

CHAPTER 475

TAXATION

HOUSE BILL 24-1268

BY REPRESENTATIVE(S) Weissman and Ortiz, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Duran, Epps, Froelich, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Mabrey, McLachlan, Ricks, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Willford, Woodrow, Young, McCluskie; also SENATOR(S) Exum and Fields, Bridges, Buckner, Coleman, Cutter, Danielson, Ginal, Gonzales, Jaquez Lewis, Kolker, Michaelson Jenet, Mullica, Priola, Roberts, Sullivan, Winter F., Fenberg.

AN ACT

CONCERNING FISCAL POLICY FOR THE FINANCIAL SUPPORT OF CERTAIN LOW-INCOME INDIVIDUALS BASED ON NEED, AND, IN CONNECTION THEREWITH, MAKING ORGANIZATIONAL MODIFICATIONS TO THE GRANTS FOR REAL PROPERTY TAX ASSISTANCE AND HEAT OR FUEL EXPENSES ASSISTANCE, ENDING SUCH GRANTS FOR INDIVIDUALS WITH A DISABILITY BEGINNING JANUARY 1, 2025, AND CREATING AN INCOME TAX CREDIT FOR QUALIFIED INDIVIDUALS WITH A DISABILITY TO CLAIM FOR TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2025.

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

SECTION 1. In Colorado Revised Statutes, 39-31-101, **amend** (1)(a), (1)(b), (1)(c)(I), (1)(d), (2)(d), (4), (5)(a), (5)(c), and (5)(d); **repeal** (2.5); and **add** (1)(c)(III), (1.5), (2.1), and (5)(e) as follows:

39-31-101. Real property tax - tax equivalent - assistance - heat or fuel expenses assistance - eligibility - applicability - definitions - repeal.

(1) (a) Individuals having resided within this state for the entire taxable year who are sixty-five years of age or older during the taxable year ~~shall be~~ ARE eligible for a grant to be determined with respect to the income taxes imposed by article 22 of this ~~title based upon~~ TITLE 39, SUBJECT TO THE ADDITIONAL QUALIFICATION REQUIREMENTS OF THIS SECTION, TO AID IN the payment by such ~~persons~~ INDIVIDUALS OF:

(I) Real estate taxes, including taxes on mobile homes, or trailer coach specific ownership tax on, or tax-equivalent payments with respect to, ~~such~~ residences occupied by such ~~persons~~; ~~subject to the additional qualification requirements of this section~~; INDIVIDUALS; OR

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) HEAT OR FUEL EXPENSES FOR RESIDENCES OCCUPIED BY SUCH INDIVIDUALS.

~~(b) (I) Spouses are treated as jointly qualifying for the grant under paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION if either spouse meets the age requirement and they jointly meet all the limitations of subsection (3) of this section. In all cases spouses must file one joint claim.

~~(II) A surviving spouse WHO IS fifty-eight years of age or older shall be treated as qualifying~~ QUALIFIES for the grant under ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION if ~~such~~ THE surviving spouse meets all the limitations imposed by subsection (3) of this section.

~~(c) (I) BEFORE JANUARY 1, 2025, the grant authorized by this section shall~~ is also ~~be~~ allowed to individuals having resided in this state for the entire taxable year and coming within the limitations imposed by subsection (3) of this section who, regardless of age, have a disability during the entire taxable year to a degree sufficient to qualify for the payment to them of full benefits from any bona fide public or private plan or source based solely upon such disability.

(III) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

~~(d) (I) Eligibility under more than one provision of this subsection (1) shall not operate to~~ DOES NOT increase the amount of any grant available to an individual or spouses under subsection (2) of this section; EXCEPT THAT, AN INDIVIDUAL OR SPOUSES MAY CLAIM THE GRANT UNDER BOTH SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION, IF APPLICABLE.

(II) THIS SUBSECTION (1)(d) IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

(1.5) (a) THE GRANT SET FORTH IN SUBSECTION (1) OF THIS SECTION IS ALLOWED AS FOLLOWS:

(I) AN INDIVIDUAL OR SPOUSES CLAIMING THE GRANT PURSUANT TO SUBSECTION (1)(a)(I) OR (1)(c) OF THIS SECTION MAY CLAIM THE GRANT IN AN AMOUNT SET FORTH IN SUBSECTION (2) OF THIS SECTION;

(II) AN INDIVIDUAL OR SPOUSES CLAIMING THE GRANT PURSUANT TO SUBSECTION (1)(a)(II) OF THIS SECTION MAY CLAIM THE GRANT IN AN AMOUNT SET FORTH IN SUBSECTION (2.1) OF THIS SECTION; AND

(III) AN INDIVIDUAL OR SPOUSES CLAIMING THE GRANT PURSUANT TO BOTH SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION MAY CLAIM THE GRANT IN THE AMOUNT SET FORTH IN SUBSECTION (2) OF THIS SECTION PLUS THE AMOUNT SET FORTH IN SUBSECTION (2.1) OF THIS SECTION.

~~(b) (I) THE PROVISIONS OF SUBSECTION (1.5)(a) OF THIS SECTION APPLY TO AN INDIVIDUAL CLAIMING THE GRANT PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION.~~

(II) THIS SUBSECTION (1.5)(b) IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

(2) A grant is the amount of the general property taxes actually paid on the residence or the amount of taxes actually paid on a mobile home, plus any tax-equivalent payments computed pursuant to subsection (4) of this section, with respect to the rent of a trailer space during the year for which the grant is claimed, the amount of the specific ownership tax actually paid on a trailer coach, or the amount of the tax-equivalent payments, computed pursuant to subsection (4) of this section, actually made during the year for which such grant is claimed, but in no event may it exceed:

(d) For a grant claimed for ~~the 2019~~ THE 2023 calendar year, either ~~seven hundred thirty-five~~ EIGHT HUNDRED SEVENTY-TWO dollars reduced by ten percent of the claimant's income over the phase-out amount or the PROPERTY TAX flat grant amount, whichever amount is greater. For a grant claimed for years commencing on or after ~~January 1, 2020~~ JANUARY 1, 2024, either the maximum grant amount allowed under this subsection (2)(d) for the prior year, adjusted for inflation and reduced by ten percent of the claimant's income over the phase-out amount, or the PROPERTY TAX flat grant amount, whichever amount is greater.

(2.1) FOR A GRANT CLAIMED FOR THE 2023 CALENDAR YEAR, EITHER TWO HUNDRED FORTY DOLLARS REDUCED BY TEN PERCENT OF THE CLAIMANT'S INCOME OVER THE PHASE-OUT AMOUNT OR THE HEAT OR FUEL EXPENSES FLAT GRANT AMOUNT, WHICHEVER AMOUNT IS GREATER. FOR A GRANT CLAIMED FOR YEARS COMMENCING ON OR AFTER JANUARY 1, 2024, EITHER THE MAXIMUM GRANT AMOUNT ALLOWED UNDER THIS SUBSECTION (2.1) FOR THE PRIOR YEAR, ADJUSTED FOR INFLATION AND REDUCED BY TEN PERCENT OF THE CLAIMANT'S INCOME OVER THE PHASE-OUT AMOUNT, OR THE HEAT OR FUEL EXPENSES FLAT GRANT AMOUNT, WHICHEVER AMOUNT IS GREATER.

~~(2.5) In 2000 and in every even-numbered year thereafter, the finance committees of the senate and the house of representatives shall examine the grant amounts and reduction percentages set forth in subsection (2) of this section, considering the level of the federal poverty index and such other information as is available to the committees, and shall determine whether said amounts and percentages should be modified.~~

(4) (a) The tax-equivalent amount for ~~persons~~ INDIVIDUALS otherwise qualified who paid rent for the right to occupy premises as a residence during the taxable year is twenty percent of the actual rent paid during the taxable year, not including any charge for utilities or food, FOR THE PURPOSES OF CALCULATING THE AMOUNT OF THE GRANT PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(b) To qualify as a tax-equivalent payment SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION, rent must have been paid as a part of a bona fide tenancy or leasing agreement and ~~shall~~ DOES not include any portion of payments made to institutions or facilities commonly known as nursing homes but ~~shall~~ DOES include rent paid for the use of a mobile home or paid on trailer space if paid as a part of a bona fide tenancy.

(c) FOR INDIVIDUALS OTHERWISE QUALIFIED WHO PAID HEAT OR FUEL EXPENSES INDIRECTLY AS PART OF THEIR RENTAL PAYMENTS, IT IS PRESUMED THAT TEN PERCENT OF THE ACTUAL RENT PAID DURING THE TAXABLE YEAR WAS FOR HEAT OR

FUEL EXPENSES FOR THE PURPOSE OF CALCULATING THE AMOUNT OF THE GRANT PURSUANT TO SUBSECTION (2.1) OF THIS SECTION. FOR RENTAL PAYMENTS TO QUALIFY UNDER SUBSECTION (1)(a)(II) OF THIS SECTION, THEY MUST HAVE BEEN PAID AS A PART OF A BONA FIDE TENANCY OR LEASE AGREEMENT. RENTAL PAYMENTS MADE TO INSTITUTIONS OR FACILITIES COMMONLY KNOWN AS NURSING HOMES DO NOT QUALIFY, BUT RENTAL PAYMENTS FOR THE USE OF A MOBILE HOME QUALIFY IF PAID AS A PART OF A BONA FIDE TENANCY OR LEASE AGREEMENT.

(5) As used in this section:

(a) ~~"Flat grant amount" means an amount equal to two hundred thirty-eight dollars for the 2019 calendar year, and for each year thereafter the amount for the prior year adjusted for inflation.~~ "HEAT OR FUEL EXPENSES FLAT GRANT AMOUNT" MEANS AN AMOUNT EQUAL TO NINETY-TWO DOLLARS FOR THE 2023 CALENDAR YEAR, AND FOR EACH YEAR THEREAFTER THE AMOUNT FOR THE PRIOR YEAR ADJUSTED FOR INFLATION.

(c) "Maximum eligible income amount" means:

(I) For an individual, income that is less than or equal to ~~fifteen thousand one hundred ninety-two~~ EIGHTEEN THOUSAND TWENTY-SIX dollars for the ~~2019~~ THE 2023 calendar year and for each year thereafter, the amount for the prior year adjusted for inflation; and

(II) For spouses, income that is less than or equal to ~~twenty thousand five hundred eighteen~~ TWENTY-FOUR THOUSAND THREE HUNDRED FORTY-FIVE dollars for the ~~2019~~ THE 2023 calendar year and for each year thereafter, the amount for the prior year adjusted for inflation.

(d) "Phase-out amount" means:

(I) In the case of an individual, an amount equal to ~~eight thousand one hundred sixty-nine~~ NINE THOUSAND SIX HUNDRED NINETY-TWO dollars for the ~~2019~~ THE 2023 calendar year and for each year thereafter, the amount for the prior year adjusted for inflation; and

(II) In the case of spouses, an amount equal to ~~thirteen thousand two hundred five~~ FIFTEEN THOUSAND SIX HUNDRED SIXTY-EIGHT dollars for the ~~2019~~ THE 2023 calendar year and for each year thereafter, the amount for the prior year adjusted for inflation.

(e) "PROPERTY TAX FLAT GRANT AMOUNT" MEANS AN AMOUNT EQUAL TO TWO HUNDRED EIGHTY-TWO DOLLARS FOR THE 2023 CALENDAR YEAR, AND FOR EACH YEAR THEREAFTER THE AMOUNT FOR THE PRIOR YEAR ADJUSTED FOR INFLATION.

SECTION 2. In Colorado Revised Statutes, 39-31-102, **amend** (1)(a), (2), (3), and (6); and **repeal** (5) as follows:

39-31-102. Procedures to obtain grant - department of revenue - responsibilities. (1) (a) A grant authorized by section 39-31-101 or ~~39-31-104~~ shall MUST be paid from the reserve for refunds created by section 39-22-622. Payments

~~shall~~ MUST be made on a quarterly basis, with the amount of each payment equal to the total amount of the grant divided by the number of quarters remaining in the calendar year in which the grant is awarded, with the calculation including the quarter in which the grant is awarded. Claimants meeting all qualification requirements for an entire taxable year ~~shall be~~ ARE entitled to a grant allowable pursuant to section 39-31-101. ~~or 39-31-104~~ Grants paid pursuant to this subsection (1) ~~shall~~ MUST be included for informational purposes in the general appropriation bill or in supplemental appropriation bills for the purpose of complying with the limitation on state fiscal year spending imposed by section 20 of article X of the state constitution and section 24-77-103. ~~C.R.S.~~

(2) The executive director shall prescribe the forms to be used for the grants authorized by section 39-31-101 ~~or 39-31-104~~ AND THE CREDIT ALLOWED PURSUANT TO SECTION 39-31-104.5 and prepare any instructions related to the forms. The executive director may create an electronic form to be used in addition to the paper form. If a sales tax refund is allowed for any given income tax year in accordance with section 39-22-2002, the executive director shall include provisions on the forms to allow qualified individuals to apply for the refund pursuant to section 39-22-2003 (5)(c). To receive a grant OR CREDIT, an individual must claim the grant OR CREDIT on the executive director's form.

(3) (a) If two or more ~~persons~~ INDIVIDUALS, other than spouses, are entitled to a grant authorized by section 39-31-101 or ~~39-31-104~~ ~~it~~ A CREDIT ALLOWED PURSUANT TO SECTION 39-31-104.5, THE GRANT OR CREDIT may be claimed by either or any of ~~such persons meeting the qualifications therefor~~ THE INDIVIDUALS. When two or more ~~persons~~ INDIVIDUALS claim the grant OR CREDIT for the same residence, the executive director is authorized to determine the proper allocation of ~~such~~ THE grant OR CREDIT.

(b) No grant OR CREDIT received pursuant to this ~~section shall be~~ ARTICLE 31 IS treated as income for purposes of determining the eligibility of any ~~person~~ INDIVIDUAL for old age pension benefits under article 2 of title 26. ~~C.R.S.~~

(5) ~~Any person who is claimed as an exemption for purposes of the Colorado income tax by any other person for the taxable year shall be ineligible for the grant authorized by this section.~~

(6) The grant AUTHORIZED BY SECTION 39-31-101 for heat or fuel expenses shall ~~in no case~~ NOT exceed the amount of the heat or fuel expenses actually paid, and A GRANT shall not be made unless the appropriate form claiming the same is filed with the department of revenue on or before the expiration of twenty-four months after the end of the taxable year for which ~~such credit or refund~~ THE GRANT is claimed.

SECTION 3. In Colorado Revised Statutes, **repeal** 39-31-104.

SECTION 4. In Colorado Revised Statutes, **add** 39-31-104.5 as follows:

39-31-104.5. Tax credit for assistance for individuals with a disability - tax preference performance statement - legislative declaration - definitions.

(1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IN ACCORDANCE WITH SECTION 39-21-304, THE TAX EXPENDITURE CREATED IN THIS SECTION IS INTENDED

TO REDUCE NET TAXES PAID BY CERTAIN INDIVIDUALS. SPECIFICALLY THE TAX EXPENDITURE IS INTENDED TO PROVIDE ASSISTANCE THROUGH AN INCOME TAX CREDIT FOR INDIVIDUALS WITH A DISABILITY WHO DO NOT HAVE INCOME ABOVE A CERTAIN THRESHOLD AMOUNT.

(b) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL MEASURE THE EFFECTIVENESS OF THE TAX EXPENDITURE IN ACHIEVING THE PURPOSE SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION BASED ON THE NUMBER OF TAXPAYERS WHO HAVE CLAIMED THE CREDIT AND THE TOTAL AMOUNT OF CREDITS CLAIMED.

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

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

(b) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX.

(c) (I) "QUALIFIED INDIVIDUAL" MEANS A RESIDENT INDIVIDUAL WHO HAS A DISABILITY DURING THE ENTIRE INCOME TAX YEAR TO A DEGREE SUFFICIENT TO QUALIFY FOR THE PAYMENT TO THE INDIVIDUAL OF FULL BENEFITS FROM ANY BONA FIDE PUBLIC OR PRIVATE PLAN OR SOURCE BASED SOLELY UPON SUCH DISABILITY.

(II) AN INDIVIDUAL HAS A DISABILITY FOR PURPOSES OF SUBSECTION (2)(c)(I) OF THIS SECTION IF THE INDIVIDUAL IS UNABLE TO ENGAGE IN ANY SUBSTANTIAL GAINFUL ACTIVITY BY REASON OF ANY MEDICALLY DETERMINABLE PHYSICAL OR MENTAL IMPAIRMENT THAT CAN BE EXPECTED TO RESULT IN DEATH OR THAT HAS LASTED FOR A CONTINUOUS PERIOD OF NOT LESS THAN TWELVE MONTHS.

(3) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2025, A QUALIFIED INDIVIDUAL IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY ARTICLE 22 OF THIS TITLE 39 IN AN AMOUNT SET FORTH IN SUBSECTION (4) OF THIS SECTION.

(4) (a) THE CREDIT MAY BE CLAIMED IN AN AMOUNT EQUAL TO:

(I) ONE THOUSAND TWO HUNDRED DOLLARS FOR:

(A) A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN WHO HAS A FEDERAL ADJUSTED GROSS INCOME LESS THAN OR EQUAL TO TEN THOUSAND DOLLARS;

(B) TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME LESS THAN OR EQUAL TO SIXTEEN THOUSAND DOLLARS;
OR

(C) A QUALIFIED INDIVIDUAL AND A NONQUALIFIED INDIVIDUAL FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME LESS THAN OR EQUAL TO SIXTEEN THOUSAND DOLLARS;

(II) ONE THOUSAND DOLLARS FOR:

(A) A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN WHO HAS A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TEN THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWELVE THOUSAND FIVE HUNDRED DOLLARS;

(B) TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN SIXTEEN THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWENTY THOUSAND DOLLARS; OR

(C) A QUALIFIED INDIVIDUAL AND A NONQUALIFIED INDIVIDUAL FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN SIXTEEN THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWENTY THOUSAND DOLLARS;

(III) EIGHT HUNDRED DOLLARS FOR:

(A) A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN WHO HAS A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWELVE THOUSAND FIVE HUNDRED DOLLARS BUT LESS THAN OR EQUAL TO FIFTEEN THOUSAND DOLLARS;

(B) TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWENTY-FOUR THOUSAND DOLLARS; OR

(C) A QUALIFIED INDIVIDUAL AND A NONQUALIFIED INDIVIDUAL FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWENTY-FOUR THOUSAND DOLLARS;

(IV) SIX HUNDRED DOLLARS FOR:

(A) A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN WHO HAS A FEDERAL ADJUSTED GROSS INCOME GREATER THAN FIFTEEN THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS;

(B) TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY-FOUR THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWENTY-EIGHT THOUSAND DOLLARS; OR

(C) A QUALIFIED INDIVIDUAL AND A NONQUALIFIED INDIVIDUAL FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY-FOUR THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO TWENTY-EIGHT THOUSAND DOLLARS; AND

(V) FOUR HUNDRED DOLLARS FOR:

(A) A QUALIFIED INDIVIDUAL FILING A SINGLE RETURN WHO HAS A FEDERAL ADJUSTED GROSS INCOME GREATER THAN SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS BUT LESS THAN OR EQUAL TO TWENTY THOUSAND DOLLARS;

(B) TWO QUALIFIED INDIVIDUALS FILING A JOINT RETURN WITH A FEDERAL

ADJUSTED GROSS INCOME GREATER THAN TWENTY-EIGHT THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO THIRTY-TWO THOUSAND DOLLARS; OR

(C) A QUALIFIED INDIVIDUAL AND A NONQUALIFIED INDIVIDUAL FILING A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY-EIGHT THOUSAND DOLLARS BUT LESS THAN OR EQUAL TO THIRTY-TWO THOUSAND DOLLARS.

(b)(I) A QUALIFIED INDIVIDUAL WHO FILES A SINGLE RETURN AND HAS A FEDERAL ADJUSTED GROSS INCOME GREATER THAN TWENTY THOUSAND DOLLARS IS NOT ALLOWED A CREDIT UNDER THIS SECTION.

(II) TWO QUALIFIED INDIVIDUALS, OR A QUALIFIED INDIVIDUAL AND A NONQUALIFIED INDIVIDUAL, WHO FILE A JOINT RETURN WITH A FEDERAL ADJUSTED GROSS INCOME GREATER THAN THIRTY-TWO THOUSAND DOLLARS ARE NOT ALLOWED A CREDIT UNDER THIS SECTION.

(c)(I) THE DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST FOR INFLATION THE CREDIT AMOUNTS SET FORTH IN SUBSECTION (4)(a) OF THIS SECTION IF CUMULATIVE INFLATION SINCE THE LAST ADJUSTMENT, WHEN APPLIED TO THE CURRENT CREDIT AMOUNTS, RESULTS IN AN INCREASE OF AT LEAST TEN DOLLARS WHEN THE ADJUSTED CREDIT AMOUNTS ARE ROUNDED TO THE NEAREST TEN DOLLARS.

(II) THE DEPARTMENT OF REVENUE SHALL ANNUALLY ADJUST FOR INFLATION THE ADJUSTED GROSS INCOME AMOUNTS SET FORTH IN SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION IF CUMULATIVE INFLATION SINCE THE LAST ADJUSTMENT, WHEN APPLIED TO THE CURRENT ADJUSTED GROSS INCOME AMOUNTS, RESULTS IN AN INCREASE OF AT LEAST ONE HUNDRED DOLLARS WHEN THE ADJUSTED GROSS INCOME AMOUNTS, AS ADJUSTED, ARE ROUNDED TO THE NEAREST ONE HUNDRED DOLLARS.

(5) IF THE CREDIT EXCEEDS THE INCOME TAXES DUE ON THE QUALIFIED INDIVIDUAL'S INCOME, THE AMOUNT OF THE CREDIT NOT USED TO OFFSET INCOME TAXES IS NOT CARRIED FORWARD AND MUST BE REFUNDED TO THE QUALIFIED INDIVIDUAL.

(6) A QUALIFIED INDIVIDUAL WHO CLAIMS THE CREDIT CANNOT IN THE SAME TAX YEAR ALSO CLAIM THE GRANT ALLOWED PURSUANT TO SECTION 39-31-101.

(7) THE CREDIT RECEIVED PURSUANT TO THIS SECTION IS NOT TREATED AS INCOME FOR PURPOSES OF DETERMINING THE ELIGIBILITY OF ANY INDIVIDUAL FOR OLD AGE PENSION BENEFITS UNDER ARTICLE 2 OF TITLE 26.

(8) NOTWITHSTANDING SECTION 39-21-304 (4), THE CREDIT CONTINUES INDEFINITELY.

(9) THE CREDIT ALLOWED BY THIS SECTION IS ADMINISTERED IN THE SAME MANNER AS OTHER CREDITS AGAINST THE TAX IMPOSED BY ARTICLE 22 OF THIS TITLE 39.

SECTION 5. In Colorado Revised Statutes, **amend** 39-31-105 as follows:

39-31-105. Executive director - rule-making - collection of erroneous payments - waiver. (1) The executive director of the department of revenue may promulgate rules necessary for the administration of this ~~article~~ ARTICLE 31. Such rules shall be promulgated in accordance with article 4 of title 24. ~~C.R.S.~~

(2) If the department of revenue incorrectly pays a grant under section 39-31-101 or ~~39-31-104~~ as a result of a departmental error, the executive director of the department may waive the reimbursement of the grant and any related interest or penalties that accrue.

SECTION 6. In Colorado Revised Statutes, 39-22-120, **amend** (5)(c)(I) as follows:

39-22-120. Legislative declaration - state sales tax refund - offset against state income tax. (5) (c) (I) Notwithstanding any provision of ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION to the contrary, a qualified individual as defined in ~~subparagraph (II) or (IV) of paragraph (a) of subsection (2)~~ SUBSECTION (2)(a)(II) OR (2)(a)(IV) of this section who claims a property tax OR HEAT OR FUEL assistance grant pursuant to section 39-31-101 or ~~a heat or fuel expenses assistance grant pursuant to section 39-31-104~~ may claim a refund authorized by this section on the assistance grant application form described in section 39-31-102 (2). Claiming a refund on such assistance grant application form shall be in lieu of claiming the refund on an income tax return pursuant to ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION. Any refund claimed pursuant to this ~~paragraph (c)~~ SUBSECTION (5)(c) MUST be claimed on or before April 15, 1999.

SECTION 7. In Colorado Revised Statutes, 39-22-2003, **amend** (5)(c)(I) as follows:

39-22-2003. State sales tax refund - offset against state income tax - qualified individuals. (5) (c) (I) Notwithstanding any provision of ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION to the contrary, a qualified individual as defined in ~~subparagraph (II) or (IV) of paragraph (a) of subsection (1)~~ SUBSECTION (1)(a)(II) OR (1)(a)(IV) of this section who claims a property tax OR HEAT OR FUEL assistance grant pursuant to section 39-31-101 or ~~a heat or fuel expenses assistance grant pursuant to section 39-31-104~~ may claim a refund authorized by this section on the assistance grant application form described in section 39-31-102 (2). Claiming a refund on such assistance grant application form shall be in lieu of claiming the refund on an income tax return pursuant to ~~paragraph (b) of this subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION. Any refund claimed pursuant to this ~~paragraph (c)~~ SUBSECTION (5)(c) shall be claimed on or before April 15 of the calendar year following the tax year for which the refund is being claimed.

SECTION 8. 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; except that, if a referendum petition is filed pursuant to section I (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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 6, 2024