

CHAPTER 228

TAXATION

HOUSE BILL 02-1288

BY REPRESENTATIVE(S) Stengel, Cloer, Fritz, Kester, Rhodes, Tapia, and Weddig;
also SENATOR(S) Taylor.

AN ACT

CONCERNING THE ASSESSMENT OF PROPERTY FOR PROPERTY TAX PURPOSES.

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

SECTION 1. 39-3-206 (2), Colorado Revised Statutes, is amended to read:

39-3-206. Notice to individuals returning incomplete or nonqualifying exemption applications - denial of exemption - administrative remedies.

(2) (a) An applicant whose exemption application has been denied pursuant to paragraph (b) of subsection (1) of this section may contest the denial by requesting a hearing before the county commissioners sitting as the county board of equalization **NO LATER THAN SEPTEMBER 15 OF THE PROPERTY TAX YEAR FOR WHICH THE EXEMPTION APPLICATION WAS FILED.** The hearing shall be held on or after September 1 and no later than October 1 of the property tax year for which the exemption application was filed and the decision of the county board of equalization shall not be subject to further administrative appeal by either the applicant or the assessor.

(b) THE COUNTY BOARD OF EQUALIZATION MAY APPOINT INDEPENDENT REFEREES TO CONDUCT HEARINGS REQUESTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) ON BEHALF OF THE COUNTY BOARD AND TO MAKE FINDINGS AND SUBMIT RECOMMENDATIONS TO THE COUNTY BOARD FOR ITS FINAL ACTION.

SECTION 2. The introductory portion to section 39-3-207 (1), Colorado Revised Statutes, is amended to read:

39-3-207. Reporting of exemptions - reimbursement to local governmental entities. (1) No later than ~~October 5, 2002~~ **OCTOBER 10, 2002**, and no later than each ~~October 5~~ **OCTOBER 10** thereafter, each assessor shall forward to the administrator a report on the exemptions allowed in his or her county for the current

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

property tax year. The report shall include:

SECTION 3. 39-5-132 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

39-5-132. Assessment and taxation of new construction. (2) (c) IF THE NEWLY CONSTRUCTED TAXABLE BUILDING IS A RESIDENTIAL UNIT, THE ASSESSMENT PERCENTAGE TO BE APPLIED TO THE LAND UNDERLYING SUCH BUILDING SHALL BE BASED ON A RESIDENTIAL CLASSIFICATION OF THE LAND. IF THE LAND UNDERLYING SUCH BUILDING WAS CLASSIFIED AS VACANT LAND, THE CLASSIFICATION SHALL BE CHANGED TO RESIDENTIAL ON THE ABSTRACT OF ASSESSMENT FOR THE TAX YEAR IN WHICH THE ASSESSOR ADDED THE VALUATION OF THE NEWLY TAXABLE RESIDENTIAL BUILDING TO THE ABSTRACT FOR ASSESSMENT.

SECTION 4. The introductory portion to 39-8-108 (5), Colorado Revised Statutes, is amended, and the said 39-8-108 (5) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

39-8-108. Decision - review - opportunity to submit case to arbitration. (5) In any appeal authorized by this section or by ~~section 39-10-114~~ SECTION 39-5-122, 39-5-122.7, OR 39-10-114:

(e) IN USING THE MARKET APPROACH TO DETERMINE THE VALUE OF RESIDENTIAL REAL PROPERTY, IF THE ASSESSOR HAS KNOWLEDGE OF THE CONVERSION FROM ONE RESIDENTIAL USE TO A DIFFERENT RESIDENTIAL USE, SUCH CONVERSION SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE SALE OF SUCH PROPERTY IS NOT A COMPARABLE SALE FOR PURPOSES OF ESTABLISHING THE VALUE OF A PROPERTY HAVING A SIMILAR PRIOR RESIDENTIAL USE.

SECTION 5. 39-8-109, Colorado Revised Statutes, is amended to read:

39-8-109. Effects of board of assessment appeals or district court decision. If upon appeal the appellant is sustained, in whole or in part, then, upon presentation to the treasurer of a certified copy of the order or judgment of the board of assessment appeals or district court, as the case may be, modifying the valuation for assessment of ~~his~~ THE property, ~~he~~ THE APPELLANT shall forthwith receive the appropriate refund of taxes and delinquent interest thereon, together with refund interest at the same rate as delinquent interest as specified in section 39-10-104.5, and a refund of costs in said court or board of assessment appeals, as the case may be, including the fees of ~~his~~ THE APPELLANT'S witnesses, in such amount as may be fixed by the court or board of assessment appeals, as the case may be. Such refund interest shall only accrue from the date on which payment of taxes and delinquent interest thereon was received by the treasurer. ~~from the appellant.~~ SUCH REFUND SHALL BE PAID TO THE APPELLANT EVEN IF THE APPELLANT IS NOT THE CURRENT OWNER OF THE PROPERTY. If the order or judgment of either such court or board of assessment appeals is for the county, then the county shall recover costs from the appellant in such amount as may be fixed by the court or board of assessment appeals, as the case may be.

SECTION 6. 39-10-114 (1) (b), Colorado Revised Statutes, is amended to read:

39-10-114. Abatement, cancellation of taxes. (1) (b) Any taxes illegally or

erroneously levied and collected, and delinquent interest thereon, shall be refunded pursuant to this section, together with refund interest at the same rate as that provided for delinquent interest set forth in section 39-10-104.5; EXCEPT THAT REFUND INTEREST SHALL NOT BE PAID IF THE TAXES WERE ERRONEOUSLY LEVIED AND COLLECTED AS A RESULT OF AN ERROR MADE BY THE TAXPAYER IN COMPLETING PERSONAL PROPERTY SCHEDULES PURSUANT TO THE PROVISIONS OF ARTICLE 5 OF THIS TITLE. Said refund interest shall accrue only from the date payment of taxes and delinquent interest thereon was received by the treasurer from the taxpayer. Refund interest on abatements or refunds made pursuant to sub-subparagraph (F) of subparagraph (I) of paragraph (a) of this subsection (1) shall only accrue on taxes paid for the two latest years of illegal or erroneous assessment.

SECTION 7. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to property tax protests and appeals that are filed on or after the applicable effective date of this act.

Approved: May 30, 2002