PLACE.

8 (e) "VISITABILITY" MEANS A MEASURE OF A RESIDENCE'S EASE OF

9 ACCESS FOR PERSONS WITH DISABILITIES.

10 (3) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(III) OF THIS

11 SECTION, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY

12 1, 2019, BUT PRIOR TO JANUARY 1, 2024, AN INDIVIDUAL WHO RETROFITS

13 OR HIRES SOMEONE TO RETROFIT THE INDIVIDUAL'S RESIDENCE AND WHO

14 MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE DIVISION OF

15 HOUSING IS ALLOWED A CREDIT AGAINST THE INCOME TAXES IMPOSED BY

16 THIS ARTICLE 22 IN AN AMOUNT EQUAL TO THE COST OF THE RETROFIT OR

17 FIVE THOUSAND DOLLARS, WHICHEVER IS LESS.

18 (II) THE DIVISION OF HOUSING SHALL CONSULT WITH

19 STAKEHOLDERS IN ESTABLISHING ANY ADDITIONAL REQUIREMENTS FOR

20 THE INCOME TAX CREDIT AS REQUIRED IN SUBSECTION (3)(a)(I) OF THIS

21 SECTION.

22 (b) (I) THE DIVISION OF HOUSING IS RESPONSIBLE FOR ISSUING

23 CREDIT CERTIFICATES TO QUALIFIED INDIVIDUALS. THE CREDIT

24 CERTIFICATE MUST IDENTIFY THE TAXPAYER AND CERTIFY THAT THE

25 INDIVIDUAL MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION.

26 (II) TO CLAIM THE CREDIT UNDER THIS SECTION, THE INDIVIDUAL

27 MUST INCLUDE THE CREDIT CERTIFICATE WITH THE INCOME TAX RETURN

1 FILED WITH THE DEPARTMENT OF REVENUE.

2 (III) THE DIVISION OF HOUSING SHALL TRACK ALL THE CREDIT
3 CERTIFICATES ISSUED UNDER THIS SECTION IN EACH INCOME TAX YEAR
4 AND, WHEN THE TOTAL AMOUNT OF CREDIT CERTIFICATES ISSUED EQUALS
5 ONE MILLION DOLLARS PER INCOME TAX YEAR, SHALL CEASE ISSUING
6 CREDIT CERTIFICATES IN THAT INCOME TAX YEAR. UNTIL THE ONE MILLION
7 DOLLAR PER INCOME TAX YEAR CAP IS REACHED, THE CREDIT
8 CERTIFICATES SHALL BE ISSUED IN THE ORDER IN WHICH THEY ARE
9 REQUESTED.

10 (4) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION
11 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE
12 INDIVIDUAL'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT
13 IS BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET
14 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE
15 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'
16 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND
17 MUST BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.
18 ANY CREDIT REMAINING AFTER THE PERIOD MAY NOT BE REFUNDED OR
19 CREDITED TO THE INDIVIDUAL.

20 (5) NO LATER THAN JANUARY 1, 2020, AND NO LATER THAN
21 JANUARY 1 OF EACH YEAR THEREAFTER THROUGH JANUARY 1, 2024, THE
22 DIVISION OF HOUSING SHALL PROVIDE THE DEPARTMENT OF REVENUE WITH
23 AN ELECTRONIC REPORT OF THE TAXPAYERS RECEIVING A CREDIT
24 CERTIFICATE AS ALLOWED IN THIS SECTION FOR THE PREVIOUS CALENDAR
25 YEAR THAT INCLUDES THE FOLLOWING INFORMATION:

26 (a) EACH TAXPAYER'S NAME;

27 (b) EACH TAXPAYER'S SOCIAL SECURITY NUMBER OR FEDERAL

1 EMPLOYEE IDENTIFICATION NUMBER; AND

2 (c) THE AMOUNT OF THE CREDIT ALLOCATED.

3 (6) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2028.

4 **SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal
5 year, \$132,328 is appropriated to the department of local affairs. This
6 appropriation is from the general fund. To implement this act, the
7 department may use this appropriation as follows:

8 (a) \$55,496 for use by the division of housing for personal
9 services related to community and non-profit services, which amount is
10 based on an assumption that the division will require an additional 1.0
11 FTE;

12 (b) \$11,324 for use by the division of housing for operating
13 expenses; and

14 (c) \$65,508 for the purchase of information technology services.

15 (2) For the 2018-19 state fiscal year, \$65,508 is appropriated to
16 the office of the governor for use by the office of information technology.
17 This appropriation is from reappropriated funds received from the
18 department of local affairs under subsection (1)(c) of this section. To
19 implement this act, the office may use this appropriation to provide
20 information technology services for the department of local affairs.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2018 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.