

CHAPTER 293

TAXATION

HOUSE BILL 93-1169

BY REPRESENTATIVES Acquafresca, Foster, and Williams;
also SENATORS Cassidy and Ruddick.

AN ACT

CONCERNING CERTAIN RESPONSIBILITIES OF PERSONS RELATED TO THE AMOUNT OF PROPERTY TAX ON REAL PROPERTY.

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

SECTION 1. 38-35-126, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-35-126. Contract for deed - escrow of tax moneys - written notice.
(5) THE PROVISIONS OF SUBSECTIONS (1) AND (3) OF THIS SECTION SHALL NOT APPLY TO THE PARTIES TO A CONTRACT FOR DEED TO REAL PROPERTY SO LONG AS THE SELLER COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION, SO LONG AS THE REAL PROPERTY WHICH IS THE SUBJECT OF SUCH CONTRACT FOR DEED TO REAL PROPERTY IS NOT SUBDIVIDED INTO PARCELS WHICH ARE SMALLER THAN ONE ACRE, AND SO LONG AS THE SELLER PAYS THE ANNUAL PROPERTY TAX OBLIGATIONS ON THE REAL PROPERTY WHICH IS THE SUBJECT OF SUCH CONTRACT FOR DEED TO REAL PROPERTY OR SUBMITS A BOND OR AN IRREVOCABLE LETTER OF CREDIT IN THE AMOUNT OF THE TAXES DUE ON SUCH REAL PROPERTY TO THE COUNTY TREASURER, EITHER OF WHICH SHALL BE IMMEDIATELY PAYABLE TO SUCH COUNTY TREASURER UPON DEFAULT. PAYMENT OF SUCH PROPERTY TAXES OR SUBMITTAL OF SUCH BOND OR IRREVOCABLE LETTER OF CREDIT SHALL BE MADE WITHIN THIRTY DAYS OF MAILING OF THE NOTICE OF TAXES DUE FROM THE COUNTY TREASURER AND PRIOR TO SEEKING REIMBURSEMENT FROM THE PURCHASER.

SECTION 2. 39-1-103 (5) (c), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

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

39-1-103. Actual value determined - when. (5) (c) Once any property is classified for property tax purposes, it shall remain so classified until such time as its actual use changes or the assessor discovers that the classification is erroneous. The property owner shall endeavor to comply with the reasonable requests of the assessor to supply information which cannot be ascertained independently but which is necessary to determine actual use and properly classify the property when the assessor has evidence that there has been a change in the use of the property. Failure to supply such information shall not be the sole reason for reclassifying the property. Any such request for such information shall be accompanied by a notice that states that failure on the part of the property owner to supply such information will not be used as the sole reason for reclassifying the property in question. SUBJECT TO THE AVAILABILITY OF FUNDS UNDER THE ASSESSOR'S BUDGET FOR SUCH PURPOSE, NO LATER THAN MAY 1 OF EACH YEAR, THE ASSESSOR SHALL INFORM EACH PERSON WHOSE PROPERTY HAS BEEN RECLASSIFIED FROM AGRICULTURAL LAND TO ANY OTHER CLASSIFICATION OF PROPERTY OF THE REASONS FOR SUCH RECLASSIFICATION INCLUDING, BUT NOT LIMITED TO, THE BASIS FOR THE DETERMINATION THAT THE ACTUAL USE OF THE PROPERTY HAS CHANGED OR THAT THE CLASSIFICATION OF SUCH PROPERTY IS ERRONEOUS.

SECTION 3. 39-1-113 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-1-113. Abatement and refund of taxes. (1) Except as otherwise provided in subsection (1.5) of this section, no DECISION ON ANY PETITION REGARDING abatement or refund of taxes, as provided for in section 39-10-114, shall be made by the board of county commissioners unless a hearing is had thereon, at which hearing the assessor and the taxpayer shall have the opportunity to be present.

SECTION 4. Effective date. This act shall take effect July 1, 1993.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 1993