

CHAPTER 162

**GOVERNMENT - COUNTY**

HOUSE BILL 09-1110

BY REPRESENTATIVE(S) Scanlan, Liston;  
also SENATOR(S) Gibbs.

**AN ACT**

**CONCERNING INFORMATION REQUIRED TO BE PROVIDED TO THE COUNTY ASSESSOR UPON REQUEST IN CONNECTION WITH ANY ADVERTISEMENT FOR THE RENTAL OF FURNISHED RESIDENTIAL REAL PROPERTY WITHIN THE STATE.**

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

**SECTION 1.** Part 1 of article 5 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**39-5-108.5. Furnished residential real property rental advertisements - information to be provided to the assessor - legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) EACH ASSESSOR IS REQUIRED BY LAW TO DISCOVER AND ASSESS TAXABLE PERSONAL PROPERTY IN THE ASSESSOR'S COUNTY AND TO PROVIDE EACH PERSON KNOWN OR BELIEVED TO OWN TAXABLE PERSONAL PROPERTY IN THE COUNTY WITH A PERSONAL PROPERTY SCHEDULE;

(b) EACH OWNER OF TAXABLE PERSONAL PROPERTY IS REQUIRED BY LAW TO LIST THE OWNER'S TAXABLE PERSONAL PROPERTY ON THE PERSONAL PROPERTY SCHEDULE, AND THE RECEIPT OF A PERSONAL PROPERTY SCHEDULE FROM THE ASSESSOR PROVIDES NOTICE TO A PROPERTY OWNER THAT THE PROPERTY OWNER MAY OWN TAXABLE PERSONAL PROPERTY, WHICH HELPS TO ENSURE THAT:

- (I) MORE PROPERTY OWNERS COMPLY WITH STATE PROPERTY TAX LAWS;
- (II) THE PROPERTY TAX BURDEN IS MORE FAIRLY DISTRIBUTED; AND
- (III) THE AMOUNT OF PROPERTY TAX REVENUES LOST BY LOCAL GOVERNMENTS

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

DUE TO PROPERTY OWNERS' LACK OF KNOWLEDGE REGARDING THE TAXABLE STATUS OF CERTAIN PERSONAL PROPERTY IS MINIMIZED;

(c) PERSONAL PROPERTY THAT IS USED TO FURNISH RESIDENTIAL REAL PROPERTY IS EXEMPT FROM PROPERTY TAXATION SO LONG AS IT IS NOT USED FOR THE PRODUCTION OF INCOME AT ANY TIME, BUT GENERALLY BECOMES SUBJECT TO TAXATION IF THE RESIDENTIAL REAL PROPERTY IS OFFERED FOR RENT ON A FURNISHED BASIS OR OTHERWISE USED FOR BUSINESS PURPOSES;

(d) IN CERTAIN AREAS OF THE STATE, A HIGH PROPORTION OF RESIDENTIAL REAL PROPERTY IS ADVERTISED FOR RENT ON A FURNISHED BASIS DIRECTLY BY PROPERTY OWNERS OR BY REAL ESTATE AGENTS, PROPERTY MANAGEMENT COMPANIES, LODGING COMPANIES, AND INTERNET AND PRINT-BASED LISTING SERVICES THAT ACT AS AGENTS FOR MULTIPLE PROPERTY OWNERS AND ADVERTISE MULTIPLE PROPERTIES FOR RENT, AND BECAUSE THE ADVERTISEMENTS TYPICALLY DO NOT PRECISELY IDENTIFY THE PROPERTY OFFERED FOR RENT BY ADDRESS OR THE OWNER'S NAME:

(I) IT IS DIFFICULT FOR EACH ASSESSOR TO ACCURATELY IDENTIFY WHICH PARCELS OF FURNISHED RESIDENTIAL REAL PROPERTY ARE BEING OFFERED FOR RENT AND TO WHICH OWNERS OF FURNISHED RESIDENTIAL REAL PROPERTY THE ASSESSOR SHOULD PROVIDE PERSONAL PROPERTY SCHEDULES; AND

(II) THIS DIFFICULTY IMPAIRS THE FAIRNESS AND EFFICIENCY OF THE PROPERTY TAX SYSTEM AND REDUCES PROPERTY TAX COLLECTIONS BY MAKING IT MORE LIKELY THAT OWNERS OF FURNISHED RESIDENTIAL REAL PROPERTY RENTED TO OTHERS WILL, IN SOME CASES DELIBERATELY AND IN MANY OTHER CASES DUE TO A LACK OF NOTICE REGARDING STATE PROPERTY TAX LAWS, FAIL TO PAY PROPERTY TAXES DUE ON PERSONAL PROPERTY USED TO FURNISH THE RESIDENTIAL REAL PROPERTY; AND

(e) IT IS THEREFORE NECESSARY AND APPROPRIATE TO REQUIRE THE OWNER OF FURNISHED RESIDENTIAL REAL PROPERTY OR AN AGENT OF THE OWNER WHO ADVERTISES THE PROPERTY FOR RENT TO PROVIDE IDENTIFYING INFORMATION REGARDING THE PROPERTY TO THE ASSESSOR OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED UPON THE REQUEST OF THE ASSESSOR MADE NO MORE THAN TWICE DURING ANY YEAR AS SPECIFIED IN THIS SECTION OR AS MUTUALLY AGREED TO BY THE ASSESSOR AND THE OWNER OR AGENT PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

(2) (a) UPON THE REQUEST OF THE ASSESSOR OF ANY COUNTY OR CITY AND COUNTY MADE NO MORE THAN TWICE DURING ANY YEAR:

(I) A PROPERTY OWNER WHO ADVERTISES FOR RENT FURNISHED RESIDENTIAL REAL PROPERTY THAT IS LOCATED WITHIN THE COUNTY OR CITY AND COUNTY SHALL PROVIDE TO THE ASSESSOR A LIST THAT IDENTIFIES EACH PROPERTY SO ADVERTISED BY ADDRESS; AND

(II) AN AGENT WHO ADVERTISES FOR RENT ON BEHALF OF A PROPERTY OWNER FURNISHED RESIDENTIAL REAL PROPERTY THAT IS LOCATED WITHIN THE COUNTY OR CITY AND COUNTY SHALL PROVIDE TO THE ASSESSOR A LIST THAT IDENTIFIES EACH PROPERTY SO ADVERTISED BY OWNER AND ADDRESS.

(b) AN ASSESSOR AND A PROPERTY OWNER OR AGENT MAY MUTUALLY AGREE THAT THE OWNER OR AGENT SHALL ANNUALLY PROVIDE TO THE ASSESSOR BY A SPECIFIED DATE THE INFORMATION THAT AN ASSESSOR MAY REQUIRE TO BE PROVIDED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2).

(3) FOR PURPOSES OF THIS SECTION, "AGENT" MEANS A REAL ESTATE BROKER, AS DEFINED IN SECTION 12-61-101 (2) (a), C.R.S., A PROPERTY MANAGEMENT COMPANY, A LODGING COMPANY, AN INTERNET WEB SITE LISTING SERVICE, A PRINT-BASED LISTING SERVICE, OR ANY OTHER PERSON THAT EITHER SEPARATELY OR AS PART OF A PACKAGE OF SERVICES ADVERTISES FURNISHED RESIDENTIAL REAL PROPERTY IN THE STATE FOR RENT ON BEHALF OF THE OWNER OF THE PROPERTY IN EXCHANGE FOR COMPENSATION.

**SECTION 2.** 39-5-125 (1), Colorado Revised Statutes, is amended, and the said 39-5-125 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**39-5-125. Omission - correction of errors.** (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, whenever it is discovered that any taxable property has been omitted from the assessment roll of any year or series of years, the assessor shall immediately determine the value of such omitted property and shall list the same on the assessment roll of the year in which the discovery was made and shall notify the treasurer of any unpaid taxes on such property for prior years.

(3) IF TAXABLE PERSONAL PROPERTY THAT HAS BEEN OMITTED FROM THE ASSESSMENT ROLL OF ANY YEAR OR SERIES OF YEARS IS DISCOVERED DUE TO A PROPERTY OWNER OR AN AGENT OF A PROPERTY OWNER WHO ADVERTISES FOR RENT FURNISHED RESIDENTIAL REAL PROPERTY PROVIDING INFORMATION TO THE ASSESSOR PURSUANT TO SECTION 39-5-108.5 (2), THE ASSESSOR SHALL NOT NOTIFY THE TREASURER OF ANY UNPAID TAXES ON THE TAXABLE PERSONAL PROPERTY FOR PRIOR YEARS AND THE PROPERTY OWNER OR AGENT SHALL NOT BE LIABLE FOR ANY SUCH UNPAID TAXES FOR PRIOR YEARS.

**SECTION 3. Act subject to petition - effective date.** 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, (August 5, 2009, if adjournment sine die is on May 6, 2009); 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.

Approved: April 22, 2009