

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0019.01 Ed DeCecco x4216

**HOUSE BILL 22-1205**

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**HOUSE SPONSORSHIP**

**Kennedy and Weissman,**

**SENATE SPONSORSHIP**

**Hansen and Coleman,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF AN INCOME TAX CREDIT TO HELP**  
102 **INCOME-QUALIFIED SENIORS AFFORD HOUSING.**

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**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>.)*

**Section 1** of the bill creates a refundable income tax credit (credit) that is available for the income tax year commencing on January 1, 2022, for a qualifying senior, which means an individual who:

- Is 65 years of age or older at the end of 2022;
- Has federal adjusted gross income (AGI) that is less than or equal to \$75,000; and

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.

- Has not claimed a homestead property tax exemption for the 2022 property tax year.

The amount of the credit is \$1,000 for a qualifying senior with federal AGI that is \$25,000 or less. For every \$500 of AGI above \$25,000, the amount of the credit is reduced by \$10.

**Section 2** requires the property tax administrator to provide reports from counties related to taxpayers who are eligible for and actually claim the homestead property tax exemption.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-3-207, **add** (7) as  
3 follows:

4 **39-3-207. Reporting of exemptions - reimbursement to local**  
5 **governmental entities - repeal.** (7) (a) ON OR BEFORE DECEMBER 1,  
6 2022, THE ADMINISTRATOR SHALL PROVIDE A REPORT TO THE  
7 DEPARTMENT OF REVENUE WITH THE NAMES AND SOCIAL SECURITY  
8 NUMBERS OF ALL OF THE APPLICANTS ELIGIBLE FOR THE EXEMPTION FOR  
9 THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1, 2022, BASED ON  
10 THE ADMINISTRATOR'S EXAMINATION UNDER SUBSECTION (2) OF THIS  
11 SECTION OF THE REPORTS RECEIVED IN ACCORDANCE WITH SUBSECTION (1)  
12 OF THIS SECTION.

13 (b) ON OR BEFORE APRIL 1, 2023, THE ADMINISTRATOR SHALL  
14 PROVIDE A REPORT TO THE DEPARTMENT OF REVENUE WITH THE NAMES  
15 AND SOCIAL SECURITY NUMBERS OF ALL TAXPAYERS ENTITLED TO THE  
16 EXEMPTION FOR THE PROPERTY TAX YEAR COMMENCING ON JANUARY 1,  
17 2022, BASED ON THE ADMINISTRATOR'S EXAMINATION UNDER SUBSECTION  
18 (3.5) OF THIS SECTION OF THE REPORTS RECEIVED IN ACCORDANCE WITH  
19 SUBSECTION (3) OF THIS SECTION.

20 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2023.

21 **SECTION 2.** In Colorado Revised Statutes, **add** 39-22-543 as

1 follows:

2 **39-22-543. Credit against tax - qualifying seniors - creation -**  
3 **legislative declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY  
4 HEREBY FINDS AND DECLARES THAT:

5 (I) COLORADO'S AFFORDABLE HOUSING SHORTAGE IS HURTING  
6 SENIORS, MAKING IT MORE DIFFICULT FOR MANY SENIORS TO AFFORD  
7 HOUSING;

8 (II) THE SENIOR PROPERTY TAX EXEMPTION WAS ADOPTED BY  
9 COLORADO VOTERS IN 2000 IN ORDER TO HELP SENIORS AFFORD TO STAY  
10 IN THEIR HOMES;

11 (III) MANY SENIORS ARE INELIGIBLE FOR THE SENIOR PROPERTY  
12 TAX EXEMPTION BECAUSE THEY HAVE OWNED THEIR HOME FOR FEWER  
13 THAN TEN YEARS OR BECAUSE THEY RENT; AND

14 (IV) PROPERTY TAX REBATES OR TAX-EQUIVALENT REBATES FOR  
15 RENTERS AVAILABLE UNDER SECTION 39-31-102 ONLY ASSIST SENIORS  
16 WITH INCOMES BELOW VERY LOW THRESHOLDS.

17 (b) (I) THEREFORE, IN ORDER TO HELP MORE SENIORS AFFORD THE  
18 HIGH COST OF HOUSING IN COLORADO, THE GENERAL ASSEMBLY HEREBY  
19 INTENDS TO ESTABLISH A REFUNDABLE INCOME TAX CREDIT FOR  
20 INCOME-QUALIFIED SENIORS WHO DO NOT QUALIFY FOR THE SENIOR  
21 PROPERTY TAX EXEMPTION TO HELP THEM AFFORD THE HIGH COST OF  
22 HOUSING.

23 (II) IN ACCORDANCE WITH SECTION 39-21-304 (1), THE PURPOSE  
24 OF THE TAX EXPENDITURE CREATED IN THIS SECTION IS TO PROVIDE TAX  
25 RELIEF FOR INCOME-QUALIFIED SENIORS.

26 (c) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL  
27 MEASURE THE EFFECTIVENESS OF THE EXEMPTION IN ACHIEVING THE

1 PURPOSE SPECIFIED IN SUBSECTION (1)(b)(II) OF THIS SECTION BASED ON  
2 THE NUMBER OF TAXPAYERS WHO HAVE CLAIMED THE EXEMPTION.

3 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
4 REQUIRES:

5 (a) "CREDIT" MEANS A CREDIT AGAINST INCOME TAX THAT IS  
6 CREATED IN THIS SECTION.

7 (b) "QUALIFYING SENIOR" MEANS A RESIDENT INDIVIDUAL WHO:

8 (I) IS SIXTY-FIVE YEARS OF AGE OR OLDER AT THE END OF 2022;

9 (II) HAS A FEDERAL ADJUSTED GROSS INCOME THAT IS LESS THAN  
10 OR EQUAL TO SEVENTY-FIVE THOUSAND DOLLARS FOR THE INCOME TAX  
11 YEAR COMMENCING ON JANUARY 1, 2022; AND

12 (III) HAS NOT CLAIMED A PROPERTY TAX EXEMPTION UNDER  
13 SECTION 39-3-203 FOR THE PROPERTY TAX YEAR COMMENCING ON  
14 JANUARY 1, 2022.

15 (3) FOR THE INCOME TAX YEAR COMMENCING ON JANUARY 1,  
16 2022, A QUALIFYING SENIOR IS ALLOWED A CREDIT AGAINST THE TAX  
17 IMPOSED BY THIS ARTICLE 22 IN AN AMOUNT SET FORTH IN SUBSECTION (4)  
18 OF THIS SECTION.

19 (4) (a) THE AMOUNT OF THE CREDIT IS ONE THOUSAND DOLLARS  
20 FOR A QUALIFYING SENIOR WITH FEDERAL ADJUSTED GROSS INCOME THAT  
21 IS TWENTY-FIVE THOUSAND DOLLARS OR LESS. FOR EVERY FIVE HUNDRED  
22 DOLLARS OF ADJUSTED GROSS INCOME ABOVE TWENTY-FIVE THOUSAND  
23 DOLLARS, THE AMOUNT OF THE CREDIT IS REDUCED BY TEN DOLLARS.

24 (b) THE CREDIT IS THE SAME WHETHER IT IS CLAIMED BY ONE  
25 TAXPAYER FILING A SINGLE RETURN OR TWO TAXPAYERS FILING A JOINT  
26 RETURN. IN THE CASE OF TWO TAXPAYERS WHO SHARE THE SAME PRIMARY  
27 RESIDENCE AND WHO MAY LEGALLY FILE A JOINT RETURN BUT ACTUALLY

1 FILE SEPARATE RETURNS, BOTH TAXPAYERS MAY CLAIM THE CREDIT, BUT  
2 THE MAXIMUM CREDIT FOR EACH IS FIVE HUNDRED DOLLARS AND, FOR  
3 EVERY FIVE HUNDRED DOLLARS OF ADJUSTED GROSS INCOME ABOVE  
4 TWENTY-FIVE THOUSAND DOLLARS, THE AMOUNT OF THE CREDIT IS  
5 REDUCED BY FIVE DOLLARS.

6 (c) NOTWITHSTANDING SUBSECTIONS (4)(a) AND (4)(b) OF THIS  
7 SECTION, A TAXPAYER WHO ALSO QUALIFIES FOR A GRANT UNDER ARTICLE  
8 31 OF THIS TITLE 39 DURING CALENDAR YEAR 2022 IS ELIGIBLE TO RECEIVE  
9 THE FULL CREDIT WITHOUT AN INCOME-BASED REDUCTION THAT  
10 OTHERWISE APPLIES FOR THE TAXPAYER UNDER SUBSECTION (4)(a) OR  
11 (4)(b) OF THIS SECTION.

12 (5) (a) ANY AMOUNT OF THE CREDIT THAT EXCEEDS THE  
13 QUALIFYING SENIOR'S INCOME TAXES DUE IS REFUNDED TO THE  
14 QUALIFYING SENIOR.

15 (b) TO THE EXTENT PERMITTED BY FEDERAL LAW, THE CREDIT IS  
16 NOT INCOME OR RESOURCES FOR THE PURPOSE OF DETERMINING  
17 ELIGIBILITY FOR THE PAYMENT OF PUBLIC ASSISTANCE BENEFITS AND  
18 MEDICAL ASSISTANCE BENEFITS AUTHORIZED UNDER STATE LAW OR FOR  
19 A PAYMENT MADE UNDER ANY OTHER PUBLICLY FUNDED PROGRAMS.

20  
21 (6) THE DEPARTMENT OF REVENUE MAY USE THE REPORTS  
22 RECEIVED FROM THE PROPERTY TAX ADMINISTRATOR IN ACCORDANCE  
23 WITH SECTION 39-3-207 (7) FOR PURPOSES OF CONFIRMING THAT A  
24 TAXPAYER MEETS THE ELIGIBILITY REQUIREMENT SET FORTH IN  
25 SUBSECTION (2)(b)(III) OF THIS SECTION.

26 **SECTION 3. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2022 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.