Colorado Revised Statutes 2021

TITLE 39

TAXATION

PROPERTY TAX

General and Administrative

Editor's note: Articles 1 to 4, part 1 of article 5, and articles 6 to 12 of this title were numbered as articles 1 to 12 of chapter 137, C.R.S. 1963. These articles and part 1 were repealed and reenacted in 1964, resulting in the addition, relocation, or elimination of sections as well as subject matter. For amendments to these articles and part 1 prior to 1964, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

ARTICLE 1

General Provisions

Cross references: For the constitutional provisions establishing the maximum rate of taxation on property, see § 11 of article X of the state constitution; for the constitutional provision that establishes limitations on spending, the imposition of taxes, and the incurring of debt, see § 20 of article X of the state constitution.

39-1-101. Legislative declaration. The general assembly declares that its purpose in enacting articles 1 to 13 of this title is to exercise the authority granted in section 3 of article X of the state constitution wherein it is provided, among other things, that "the actual value of all real and personal property not exempt from taxation under this article shall be determined under general laws, which shall prescribe such methods and regulations as shall secure just and equalized valuations for assessment of all real and personal property not exempt from taxation under this article". It further declares that it intends to fix the percentage of such determined actual value at which all such property shall be assessed for taxation. It further declares that the actual value of certain classes of real property may not be able to be determined after appropriate consideration of the three approaches to value; therefore, it is incumbent upon the general assembly to provide for a means to determine the actual value of such taxable property, and, to effect this result, the general assembly hereby finds and declares that, when appropriate consideration of the three approaches to value fails to derive an actual value for such property, the actual value of such property shall be determined by comparison of the surface use of such property to property with a similar surface use. It further declares that the actual value of nonproducing oil, gas, and oil and gas mineral interests shall be determined by the income

approach capitalizing annual net rental income at an appropriate market rate. To these ends, the provisions of said articles shall be strictly construed.

Source: L. 64: R&RE, p. 675, § 1. **C.R.S. 1963:** § 137-1-2. **L. 83:** Entire section amended, p. 1480, § 1, effective April 22. **L. 85:** Entire section amended, p. 1209, § 1, effective May 9.

39-1-101.5. Legislative declaration - taxpayer rights. The general assembly hereby finds and declares that section 3 of article X of the state constitution was approved in 1982 by the voters of Colorado in order to ensure the fair and uniform valuation for assessment of real and personal property located in Colorado; that, since the adoption of said constitutional amendment, the property tax system in Colorado has developed into an impersonal system which is more concerned with the mechanisms to levy and collect such property tax than with the fair and courteous treatment of the owners of real and personal property who pay such tax; that the purpose of the property tax system is to raise revenues to be used for purposes which benefit the citizens of Colorado, including such property owners; that property owners accept their civic responsibility to pay their fair share of taxes to be used for such purposes; that all levels of government involved in the property tax system should recognize that they exist to serve their citizens; and that the owners of real and personal property should be accorded the respect and courtesy which they deserve and should be provided such services which are necessary to assist them in complying with the property tax laws of this state.

Source: L. 88: Entire section added, p. 1276, § 1, effective January 1, 1989.

39-1-102. Definitions. As used in articles 1 to 13 of this title 39, unless the context otherwise requires:

(1) "Administrator" means the property tax administrator.

(1.1) "Agricultural and livestock products" means plant or animal products in a raw or unprocessed state that are derived from the science and art of agriculture, regardless of the use of the product after its sale and regardless of the entity that purchases the product. "Agriculture", for the purposes of this subsection (1.1), means farming, ranching, animal husbandry, and horticulture.

(1.3) "Agricultural equipment which is used on the farm or ranch in the production of agricultural products":

(a) Means any personal property used on a farm or ranch, as defined in subsections (3.5) and (13.5) of this section, for planting, growing, and harvesting agricultural products or for raising or breeding livestock for the primary purpose of obtaining a monetary profit; and

(b) Includes:

(I) Any mechanical system used on the farm or ranch for the conveyance and storage of animal products in a raw or unprocessed state, regardless of whether or not such mechanical system is affixed to real property; and

(II) Silviculture personal property that is designed, adapted, and used for the planting, growing, maintenance, or harvesting of trees in a raw or unprocessed state.

(1.6) (a) "Agricultural land", whether used by the owner of the land or a lessee, means one of the following:

(I) (A) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is zoned, that was used the previous two years and presently is used as a farm or ranch, as defined in subsections (3.5) and (13.5) of this section, or that is in the process of being restored through conservation practices. Such land must have been classified or eligible for classification as "agricultural land", consistent with this subsection (1.6), during the ten years preceding the year of assessment. Such land must continue to have actual agricultural use. "Agricultural land" under this subparagraph (I) shall not include two acres or less of land on which a residential improvement is located unless the improvement is integral to an agricultural operation conducted on such land. "Agricultural land" also includes the land underlying other improvements if such improvements are an integral part of the farm or ranch and if such other improvements and the land area dedicated to such other improvements are typically used as an ancillary part of the operation. The use of a portion of such land for hunting, fishing, or other wildlife purposes, for monetary profit or otherwise, shall not affect the classification of agricultural land. For purposes of this subparagraph (I), a parcel of land shall be "in the process of being restored through conservation practices" if: The land has been placed in a conservation reserve program established by the natural resources conservation service pursuant to 7 U.S.C. secs. 1 to 5506; or a conservation plan approved by the appropriate conservation district has been implemented for the land for up to a period of ten crop years as if the land has been placed in such a conservation reserve program.

(B) A residential improvement shall be deemed to be "integral to an agricultural operation" for purposes of sub-subparagraph (A) of this subparagraph (I) if an individual occupying the residential improvement either regularly conducts, supervises, or administers material aspects of the agricultural operation or is the spouse or a parent, grandparent, sibling, or child of the individual.

(II) A parcel of land that consists of at least forty acres, that is forest land, that is used to produce tangible wood products that originate from the productivity of such land for the primary purpose of obtaining a monetary profit, that is subject to a forest management plan, and that is not a farm or ranch, as defined in subsections (3.5) and (13.5) of this section. "Agricultural land" under this subparagraph (II) includes land underlying any residential improvement located on such agricultural land.

(III) A parcel of land that consists of at least eighty acres, or of less than eighty acres if such parcel does not contain any residential improvements, and that is subject to a perpetual conservation easement, if such land was classified by the assessor as agricultural land under subparagraph (I) or (II) of this paragraph (a) at the time such easement was granted, if the grant of the easement was to a qualified organization, if the easement was granted exclusively for conservation purposes, and if all current and contemplated future uses of the land are described in the conservation easement. "Agricultural land" under this subparagraph (III) does not include any portion of such land that is actually used for nonagricultural commercial or nonagricultural residential purposes.

(IV) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is zoned, used as a farm or ranch, as defined in subsections (3.5) and (13.5) of this section, if the owner of the land has a decreed right to appropriated water granted in accordance with article 92 of title 37, C.R.S., or a final permit to appropriated groundwater granted in accordance with article 90 of title 37, C.R.S., for purposes

other than residential purposes, and water appropriated under such right or permit shall be and is used for the production of agricultural or livestock products on such land;

(V) A parcel of land, whether located in an incorporated or unincorporated area and regardless of the uses for which such land is zoned, that has been reclassified from agricultural land to a classification other than agricultural land and that met the definition of agricultural land as set forth in subparagraphs (I) to (IV) of this paragraph (a) during the three years before the year of assessment. For purposes of this subparagraph (V), the parcel of land need not have been classified or eligible for classification as agricultural land during the ten years preceding the year of assessment as required by subparagraph (I) of this paragraph (a).

(b) (I) Except as provided in subparagraph (II) of this paragraph (b), all other agricultural property that does not meet the definition set forth in paragraph (a) of this subsection (1.6) shall be classified as all other property and shall be valued using appropriate consideration of the three approaches to appraisal based on its actual use on the assessment date.

(II) On and after January 1, 2015, "all other agricultural property" includes greenhouse and nursery production areas used to grow food products, agricultural products, or horticultural stock for wholesale purposes only that originate above the ground.

(c) An assessor must determine, based on sufficient evidence, that a parcel of land does not qualify as agricultural land, as defined in subparagraph (IV) of paragraph (a) of this subsection (1.6), before land may be changed from agricultural land to any other classification.

(d) Notwithstanding any other provision of law to the contrary, property that is used solely for the cultivation of medical marijuana shall not be classified as agricultural land.

(2) "Assessor" means the elected assessor of a county, or his or her appointed successor, and, in the case of the city and county of Denver, such equivalent officer as may be provided by its charter, and, in the case of the city and county of Broomfield, such equivalent officer as may be provided by its charter or code.

(2.5) "Bed and breakfast" means an overnight lodging establishment, whether owned by a natural person or any legal entity, that is a residential dwelling unit or an appurtenance thereto, in which the innkeeper resides, or that is a building designed but not necessarily occupied as a single family residence that is next to, or directly across the street from, the innkeeper's residence, and in either circumstance, in which:

(a) Lodging accommodations are provided for a fee;

(b) At least one meal per day is provided at no charge other than the fee for the lodging accommodations; and

(c) There are not more than thirteen sleeping rooms available for transient guests.

(3) "Board" means the board of assessment appeals.

(3.1) "Commercial lodging area" means a guest room or a private or shared bathroom within a bed and breakfast that is offered for the exclusive use of paying guests on a nightly or weekly basis. Classification of a guest room or a bathroom as a "commercial lodging area" shall be based on whether at any time during a year such rooms are offered by an innkeeper as nightly or weekly lodging to guests for a fee. Classification shall not be based on the number of days that such rooms are actually occupied by paying guests.

(3.2) "Conservation purpose" means any of the following purposes as set forth in section 170 (h) of the federal "Internal Revenue Code of 1986", as amended:

(a) The preservation of land areas for outdoor recreation, the education of the public, or the protection of a relatively natural habitat for fish, wildlife, plants, or similar ecosystems; or

(b) The preservation of open space, including farmland and forest land, where such preservation is for the scenic enjoyment of the public or is pursuant to a clearly delineated federal, state, or local government conservation policy and where such preservation will yield a significant public benefit.

(3.5) "Farm" means a parcel of land which is used to produce agricultural products that originate from the land's productivity for the primary purpose of obtaining a monetary profit.

(3.7) "Fee simple estate" means the largest possible estate allowed by law, an estate that has potentially infinite duration.

(4) "Fixtures" means those articles which, although once movable chattels, have become an accessory to and a part of real property by having been physically incorporated therein or annexed or affixed thereto. "Fixtures" includes systems for the heating, air conditioning, ventilation, sanitation, lighting, and plumbing of such building. "Fixtures" does not include machinery, equipment, or other articles related to a commercial or industrial operation which are affixed to the real property for proper utilization of such articles. In addition, for property tax purposes only, "fixtures" does not include security devices and systems affixed to any residential improvements, including but not limited to security doors, security bars, and alarm systems.

(4.3) "Forest land" means land of which at least ten percent is stocked by forest trees of any size and includes land that formerly had such tree cover and that will be naturally or artificially regenerated. "Forest land" includes roadside, streamside, and shelterbelt strips of timber which have a crown width of at least one hundred twenty feet. "Forest land" includes unimproved roads and trails, streams, and clearings which are less than one hundred twenty feet wide.

(4.4) "Forest management plan" means an agreement which includes a plan to aid the owner of forest land in increasing the health, vigor, and beauty of such forest land through use of forest management practices and which has been either executed between the owner of forest land and the Colorado state forest service or executed between the owner of forest land and a professional forester and has been reviewed and has received a favorable recommendation from the Colorado state forest service. The Colorado forest service shall annually inspect each parcel of land subject to a forest management plan to determine if the terms and conditions of such plan are being complied with and shall report by March 1 of each year to the assessor in each affected county the legal descriptions of the properties and the names of their owners that are eligible for the agricultural classification. The report shall also contain the legal descriptions of those properties and the names of their owners that no longer qualify for the agricultural classification because of noncompliance with their forest management plans. No property shall be entitled to the agricultural classification unless the legal description and the name of the owner appear on the report submitted by the Colorado state forest service. The Colorado state forest service shall charge a fee for the inspection of each parcel of land in such amount for the reasonable costs incurred by the Colorado state forest service in conducting such inspections. Such fee shall be paid by the owner of such land prior to such inspection. Any fees collected pursuant to this subsection (4.4) shall be subject to annual appropriation by the general assembly.

(4.5) "Forest management practices" means practices accepted by professional foresters which control forest establishment, composition, density, and growth for the purpose of producing forest products and associated amenities following sound business methods and technical forestry principles.

(4.6) "Forest trees" means woody plants which have a well-developed stem or stems, which are usually more than twelve feet in height at maturity, and which have a generally well-defined crown.

(5) Repealed.

(5.5) (a) "Hotels and motels" means improvements and the land associated with such improvements that are used by a business establishment primarily to provide lodging, camping, or personal care or health facilities to the general public and that are predominantly used on an overnight or weekly basis; except that "hotels and motels" does not include:

(I) A residential unit, except for a residential unit that is a hotel unit;

(II) A residential unit that would otherwise be classified as a hotel unit if the residential unit is held as inventory by a developer primarily for sale to customers in the ordinary course of the developer's trade or business, is marketed for sale by the developer, and either has been held by the developer for less than two years since the certificate of occupancy for the residential unit has been issued or is not depreciated under the internal revenue code, as defined in section 39-22-103 (5.3), while owned by the developer; or

(III) A residential unit that would otherwise be classified as a hotel unit if the residential unit has been acquired by a lender or an owners' association through foreclosure, a deed in lieu of foreclosure, or a similar transaction, is marketed for sale by the lender or owners' association and is not depreciated under the internal revenue code, as defined in section 39-22-103 (5.3), while owned by the lender or owners' association.

(IV) Repealed.

(b) If any time share estate, time share use period, undivided interest, or other partial ownership interest in any hotel unit is owned by any non-hotel unit owner, then, unless a declaration or other express agreement binding on the non-hotel unit owners and the hotel unit owners provides otherwise:

(I) The hotel unit owners shall pay the taxes on the hotel unit not required to be paid by the non-hotel unit owners pursuant to subparagraph (II) of this paragraph (b).

(II) Each non-hotel unit owner shall pay that portion of the taxes on the hotel unit equal to the non-hotel unit owner's ownership or usage percentage of the hotel unit multiplied by the property tax that would have been levied on the hotel unit if the actual value and valuation for assessment of the hotel unit had been determined as if the hotel unit was residential real property.

(III) For purposes of determining the amount due from any hotel unit owner or non-hotel unit owner pursuant to subparagraph (II) of this paragraph (b), the assessor shall, upon the request of any hotel unit owner or non-hotel unit owner, calculate the property tax that would have been levied on the hotel unit if the actual value and valuation for assessment of the hotel unit had been determined as if the hotel unit were residential real property. A hotel unit owner or non-hotel unit owner may petition the county board of equalization for review of the assessor's calculation pursuant to the procedures set forth in section 39-10-114. Any appeal from the decision of the county board shall be governed by section 39-10-114.5.

(c) As used in this subsection (5.5):

(I) "Condominium unit" means a unit, as defined in section 38-33.3-103 (30), C.R.S., and also includes a time share unit.

(II) "Hotel unit owners" means any person or member of a group of related persons whose ownership and use of a residential unit cause the residential unit to be classified as a hotel unit.

(III) "Hotel units" means more than four residential unit ownership equivalents in a project that are owned, in whole or in part, directly, or indirectly through one or more intermediate entities, by one person or by a group of related persons if the person or group of related persons uses the residential units or parts thereof in connection with a business establishment primarily to provide lodging, camping, or personal care or health facilities to the general public predominantly on an overnight or weekly basis. "Hotel unit" means any residential unit included in hotel units. For purposes of this subparagraph (III):

(A) "Control" means the power to direct the business or affairs of an entity through direct or indirect ownership of stock, partnership interests, membership interests, or other forms of beneficial interests.

(B) "Related persons" means individuals who are members of the same family, including only spouses and minor children, or persons who control, are controlled by, or are under common control with each other. Persons are not related persons solely because they engage a common agent to manage or rent their residential units, they are members of an owners' association or similar group, they enter into a tenancy in common or a similar agreement with respect to undivided interests in a residential unit, or any combination of the foregoing.

(IV) "Project" means one or more improvements that contain residential units if the boundaries of the residential units are described in or determined by the same declaration, as defined in section 38-33.3-103 (13), C.R.S.

(V) "Residential unit" means a condominium unit, a single family residence, or a townhome.

(VI) "Non-hotel unit owner" means any owner of a time share estate, time share use period, undivided interest, or other partial ownership interest in any hotel unit who is not a hotel unit owner with respect to the hotel unit.

(VII) "Residential unit ownership equivalent" means:

(A) In the case of time share units, time share interests or time share use periods in one or more time share units that in the aggregate entitle the owner of such time share interests or time share use periods to three hundred sixty-five days of use in any calendar year or three hundred sixty-six days of use in any calendar year that is a leap year; and

(B) In the case of residential units other than time share units, undivided interests or other ownership interests in one or more such residential units that total one hundred percent. For purposes of this sub-subparagraph (B), any undivided interest or other ownership interest not stated in terms of a percentage of total ownership shall be converted to a percentage of total ownership based on the rights accorded to the holder of the undivided interest or other ownership interest.

(VIII) "Time share unit" means a condominium unit that is divided into time share estates as defined in section 38-33-110 (5) or that is subject to a time share use as defined in section 12-10-501 (4).

(5.6) "Hotels and motels" as defined in subsection (5.5) of this section shall not include bed and breakfasts.

(6) "Household furnishings" means that personal property, other than fixtures, in residential structures and buildings which is not used for the production of income at any time.

(6.3) "Improvements" means all structures, buildings, fixtures, fences, and water rights erected upon or affixed to land, whether or not title to such land has been acquired.

(6.8) "Independently owned residential solar electric generation facility" means personal property that:

(a) Is located on residential real property;

(b) Is owned by a person other than the owner of the residential real property;

(c) Is installed on the customer's side of the meter;

(d) Is used to produce electricity from solar energy primarily for use in the residential improvements located on the residential real property; and

(e) Has a production capacity of no more than one hundred kilowatts.

(7) (Deleted by amendment, L. 2010, (HB 10-1267), ch. 425, p. 2198, § 1, effective August 11, 2010.)

(7.1) "Innkeeper" means the owner, operator, or manager of a bed and breakfast.

(7.2) "Inventories of merchandise and materials and supplies which are held for consumption by a business or are held primarily for sale" means those classes of personal property which are held primarily for sale by a business, farm, or ranch, including components of personal property to be held for sale, or which are held for consumption by a business, farm, or ranch, or which are rented for thirty days or less. For the purposes of this subsection (7.2), "personal property rented for thirty days or less" means personal property rented for thirty days or less which can be returned at the option of the person renting the property, in a transaction on which the sales or use tax is actually collected before being finally sold, whether or not such personal property is subject to depreciation. It is the purpose of the general assembly to exempt "personal property rented for thirty days or less" from property tax because of the similarity of such property to inventories of merchandise held by retail stores. Further, the general assembly intends this exemption to encompass a transaction under a rental agreement in which the customer pays rent in order to use an item for a brief period of time; it is not intended to encompass an equipment lease contract covering a specific period of time and which includes financial penalties for early cancellation. Except for "personal property rented for thirty days or less", the term "inventories of merchandise and materials and supplies which are held for consumption by a business or are held primarily for sale" does not include personal property which is held for rent or lease or is subject to an allowance for depreciation. For property tax years commencing on or after January 1, 1984, the term does include inventory which is owned by and which is in the possession of the manufacturer of such inventory unless:

(a) Such inventory is in the possession of the manufacturer after having previously been leased by the manufacturer to a customer; and

(b) Such manufacturer has not designated such inventory for scrapping, substantial reconditioning, renovating, or remanufacturing in accordance with its customary practices. For the purposes of this paragraph (b), normal maintenance shall not constitute substantial reconditioning, renovating, or remanufacturing.

(7.5) Repealed.

(7.7) "Livestock" includes all animals.

(7.8) "Manufactured home" means any preconstructed building unit or combination of preconstructed building units that:

(a) Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the residential site of the completed home;

(b) Is designed and used for residential occupancy in either temporary or permanent locations;

(c) Is constructed in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. sec. 5401 et seq., as amended;

(d) Does not have motive power;

(e) Is not licensed as a vehicle; and

(f) Is eligible for a certificate of title pursuant to part 1 of article 29 of title 38, C.R.S.

(7.9) "Minerals in place" means, without exception, metallic and nonmetallic mineral substances of every kind while in the ground.

(8) "Mobile home" means a manufactured home built prior to the adoption of the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. sec. 5401 et seq., as amended.

(8.3) "Modular home" means any preconstructed factory-built building that:

(a) Is ineligible for a certificate of title pursuant to part 1 of article 29 of title 38, C.R.S.;

(b) Is not constructed in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. sec. 5401 et seq., as amended; and

(c) Is constructed in compliance with building codes adopted by the division of housing in the department of local affairs.

(8.4) "Natural cause" means fire, explosion, flood, tornado, action of the elements, act of war or terror, or similar cause beyond the control of and not caused by the party holding title to the property destroyed.

(8.5) "Not for private gain or corporate profit" means the ownership and use of property whereby no person with any connection to the owner thereof shall receive any pecuniary benefit except for reasonable compensation for services rendered and any excess income over expenses derived from the operation or use of the property and all proceeds from the sale of the property of the owner shall be devoted to the furthering of any exempt purpose.

(8.7) "Perpetual conservation easement" means a conservation easement in gross, as described in article 30.5 of title 38, C.R.S., that qualifies as a perpetual conservation restriction pursuant to section 170 (h) of the federal "Internal Revenue Code of 1986", as amended, and any regulations issued thereunder.

(9) "Person" means natural persons, corporations, partnerships, limited liability companies, associations, and other legal entities which are or may become taxpayers by reason of the ownership of taxable real or personal property.

(10) "Personal effects" means such personal property as is or may be worn or carried on or about the person, and such personal property as is usually associated with the person or customarily used in personal hobby, sporting, or recreational activities and which is not used for the production of income at any time.

(11) "Personal property" means everything that is the subject of ownership and that is not included within the term "real property". "Personal property" includes machinery, equipment, and other articles related to a commercial or industrial operation that are either affixed or not affixed to the real property for proper utilization of such articles. Except as otherwise specified in articles 1 to 13 of this title, any pipeline, telecommunications line, utility line, cable television line, or other similar business asset or article installed through an easement, right-of-way, or leasehold for the purpose of commercial or industrial operation and not for the enhancement of real property shall be deemed to be personal property, including, without

limitation, oil and gas distribution and transmission pipelines, gathering system pipelines, flow lines, process lines, and related water pipeline collection, transportation, and distribution systems. Structures and other buildings installed on an easement, right-of-way, or leasehold that are not specifically referenced in this subsection (11) shall be deemed to be improvements pursuant to subsection (6.3) of this section.

(12) "Political subdivision" means any entity of government authorized by law to impose ad valorem taxes on taxable property located within its territorial limits.

(12.1) Repealed.

(12.3) and (12.4) Repealed.

(12.5) "Professional forester" means any person who has received a bachelor's or higher degree from an accredited school of forestry.

(13) "Property" means both real and personal property.

(13.2) "Qualified organization" means a qualified organization as defined in section 170 (h)(3) of the federal "Internal Revenue Code of 1986", as amended.

(13.5) "Ranch" means a parcel of land which is used for grazing livestock for the primary purpose of obtaining a monetary profit. For the purposes of this subsection (13.5), "livestock" means domestic animals which are used for food for human or animal consumption, breeding, draft, or profit.

(14) "Real property" means:

(a) All lands or interests in lands to which title or the right of title has been acquired from the government of the United States or from sovereign authority ratified by treaties entered into by the United States, or from the state;

(b) All mines, quarries, and minerals in and under the land, and all rights and privileges thereunto appertaining; and

(c) Improvements.

(14.3) "Residential improvements" means a building, or that portion of a building, designed for use predominantly as a place of residency by a person, a family, or families. The term includes buildings, structures, fixtures, fences, amenities, and water rights that are an integral part of the residential use. The term also includes a manufactured home as defined in subsection (7.8) of this section, a mobile home as defined in subsection (8) of this section, and a modular home as defined in subsection (8.3) of this section.

(14.4) (a) (I) "Residential land" means a parcel of land upon which residential improvements are located. The term also includes:

(A) Land upon which residential improvements were destroyed by natural cause after the date of the last assessment as established in section 39-1-104 (10.2);

(B) Two acres or less of land on which a residential improvement is located where the improvement is not integral to an agricultural operation conducted on such land; and

(C) A parcel of land without a residential improvement located thereon, if the parcel is contiguous to a parcel of residential land that has identical ownership based on the record title and contains a related improvement that is essential to the use of the residential improvement located on the identically owned contiguous residential land.

(II) "Residential land" does not include any portion of the land that is used for any purpose that would cause the land to be otherwise classified, except as provided for in section 39-1-103 (10.5).

(III) As used in this subsection (14.4):

(A) "Contiguous" means that the parcels physically touch; except that contiguity is not interrupted by an intervening local street, alley, or common element in a common-interest community.

(B) "Related improvement" means a driveway, parking space, or improvement other than a building, or that portion of a building designed for use predominantly as a place of residency by a person, a family, or families.

(b) (I) Notwithstanding section 39-1-103 (5)(c) and except as provided in subparagraph (II) of this paragraph (b), when residential improvements are destroyed, demolished, or relocated as a result of a natural cause on or after January 1, 2010, that, were it not for their destruction, demolition, or relocation due to such natural cause, would have qualified the land upon which the improvements were located as residential land for the following property tax year, the residential land classification shall remain in place for the year of destruction, demolition, or relocation and the two subsequent property tax years. The residential land classification may remain in place for additional subsequent property tax years, not to exceed a total of five subsequent property tax years, if the assessor determines there is evidence the owner intends to rebuild or locate a residential improvement on the land. For purposes of this determination, the assessor may consider, but shall not be limited to considering, a building permit or other land development permit for the land, construction plans for such residential improvement, efforts by the owner to obtain financing for a residential improvement, or ongoing efforts to settle an insurance claim related to the destruction, demolition, or relocation of the residential improvement due to a natural cause.

(II) The residential land classification of the land described in subparagraph (I) of this paragraph (b) shall change according to current use if:

(A) A new residential improvement or part of a new residential improvement is not constructed or placed on the land in accordance with applicable land use regulations prior to the January 1 after the period described in subparagraph (I) of this paragraph (b), unless the property owner provides documentary evidence to the assessor that during such period a good-faith effort was made to construct or place a new or part of a new residential improvement on the land but that additional time is necessary;

(B) The assessor determines that the classification at the time of destruction, demolition, or relocation as a result of a natural cause was erroneous; or

(C) A change of use has occurred. For purposes of this sub-subparagraph (C), a change of use shall not include the temporary loss of the residential use due to the destruction, demolition, or relocation as a result of a natural cause of the residential improvement.

(c) (I) Notwithstanding section 39-1-103 (5)(c) and except as provided in subsection (14.4)(c)(II) of this section, when residential improvements are destroyed, demolished, or relocated on or after January 1, 2018, that, were it not for their destruction, demolition, or relocation, would have qualified the land upon which the improvements were located as residential land for the following property tax year, the residential land classification shall remain in place for the year of destruction, demolition, or relocation and one subsequent property tax year if the assessor determines there is evidence that the owner intends to rebuild or locate a residential improvement on the land. For purposes of this determination, the assessor may consider, but is not limited to considering, a building permit or other land development permit for the land, construction plans for such residential improvement, or efforts by the owner to obtain financing for a residential improvement.

(II) The residential land classification of the land described in subsection (14.4)(c)(I) of this section shall change according to current use if:

(A) A new residential improvement or part of a new residential improvement is not constructed or placed on the land in accordance with applicable land use regulations prior to the January 1 after the period described in subsection (14.4)(c)(I) of this section;

(B) The assessor determines that the classification of the land at the time of the destruction, demolition, or relocation was erroneous; or

(C) A change of use has occurred. For purposes of this subsection (14.4)(c)(II)(C), a change of use shall not include the temporary loss of the residential use due to the destruction, demolition, or relocation of the residential improvement.

(14.5) "Residential real property" means residential land and residential improvements but does not include hotels and motels as defined in subsection (5.5) of this section.

(15) Repealed.

(15.5) (a) "School" means:

(I) An educational institution having a curriculum comparable to that of a publicly supported elementary or secondary school or college, or any combination thereof, and requiring daily attendance; or

(II) An institution that is licensed as a child care center pursuant to article 6 of title 26, C.R.S., that is:

(A) Operated by and as an integral part of a not-for-profit educational institution that meets the requirements of subparagraph (I) of this paragraph (a); or

(B) A not-for-profit institution that offers an educational program for not more than six hours per day and that employs educators trained in preschool through eighth grade educational instruction and is licensed by the appropriate state agency and that is not otherwise qualified as a school under this paragraph (a) or as a religious institution.

(b) "School" includes any educational institution that meets the requirements set forth in subparagraph (I) or (II) of paragraph (a) of this subsection (15.5), even if such educational institution maintains hours of operation in excess of the minimum hour requirements of section 22-32-109 (1)(n)(I), C.R.S.

(16) "Taxable property" means all property, real and personal, not expressly exempted from taxation by law.

(17) "Treasurer" means the elected treasurer of a county or his or her appointed successor, and, in the case of the city and county of Denver, such equivalent officer as may be provided by its charter, in the case of the city and county of Broomfield, such equivalent officer as may be provided by its charter or code, and in the case of any home rule county, the treasurer or such equivalent officer as provided by its charter.

(18) "Works of art" means those items of personal property that are original creations of visual art, including, but not limited to:

(a) Sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic;

(b) Paintings or drawings;

(c) Mosaics;

(d) Photographs;

(e) Crafts made from clay, fiber and textiles, wood, metal, plastics, or any other material, or any combination thereof;

(f) Calligraphy;
(g) Mixed media composed of any combination of forms or media; or
(h) Unique architectural embellishments.

Source: L. 64: R&RE, p. 674, § 1. **C.R.S. 1963:** § 137-1-1. **L. 65:** p. 1095, § 1. **L. 67:** p. 945, § 1. **L. 70:** p. 379, § 8. **L. 73:** p. 237, § 17. **L. 75:** (8) repealed, p. 1473, § 30, effective July 18. **L. 77:** (7.5), (12.3), and (12.4) added, p. 1728, §1, effective June 20; (8) RC&RE, p. 1740, § 1, effective January 1, 1978. **L. 78:** (12.1) added, p. 467, § 1, effective July 1. **L. 79:** (12.1) amended, p. 1400, § 1, effective March 13; (12.1)(a) amended, p. 1059, § 9, effective June 20; (12.1) repealed, p. 1456, § 4, effective July 1, 1981. **L. 80:** (18) added, p. 711, § 1, effective April 16. **L. 81:** (12.1)(d) R&RE, p. 1872, § 4, effective June 29; (12.1)(a)(II) amended, § 5, effective July 1. **L. 83:** (15) repealed, p. 1485, § 11, effective April 22; (1.1), (1.3), (1.6), (3.5), (5.5), (7.2), (7.8), (13.5), and (14.3) to (14.5) added, (5) repealed, and (12.3)(b) amended, pp. 1486, 1488, §§ 1, 6, 4, effective June 1. **L. 84:** (7.2) amended, p. 983, § 1, effective May 8. **L. 85:** IP(7.2) amended and (7.9) added, pp. 1215, 1210, §§ 1, 2, effective May 9. **L. 87:** (1.3) amended, p. 1382, § 1, effective May 8; (7.5), (12.3), and (12.4) repealed, p. 1304, § 1, effective May 20. **L. 88:** (4) and (11) amended and (12.1) repealed, pp. 1269, 1275, §§ 4, 14, effective May 29. **L. 89:** (15.5) added, p. 1482, § 3, effective April 23. **L. 90:** (1.6)(a) amended, (4.3) to (4.6) and (12.5) added, p. 1706, § 1, effective April 16; (9) amended, p. 450, § 26, effective April 18; (1.6)(a) and (13.5) amended and (8.5) added, pp. 1695, 1703, 1701, §§ 16, 37, 33, effective June 9. **L. 91:** IP(7.2) amended, p. 1980, § 1, effective April 20; (8) amended, p. 1394, § 2, effective April 27. **L. 92:** (4) amended, p. 2216, § 3, effective June 2. **L. 94:** (8) and (14.3) amended, p. 2568, § 86, effective January 1, 1995. **L. 95:** IP(1.6)(a) amended and (1.6)(a)(III), (3.2), (8.7), and (13.2) added, pp. 173, 174, §§ 1, 2, effective April 7. **L. 97:** (1.1) and (1.6) amended, p. 509, § 1, effective April 24. **L. 98:** (11) amended, p. 1276, § 1, effective June 1. **L. 99:** (15.5) amended, p. 1299, § 1, effective June 3. **L. 2000:** (15.5)(a)(II) amended, p. 1499, § 1, effective August 2. **L. 2001:** (2) and (17) amended, p. 268, § 14, effective November 15. **L. 2002:** (5.5) amended, p. 1939, § 1, effective August 7; (2.5), (3.1), (5.6), and (7.1) added, (5.5)(a)(IV) repealed, and (14.4) amended, pp. 1671, 1673, §§ 1, 3, effective January 1, 2003. **L. 2004:** (1.6)(a)(I) amended, p. 1208, § 86, effective August 4. **L. 2008:** (14.3) amended, p. 1914, § 129, effective August 5. **L. 2009:** (7.7) and (8.3) added and (7.8), (8), and (14.3) amended, (SB-040), ch. 9, p. 70, § 12, effective July 1; (8.5) amended, (SB 09-042), ch. 176, p. 779, § 1, effective August 5. **L. 2010:** (1.1) amended, (SB 10-177), ch. 392, p. 1861, § 1, effective August 11; (1.6)(a)(III) amended, (HB 10-1197), ch. 175, p. 634, § 1, effective August 11; (6.3) and (6.8) added and (7) and (11) amended, (HB10-1267), ch. 425, p. 2198, § 1, effective August 11. **L. 2011:** (8.4) added and (14.4) amended, (HB 11-1042), ch. 138, p. 479, § 1, effective May 4; (1.6)(d) added, (HB 11-1043), ch. 266, p. 1213, § 23, effective July 1; (1.6)(a)(I) and (14.4) amended, (HB 11-1146), ch. 166, p. 571, § 1, effective January 1, 2012. **L. 2013:** (14.4)(a) amended, (HB 13-1300), ch. 316, p. 1699, § 116, effective August 7. **L. 2014:** (8.5) amended, (HB 14-1349), ch. 230, p. 854, § 4, effective May 17; (1.6)(b) amended, (SB 14-043), ch. 53, p. 248, § 1, effective August 6. **L. 2016:** (14.4)(b)(II)(A) amended, (SB 16-012), ch. 66, p. 169, § 1, effective April 5. **L. 2017:** IP, (1.1), and (1.3) amended, (SB 17-302), ch. 311, p. 1675, § 1, effective June 2. **L. 2018:** (14.4)(c) added, (HB 18-1283), ch. 270, p. 1665, § 1, effective August 8. **L. 2019:** (5.5)(c)(VIII) amended, (HB 19-1172), ch. 136, p. 1727, § 249, effective October 1. **L. 2020:** (17) amended, (HB 20-1077), ch. 80, p. 324, § 5, effective September 14. **L. 2021:**

(3.7) added, (HB 21-1312), ch. 299, p. 1791, § 3, effective July 1; (14.4)(a) amended, (HB 21-1061), ch. 63, p. 252, § 1, effective September 7.

Editor's note: (1) Amendments to subsection (1.6)(a) by House Bill 90-1229 harmonized with House Bill 90-1018.

(2) Amendments to subsection (14.4) by House Bill 11-1042 and House Bill 11-1146 were harmonized, effective January 1, 2012.

Cross references: (1) For the creation of the property tax administrator, see § 39-2-101.

(2) For the legislative declaration in HB 21-1312, see section 1 of chapter 299, Session Laws of Colorado 2021.

39-1-103. Actual value determined - when. (1) The valuation for assessment of producing mines and nonproducing mining claims shall be determined as provided in article 6 of this title.

(2) The valuation for assessment of leaseholds and lands producing oil or gas shall be determined as provided in article 7 of this title.

(3) The actual value for property tax purposes of the operating property and plant of all public utilities doing business in this state shall be determined by the administrator, as provided in article 4 of this title.

(4) (a) Repealed.

(b) The valuation for assessment of mobile homes shall be determined as provided in section 39-5-203.

(5) (a) All real and personal property shall be appraised and the actual value thereof for property tax purposes determined by the assessor of the county wherein such property is located. The actual value of such property, other than agricultural lands exclusive of building improvements thereon and other than residential real property and other than producing mines and lands or leaseholds producing oil or gas, shall be that value determined by appropriate consideration of the cost approach, the market approach, and the income approach to appraisal. The assessor shall consider and document all elements of such approaches that are applicable prior to a determination of actual value. The actual value reflects the value of the fee simple estate. Despite any orders of the state board of equalization, no assessor shall arbitrarily increase the valuations for assessment of all parcels represented within the abstract of a county or within a class or subclass of parcels on that abstract by a common multiple in response to the order of said board. If an assessor is required, pursuant to the order of said board, to increase or decrease valuations for assessment, such changes shall be made only upon individual valuations for assessment of each and every parcel, using each of the approaches to appraisal specified in this subsection (5)(a), if applicable. The actual value of agricultural lands, exclusive of building improvements thereon, shall be determined by consideration of the earning or productive capacity of such lands during a reasonable period of time, capitalized at a rate of thirteen percent. Land that is valued as agricultural and that becomes subject to a perpetual conservation easement shall continue to be valued as agricultural notwithstanding its dedication for conservation purposes; except that, if any portion of such land is actually used for nonagricultural commercial or nonagricultural residential purposes, that portion shall be valued according to such use. Nothing in this subsection (5) shall be construed to require or permit the

reclassification of agricultural land or improvements, including residential property, due solely to subjecting the land to a perpetual conservation easement. The actual value of residential real-property shall be determined solely by consideration of the market approach to appraisal. A gross rent multiplier may be considered as a unit of comparison within the market approach to appraisal. The valuation for assessment of producing mines and of lands or leaseholds producing oil or gas shall be determined pursuant to articles 6 and 7 of this title 39.

(b) If, having considered the three approaches prescribed in paragraph (a) of this subsection (5), at the sole discretion of the assessor the use of the three approaches to value cannot accurately determine the actual value of any parcel of taxable property, or in the opinion of the assessor the application of the three approaches to value does not result in uniform, just, and equalized valuation, then the actual value thereof shall be determined by comparison of the surface use of such property with a similar surface use.

(c) Except as provided in section 39-1-102 (14.4)(b) or 39-1-102 (14.4)(c) and in subsections (5)(e) and (5)(f) of this section, 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.

(d) If a parcel of land is classified as agricultural land as defined in section 39-1-102 (1.6)(a)(III) and the perpetual conservation easement is terminated, violated, or substantially modified so that the easement is no longer granted exclusively for conservation purposes, the assessor may reassess the land retroactively for a period of seven years and the additional taxes, if any, that would have been levied on the land during the seven year period prior to the termination, violation, or modification shall become due.

(e) (I) Except as provided in subparagraph (II) of this paragraph (e) and in paragraph (f) of this subsection (5), if a parcel of land is classified as agricultural land as defined in section 39-1-102 (1.6) and the productivity of such parcel of land is destroyed by a natural cause on or after January 1, 2012, so that, were it not for the destruction of the productivity of the land by a natural cause, the land would have qualified as agricultural land for the following property tax year, the agricultural land classification shall remain in place for the year of destruction and the four subsequent property tax years so long as the assessor receives evidence from the owner that the owner is in the process of rehabilitating the productivity of the land for agricultural use. Such evidence includes, but is not limited to, removing debris, removing contaminants, restoring fences and agricultural structures, reseeding, providing water for livestock, or contouring the land suitable for agricultural use.

(II) The agricultural land classification of the land described in subparagraph (I) of this paragraph (e) must change according to current use if:

(A) The productivity of the land is not rehabilitated for agricultural use prior to the January 1 after the period described in subparagraph (I) of this paragraph (e), unless the property owner provides documentary evidence to the assessor that during such period a good-faith effort was made to rehabilitate the productivity of the land for agricultural use but that additional time is necessary;

(B) The assessor determines that the classification at the time of destruction of the productivity of the land as a result of a natural cause was erroneous; or

(C) A change of use has occurred. For purposes of this sub-subparagraph (C), a change of use does not include the temporary loss of agricultural classification of the land as a result of the destruction of the productivity of the land by a natural cause.

(f) (I) Except as provided in subparagraph (II) of this paragraph (f), if a parcel of land is classified as agricultural land as defined in section 39-1-102 (1.6)(a)(II) and the productivity of the parcel of land is destroyed by a natural cause on or after January 1, 2012, so that, were it not for the destruction of the productivity of the land by a natural cause, the land would have qualified as agricultural land for the following property tax year, the agricultural land classification shall remain in place notwithstanding the length of the rehabilitation period specified in subparagraph (I) of paragraph (e) of this subsection (5) so long as the owner is in compliance with an approved forest management plan and is on the list provided by the Colorado state forest service as having such a plan.

(II) The agricultural land classification of the land described in subparagraph (I) of this paragraph (f) must change according to current use if:

(A) The assessor determines that the classification at the time of destruction of the productivity of the land as a result of a natural cause was erroneous; or

(B) A change of use has occurred. For purposes of this sub-subparagraph (B), a change of use does not include the temporary loss of agricultural classification of the land as a result of the destruction of the productivity of the land by a natural cause.

(6) and (7) Repealed.

(8) In any case in which sales prices of comparable properties within any class or subclass are utilized when considering the market approach to appraisal in the determination of actual value of any taxable property, the following limitations and conditions shall apply:

(a) (I) Use of the market approach shall require a representative body of sales, including sales by a lender or government, sufficient to set a pattern, and appraisals shall reflect due consideration of the degree of comparability of sales, including the extent of similarities and dissimilarities among properties that are compared for assessment purposes. In order to obtain a reasonable sample and to reduce sudden price changes or fluctuations, all sales shall be included in the sample that reasonably reflect a true or typical sales price during the period specified in section 39-1-104 (10.2). Sales of personal property exempt pursuant to the provisions of sections 39-3-102, 39-3-103, and 39-3-119 to 39-3-122 shall not be included in any such sample.

(II) Because of the unique characteristics and limited number of oil shale mineral interests, a minimum of five arm's-length sales of reasonably comparable oil shale mineral interests shall be required to constitute a market for purposes of utilization of the market approach to appraisal in determining the actual value of nonproducing oil shale mineral interests.

(b) Each such sale included in the sample shall be coded to indicate a typical, negotiated sale, as screened and verified by the assessor.

(c) All such coded, typical sales samples shall be supplied to the administrator for the performance of his duties.

(d) In no event shall a sales ratio be established or utilized for any class or subclass of property unless and until there have been at least thirty such coded, typical sales or at least five percent of all properties in such class or subclass within the county have been sold and verified by the assessor as coded, typical sales, whichever amount is greater. When such minimum requirement has not been met but typical sales within any such class or subclass indicate that valuations in the class or subclass are too high or too low, such fact shall be reported to the state board of equalization, which board may order an independent appraisal study in such county.

(e) Repealed.

(f) Such true and typical sales shall include only those sales which have been determined on an individual basis to reflect the selling price of the real property only or which have been adjusted on an individual basis to reflect the selling price of the real property only.

(9) (a) In the case of an improvement which is used as a residential dwelling unit and is also used for any other purpose, the actual value and valuation for assessment of such improvement shall be determined as provided in this paragraph (a). The actual value of each portion of the improvement shall be determined by application of the appropriate approaches to appraisal specified in subsection (5) of this section. The actual value of the land containing such an improvement shall be determined by application of the appropriate approaches to appraisal specified in subsection (5) of this section. The land containing such an improvement shall be allocated to the appropriate classes based upon the proportion that the actual value of each of the classes to which the improvement is allocated bears to the total actual value of the improvement. The appropriate valuation for assessment ratio shall then be applied to the actual value of each portion of the land and of the improvement.

(b) In the case of land containing more than one improvement, one of which is a residential dwelling unit, the determination of which class the land shall be allocated to shall be based upon the predominant or primary use to which the land is put in compliance with land use regulations. If multiuse is permitted by land use regulations, the land shall be allocated to the appropriate classes based upon the proportion that the actual value of each of the classes to which the improvements are allocated bears to the combined actual value of the improvements; the appropriate valuation for assessment ratio shall then be applied to the actual value of each portion of the land.

(10) Common property or common elements within a common interest community as defined in the "Colorado Common Interest Ownership Act", article 33.3 of title 38, C.R.S., shall be appraised and valued pursuant to the provisions of section 38-33.3-105, C.R.S.

(10.5) (a) The general assembly hereby finds and declares that bed and breakfasts are unique mixed-use properties; that all areas of a bed and breakfast, except for the commercial lodging area, are shared and common areas that allow innkeepers and guests to interact in a residential setting; that the land on which a bed and breakfast is located and that is used in conjunction with the bed and breakfast is primarily residential in nature; and that there appears to exist a wide disparity in how assessors classify the different portions of bed and breakfasts.

(b) Therefore, notwithstanding any other provision of this article 1, a bed and breakfast shall be assessed as provided in this subsection (10.5). The commercial lodging area of a bed and

breakfast shall be assessed at the rate for lodging property. Any part of the bed and breakfast that is not a commercial lodging area shall be considered a residential improvement and assessed accordingly. The actual value of each portion of the bed and breakfast shall be determined by the application of the appropriate approaches to appraisal specified in subsection (5) of this section. The actual value of the land containing a bed and breakfast shall be determined by the application of the appropriate approaches to appraisal specified in subsection (5) of this section. The land containing a bed and breakfast shall be assessed as follows:

(I) The portion of land directly underneath a bed and breakfast shall be assessed pursuant to the procedures pertaining to land set forth in subsection (9) of this section.

(II) There shall be a rebuttable presumption that all remaining land shall be assessed as residential land. Such presumption shall only be overcome if there is a nonresidential use not reasonably associated with the operation of the bed and breakfast on some portion of the remaining land, in which case, such portion of the remaining land shall be assessed as nonresidential land.

(III) Subparagraphs (I) and (II) of this paragraph (b) shall not apply to agricultural land.

(11) The general assembly hereby declares that consideration by assessing officers of the cost approach, market approach, and income approach to the appraisal of real property has resulted in valuations of minerals in place which are neither uniform, nor just and equal, because of wide variations within the same locality in quality and quantity of mineral deposits, if any, because of uncertainty in the existence or extent of such deposits, because of difficulty in measuring acquisition or replacement costs, or because of speculative value judgments when minerals in place are not income producing. Therefore, in the absence of preponderant evidence shown by the assessing officer that the use of the cost approach, market approach, and income approach result in uniform and just and equal valuation, minerals in place are not to be considered in determining the actual value of real property.

(12) In any case in which the income approach is utilized in the determination of the actual value of any nonproducing oil shale mineral interests, the following limitations and conditions shall apply:

(a) The assessor shall capitalize the annual rental income for such nonproducing mineral interests at a capitalization rate of thirteen percent. If nonproducing mineral interests are unleased, the assessor shall use the annual rental as defined in paragraph (b) of this subsection (12).

(b) For the purposes of this subsection (12), "annual rental" means annual rental payments, or other compensatory payments payable for the right to hold a mineral interest, which payments are fixed and certain in amount and payable periodically over a fixed period calculated on a twelve-month basis. "Annual rental" shall be the representative annual rental for such mineral interests leased within the county or the area, and "annual rental" does not include royalty payments, advanced royalty payments, bonus payments, or minimum royalty payments covering periods when the mineral interests are not in production, even though said payments may be fixed and certain in amount and payable periodically. For the purposes of this paragraph (b), "royalty payments", "advanced royalty payments", and "minimum royalty payments" mean payments attributable to a portion of the current or future mineral production of a mineral interest, paid for the privilege of producing minerals, and "bonus payments" means compensation paid as consideration for the granting of a mineral lease or other compensatory payments which are payable regardless of the extent of use of the mineral interest and which are

fixed and certain in amount and may be payable in one or more periodical increments over a fixed period.

(13) (a) The general assembly hereby finds and declares that, in the consideration of the cost approach, market approach, and income approach to the appraisal of personal property by assessing officers, the cost approach shall establish the maximum value of property if all costs incurred in the acquisition and installation of such property are fully and completely disclosed by the property owner to the assessing officer.

(b) Therefore, in the assessment of taxable personal property, the assessing officer shall consider the value derived from the cost approach to be the maximum value of the property if the property owner has timely filed his declaration and the declaration contains all relevant information pertaining to the valuation of the property and, also includes, a full disclosure of all costs incurred in the acquisition and installation of all personal property owned by or in the possession of the taxpayer.

(c) Assessing officers shall consider the cost approach to the appraisal of property, pursuant to the provisions of this subsection (13), in good faith and shall deny the use of the cost approach only upon just cause that the requirements set forth in this subsection (13) and in section 39-5-116 have not been complied with by a taxpayer. If it is determined at any time that an assessing officer wrongly denied the use of the cost approach, such assessing officer shall be held liable for all costs incurred by the taxpayer in protesting such assessment based on such denial. However, nothing in this subsection (13) shall preclude the assessing officers from considering the market approach or income approach to the appraisal of personal property when such consideration would result in a lower value of the property and when such valuation is based on independent information obtained by the assessing officers.

(14) (a) The general assembly hereby finds and declares that, in determining the actual value of vacant land, there appears to exist a wide disparity in the treatment of vacant land by the assessing officers of the various counties; that the methods of appraisal currently being utilized by assessing officers for such valuation remain unclear; and that such assessing officers are provided detailed information concerning the appraisal of vacant land in the manuals, appraisal procedures, and instructions prepared and published by the administrator.

(b) The assessing officers shall give appropriate consideration to the cost approach, market approach, and income approach to appraisal as required by the provisions of section 3 of article X of the state constitution in determining the actual value of vacant land. When using the market approach to appraisal in determining the actual value of vacant land as of the assessment date, assessing officers shall take into account, but need not limit their consideration to, the following factors: The anticipated market absorption rate, the size and location of such land, the direct costs of development, any amenities, any site improvements, access, and use. When using anticipated market absorption rates, the assessing officers shall use appropriate discount factors in determining the present worth of vacant land until eighty percent of the lots within an approved plat have been sold and shall include all vacant land in the approved plat. For purposes of such discounting, direct costs of development shall be taken into account. The use of present worth shall reflect the anticipated market absorption rate for the lots within such plat, but such time period shall not generally exceed thirty years. For purposes of this paragraph (b), no indirect costs of development, including, but not limited to, costs relating to marketing, overhead, or profit, shall be considered or taken into account.

(c) (I) For purposes of this subsection (14), "vacant land" means any lot, parcel, site, or tract of land upon which no buildings or fixtures, other than minor structures, are located. "Vacant land" may include land with site improvements. "Vacant land" includes land that is part of a development tract or subdivision when using present worth discounting in the market approach to appraisal; however, "vacant land" shall not include any lots within such subdivision or any portion of such development tract that improvements, other than site improvements or minor structures, have been erected upon or affixed thereto. "Vacant land" does not include agricultural land, producing oil and gas properties, severed mineral interests, and all mines, whether producing or nonproducing.

(II) For purposes of this subsection (14):

(A) "Minor structures" means improvements that do not add value to the land on which they are located and that are not suitable to be used for and are not actually used for any commercial, residential, or agricultural purpose.

(B) "Site improvements" means streets with curbs and gutters, culverts and other sewage and drainage facilities, and utility easements and hookups for individual lots or parcels.

(d) As soon after the assessment date as may be practicable, the assessor shall mail or deliver two copies of a subdivision land valuation questionnaire for each approved plat within the county to the last-known address of the subdivision developer known or believed to own vacant land within such approved plat. Such questionnaire shall be designed to elicit information vital to determining the present worth of vacant land within such approved plat. Such subdivision developer or his agent shall answer all questions to the best of his ability, attaching such exhibits or statements thereto as may be necessary, and shall sign and return the original copy thereof to the assessor no later than the March 20 subsequent to the assessment date. All information provided by the subdivision developer in such questionnaire shall be kept confidential by the assessor; except that the assessor shall make such information available to the person conducting any valuation for assessment study pursuant to section 39-1-104 (16) and his employees and the property tax administrator and his employees.

(e) If any subdivision developer fails to complete and file one or more questionnaires by March 20, then the assessor may determine the actual value of the taxable vacant land within an approved plat which is owned by such subdivision developer on the basis of the best information available to and obtainable by the assessor.

(15) The general assembly hereby finds and declares that assessing officers shall give appropriate consideration to the cost approach, market approach, and income approach to appraisal as required by section 3 of article X of the state constitution in determining the actual value of taxable property. In the absence of evidence shown by the assessing officer that the use of the cost approach, market approach, and income approach to appraisal requires the modification of the actual value of taxable property for the first year of a reassessment cycle in order to result in uniform and just and equal valuation for the second year of a reassessment cycle, the assessing officer shall consider the actual value of any taxable property for the first year of a reassessment cycle, as may have been adjusted as a result of protests and appeals, if any, prior to the assessment date of the second year of a reassessment cycle, to be the actual value of such taxable property for the second year of a reassessment cycle.

(16) (a) The general assembly hereby finds and declares that in the consideration of the cost approach, market approach, and income approach to appraisal for the valuation of superfund water treatment facilities, the cost approach to appraisal does not adequately reflect

characteristics specific to superfund water treatment facilities that negatively impact the value of such facilities, including, but not limited to, the lack of income producing ability and the absence of any market for sale of superfund water treatment facilities. Therefore, in the assessment of superfund water treatment facilities, the income approach to appraisal shall be considered the primary indicator of value and the cost approach or market approach to appraisal shall be used only if the value determined under the cost approach or market approach is less than the value determined under the income approach to appraisal. For the purposes of determining the actual value of superfund water treatment facilities as of the assessment date using the income approach to appraisal, the assessing officer shall capitalize the actual income generated by the facility during the calendar year preceding the assessment date at the rate of ten percent per annum.

(b) For purposes of this subsection (16), "superfund water treatment facilities" means real and personal property that is:

(I) Installed and constructed pursuant to an agreement with or an order of the federal government or the state or any of its political subdivisions and to satisfy the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", 42 U.S.C. sec. 9601, et seq., as amended; and

(II) Operated for the purpose of eliminating, reducing, controlling, or disposing of pollutants, as defined in section 25-8-103 (15), C.R.S., that could alter the physical, chemical, biological, or radiological integrity of state waters if released into state waters.

(17) (a) The general assembly declares that the valuation of possessory interests in exempt properties is uncertain and highly speculative and that the following specific standards for the appropriate consideration of the cost approach, the market approach, and the income approach to appraisal in the valuation of possessory interests must be provided by statute and applied in the valuation of possessory interests to eliminate the unjust and unequalized valuations that would result in the absence of specific standards:

(I) The actual value of any possessory interest of the lessee or permittee of lands owned by the United States and leased or permitted for use for ski area recreational purposes in connection with a business conducted for profit shall be determined by capitalizing at an appropriate rate the annual fee paid to the United States by the lessee or permittee of such land for the use thereof in the immediately preceding calendar year, adjusted to the level of value using a factor or factors to be published by the administrator pursuant to the same procedures and principles as are provided for property in section 39-1-104 (12.3)(a)(I). The rate used to capitalize any fee pursuant to this subparagraph (I) shall include an appropriate rate of return, an appropriate adjustment for the applicable property tax rate, and an appropriate adjustment to reflect the portion of the fee, if any, required to be paid over by the United States to the state of Colorado and its political subdivisions.

(II) (A) Except for possessory interests in land leased or permitted for use for ski area recreational purposes valued in accordance with subparagraph (I) of this paragraph (a) and except as otherwise provided in subparagraph (III) of this paragraph (a), the actual value of a possessory interest in land, improvements, or personal property shall be determined by appropriate consideration of the cost approach, the market approach, and the income approach to appraisal. When the cost or income approach to appraisal is applicable, the actual value of the possessory interest shall be determined by the present value of the reasonably estimated future annual rents or fees required to be paid by the holder of the possessory interest to the owner of

the underlying real or personal property through the stated initial term of the lease or other instrument granting the possessory interest; except that the actual value of a possessory interest in agricultural land, including land leased by the state board of land commissioners other than land leased pursuant to section 36-1-120.5, C.R.S., shall be the actual amount of the annual rent paid for the property tax year. The rents or fees used to determine the actual value of a possessory interest under the cost or income approach to appraisal shall be the actual contract rents or fees reasonably expected to be paid to the owner of the underlying real or personal property unless it is shown that the actual contract rents or fees to be paid for the possessory interest being valued are not representative of the market rents or fees paid for that type of real or personal property, in which case the market rents or fees shall be substituted for the actual contract rents or fees.

(B) The rents or fees taken into account under the cost or income approach to appraisal under sub-subparagraph (A) of this subparagraph (II) shall exclude that portion of the rents and fees required to be paid for all rights other than the exclusive right to use and possess the land, improvements, or personal property. Such rents or fees to be excluded shall include, but shall not be limited to, any portion of such rents or fees attributable to any of the following: Nonexclusive rights to use and possess public property, such as roads, rights-of-way, easements, and common areas; rights to conduct a business, as determined in accordance with guidelines to be published by the administrator; income of the holder of the possessory interest that is not directly derived from and directly related to the use or occupancy of the possessory interest; any amount paid under a timber sales contract or similar agreement for the purchase of timber or for the right to acquire and remove timber; and reimbursement to the owner of the underlying real or personal property of the reasonable costs of operating, maintaining, and repairing the land, improvements, or personal property to which the possessory interest pertains, regardless of whether such costs are separately stated, provided that the types of such costs can be identified with reasonable certainty from the documents granting the possessory interest. The actual value of the possessory interest so determined shall be adjusted to the taxable level of value using a factor or factors to be published by the administrator pursuant to the same procedures and principles as are provided for personal property in section 39-1-104 (12.3)(a)(I).

(III) Subparagraphs (I) and (II) of this paragraph (a) shall not apply to any management contract. In the case of a management contract, the possessory interest shall be presumed to have no actual value. For purposes of this subparagraph (III), "management contract" means a contract that meets all of the following criteria:

(A) The government owner of the real or personal property subject to the contract directly or indirectly provides the management contractor all funds to operate the real or personal property;

(B) The government owns all of the real or personal property used in the operation of the real or personal property subject to the contract;

(C) The government maintains control over the amount of profit the management contractor can realize or sets the prices charged by the management contractor, or the management contractor's exclusive obligation is to operate and manage the real or personal property for which the management contractor receives a fee;

(D) The government reserves the right to use the real or personal property when it is not being managed or operated by the management contractor;

(E) The management contractor has no leasehold or similar interest in the real or personal property;

(F) To the extent the management contractor manages a manufacturing process for the government on the real property subject to the contract, the government owns all or substantially all of the personal property used in the process; and

(G) The real or personal property is maintained and repaired at the expense of the government.

(b) This subsection (17) shall not apply to and shall not be construed to affect or change the valuation of public utilities pursuant to article 4 of this title, the valuation of equities in state lands pursuant to section 39-5-106, the valuation of mines pursuant to article 6 or any other article of this title, or the valuation of oil and gas leaseholds and lands pursuant to article 7 of this title.

(18) (a) The general assembly hereby finds and declares that real property that is located in a district in which limited gaming is authorized but that is not used for limited gaming may be unfairly valued by comparison of said real property with real property that is used for limited gaming. The general assembly further finds that real property that is located in a gaming district may be reasonably used for purposes other than limited gaming, that such alternative uses may be beneficial in strengthening the economies of gaming districts, and that such alternative uses should be encouraged. In addition, the general assembly finds that applying the cost and market approaches to appraisal in valuing real property that is located in a limited gaming district but that is not used for limited gaming may result in an unfairly high valuation of real property that is reasonably used for a purpose other than limited gaming. Therefore, the provisions of this subsection (18) shall govern the classification and valuation of real property that is located within a gaming district but that is not used for limited gaming.

(b) For property tax years beginning on or after January 1, 1999, if the actual use as of the assessment date of any real property that is located in a limited gaming district but that is not used for limited gaming is used as residential real property, the real property shall be classified as residential real property, and the assessing officer shall determine the actual value of said real property as of the assessment date by applying the market approach to appraisal. If, due to the limited number of real properties located within a limited gaming district that are not used for limited gaming and that are used as residential real property, comparable valuation data is not available from within a limited gaming district to determine adequately the actual value of real property located within said limited gaming district that is not used for limited gaming and that is used as residential real property, notwithstanding any law to the contrary, the assessing officer shall consider sales of reasonably comparable residential real property located inside and outside of any limited gaming district for purposes of utilization of the market approach to appraisal in determining the actual value of said real property located within a limited gaming district that is not used for limited gaming and that is used as residential real property.

(c) For property tax years beginning on or after January 1, 1999, if the actual use as of the assessment date of any real property that is located in a limited gaming district is not for limited gaming or as residential real property, including but not limited to vacant land, the real property shall be classified as nongaming real property, and the assessing officer shall determine the actual value of said real property as of the assessment date by giving appropriate consideration to the cost, market, and income approaches to appraisal. If, due to the limited number of real properties located within a limited gaming district that are not used for limited

gaming or as residential real property, comparable valuation data is not available from within a limited gaming district to determine adequately the actual value of real property located within said limited gaming district that is not used for limited gaming or as residential real property, notwithstanding any law to the contrary, the assessing officer shall:

(I) Consider sales of reasonably comparable real property that is not used as residential property located inside and outside of any limited gaming district for purposes of utilization of the market approach to appraisal in determining the actual value of real property located within a limited gaming district that is not used for limited gaming or as residential real property; and

(II) Consider reasonably comparable real property that is not used as residential property located inside and outside of any limited gaming district for purposes of utilization of the income approach to appraisal in determining the actual value of real property located within a limited gaming district that is not used for limited gaming or as residential real property.

(d) For purposes of this subsection (18), real property is considered to be "used for limited gaming" if the owner or lessee of the real property holds a retail gaming license issued pursuant to part 5 of article 30 of title 44, and if the owner or lessee actually uses the real property in offering limited gaming for play or for administrative support services related to providing limited gaming or makes the real property available for other uses by persons who are engaged in limited gaming for play, including but not limited to using the property for parking, for a restaurant, or for a hotel or motel.

Source: L. 64: R&RE, p. 676, § 1. **C.R.S. 1963:** § 137-1-3. **L. 67:** p. 945, §§ 2-4. **L. 70:** p. 380, § 9. **L. 71:** p. 1242, § 1. **L. 73:** pp. 237, 1429, §§ 18, 1. **L. 75:** (6)(a)(I) amended, p. 1453, § 1, effective May 22; (4)(b) repealed, p. 1473, § 30, effective July 18. **L. 76:** (5) amended, p. 754, § 3, effective January 1, 1977. **L. 77:** (5) amended and (7) and (8) added p. 1729, § 2, effective June 20; (4)(b) RC&RE, p. 1740, § 2, effective January 1, 1978. **L. 81:** (5)(a) amended, p. 1829, § 1, effective June 12. **L. 83:** (8)(d) amended, p. 1489, § 1, effective April 21; (9) added, p. 1492, § 1, effective April 21; (4)(a) and (5)(b) repealed and (5)(a), IP(8), and (8)(a) amended, pp. 1485, 1480, §§ 11, 2, effective April 22; (6) repealed, p. 1488, § 6, effective June 1. **L. 84:** (8)(e) and (8)(f) added, p. 986, § 1, effective March 16; (10) added, p. 987, § 1, effective April 5. **L. 85:** (5)(b) RC&RE, (8)(a) amended, and (11) and (12) added, pp. 1210, 1211, §§ 3, 4, effective May 9; (5)(a) amended, p. 1217, § 1, effective May 24. **L. 87:** (7) repealed, p. 1304, § 1, effective May 20; (13) added, p. 1415, § 2, effective June 16; (8)(e) amended, p. 1388, § 9, effective June 20. **L. 88:** (14) added, p. 1281, § 4, effective January 1, 1989. **L. 89:** (8)(a)(I) amended, p. 1482, § 4, effective May 9; (14)(b) and (14)(c)(I) amended, p. 1449, § 1, effective June 7. **L. 90:** (5)(c), (14)(d), and (14)(e) added, (8)(a)(I) and (14)(b) amended, and (8)(e) repealed, pp. 1701, 1688, 1705, §§ 34, 3, 2, 41, effective June 9; (15) added, p. 1697, § 22, effective January 1, 1991. **L. 91:** (8)(a)(I) amended, p. 2005, § 3, effective June 6. **L. 92:** (14)(b) amended, p. 2215, § 1, effective June 2. **L. 93:** (10) amended, p. 654, § 22, effective April 30; (5)(c) amended, p. 1743, § 2, effective July 1. **L. 95:** (8)(a)(I) amended, p. 8, § 2, effective March 9; (5)(a) amended and (5)(d) added, p. 174, § 3, effective April 7. **L. 96:** (16) added, p. 130, § 1, effective March 25; (5)(a) and (8)(a)(I) amended, p. 718, § 1, effective May 22; (14)(c) amended, p. 1198, § 1, effective June 1; (17) added, p. 1852, § 4, effective June 5. **L. 97:** (17)(a)(II)(B) amended, p. 1030, § 63, effective August 6. **L. 98:** (18) added, p. 110, § 1, effective March 23. **L. 2000:** (5)(a) amended, p. 1499, § 2, effective August 2. **L. 2002:** IP(17)(a) amended, p. 1008, § 1, effective August 7; (10.5) added, p. 1672, § 2, effective January

1, 2003. **L. 2003:** (17)(a)(II)(A) amended, p. 1696, § 1, effective January 1, 2004; (17)(a)(II)(B) amended, p. 2492, § 1, effective January 1, 2004. **L. 2004:** (17)(a)(II)(A) amended, p. 1088, § 1, effective January 1, 2005. **L. 2010:** (5)(a) amended, (HB 10-1197), ch. 175, p. 634, § 2, effective August 11. **L. 2011:** (5)(c) amended, (HB 11-1042), ch. 138, p. 480, § 2, effective May 4. **L. 2015:** (5)(c) amended and (5)(e) and (5)(f) added, (HB 15-1008), ch. 90, p. 258, § 1, effective April 10. **L. 2018:** (5)(c) amended, (HB 18-1283), ch. 270, p. 1666, § 2, effective August 8; (18)(d) amended, (SB 18-034), ch. 14, p. 249, § 45, effective October 1. **L. 2021:** IP(10.5)(b) amended, (SB 21-293), ch. 301, p. 1812, § 11, effective June 23; (5)(a) amended, (HB 21-1312), ch. 299, p. 1791, § 4, effective July 1.

Cross references: For the legislative declaration in HB 21-1312, see section 1 of chapter 299, Session Laws of Colorado 2021.

39-1-103.5. Restrictions on information. The state board of equalization or the administrator shall not require any person to furnish financial information concerning commercial or industrial property, except as to the value of the real property for rental purposes only. This section shall not apply to public utilities.

Source: L. 77: Entire section added, p. 1731, § 3, effective June 20.

39-1-103.8. Valuation for assessment - future increases. (Repealed)

Source: L. 2020: Entire section added, (SB 20-223), ch. 291, p. 1436, § 1, effective January 1, 2021. **L. 2021:** Entire section repealed, (SB 21-293), ch. 301, p. 1806, § 1, effective June 23.

Editor's note: Section 5(2) of chapter 291 (SB 20-223), Session Laws of Colorado 2020, provides that this section takes effect on the date of the governor's proclamation or January 1, 2021, whichever is later, only if, at the November 2020 statewide election, a majority of voters approve the ballot issue referred in accordance with section 2 of Senate Concurrent Resolution 20-001. The ballot issue, referred to voters as amendment B, was approved on November 3, 2020, and was proclaimed by the Governor on December 31, 2020. The vote count for the measure was as follows:

FOR: 1,740,395
AGAINST: 1,285,136

39-1-104. Valuation for assessment - definitions. (1) The valuation for assessment of all taxable property in the state shall be twenty-nine percent of the actual value thereof as determined by the assessor and the administrator in the manner prescribed by law, and such percentage shall be uniformly applied, without exception, to the actual value, so determined, of the real and personal property located within the territorial limits of the authority levying a property tax, and all property taxes shall be levied against the aggregate valuation for assessment resulting from the application of such percentage. This subsection (1) only applies to nonresidential property that is classified as lodging property.

(1.5) Repealed.

(1.6) (a) Hotels, motels, bed and breakfasts, and personal property located at a hotel, motel, or bed and breakfast are classified as lodging property, which is a subclass of nonresidential property for purposes of the valuation for assessment. Classification as a lodging property does not affect a partial allocation as residential real property if a lodging property is a mixed-use property.

(b) Real and personal property valued under section 39-4-102 (1)(e) or (1.5) or section 39-5-104.7 is classified as renewable energy production property, which is a subclass of nonresidential property for purposes of the valuation for assessment.

(c) Real and personal agricultural property is a subclass of nonresidential property for purposes of the valuation for assessment.

(1.8) (a) The valuation for assessment of real and personal property that is classified as agricultural property or renewable energy production property is twenty-nine percent of the actual value thereof; except that, for property tax years commencing on January 1, 2022, and January 1, 2023, the valuation for assessment of this property is temporarily reduced to twenty-six and four-tenths percent of the actual value thereof.

(b) The valuation for assessment of all nonresidential property that is not specified in subsection (1) or (1.8)(a) of this section is twenty-nine percent of the actual value thereof.

(c) The actual value of real and personal property specified in subsection (1.8)(a) or (1.8)(b) of this section is determined by the assessor and the administrator in the manner prescribed by law, and a valuation for assessment percentage is uniformly applied, without exception, to the actual value, so determined, of the various classes and subclasses of real and personal property located within the territorial limits of the authority levying a property tax, and all property taxes are levied against the aggregate valuation for assessment resulting from the application of the percentage.

(d) As used in this section, unless the context otherwise requires, "nonresidential property" means all taxable real and personal property in the state other than residential real property, producing mines, or lands or leaseholds producing oil or gas. Nonresidential property includes the subclasses of agricultural property, lodging property, and renewable energy production property for purposes of the ratio of valuation for assessment.

(2) Repealed.

(3) "Valuation for assessment", as used in this section and in articles 1 to 13 of this title, means the same as the term "assessed valuation" as that term may appear in the laws of this state.

(4) Except as provided in section 39-7-109, nonproducing severed mineral interests are to be valued at twenty-nine percent of actual value in the same manner as other real property specified in subsection (1.8)(b) of this section. Such valuation shall be determined by the assessing officer only upon preponderant evidence shown by such officer that the cost approach, market approach, and income approach result in uniform and just and equal valuation.

(5) to (10.1) Repealed.

(10.2) (a) Except as otherwise provided in subsection (12) of this section, beginning with the property tax year which commences January 1, 1989, a reassessment cycle shall be instituted with each cycle consisting of two full calendar years. At the beginning of each reassessment cycle, the level of value to be used during the reassessment cycle in the determination of actual value of real property in any county of the state as reflected in the abstract of assessment for each year in the reassessment cycle shall advance by two years over what was used in the previous reassessment cycle; except that the level of value to be used for the years 1989 and

1990 shall be the level of value for the period of one and one-half years immediately prior to July 1, 1988; except that, if comparable valuation data is not available from such one-and-one-half-year period to adequately determine the level of value for a class of property, the period of five years immediately prior to July 1, 1988, shall be utilized to determine the level of value. Said level of value shall be adjusted to the final day of the data gathering period.

(b) During the two years of each reassessment cycle, in preparation for implementation in the succeeding reassessment cycle, the respective assessors shall conduct revaluations of all taxable real property utilizing the level of value for the period which will be used to determine actual value in such succeeding reassessment cycle and the manuals and associated data published for the period which will be used to determine actual value in such succeeding reassessment cycle.

(c) Repealed.

(d) For the purposes of this article and article 9 of this title, "level of value" means the actual value of taxable real property as ascertained by the applicable factors enumerated in section 39-1-103 (5) for the one-and-one-half-year period immediately prior to July 1 immediately preceding the assessment date for which the administrator is required by this article to publish manuals and associated data. Beginning with the property tax year commencing January 1, 1999, if comparable valuation data is not available from such one-and-one-half-year period to adequately determine such actual value for a class of property, "level of value" means the actual value of taxable real property as ascertained by said applicable factors for such one-and-one-half-year period, the six-month period immediately preceding such one-and-one-half-year period, and as many preceding six-month periods within the five-year period immediately prior to July 1 immediately preceding the assessment date as are necessary to obtain adequate comparable valuation data. Said level of value shall be adjusted to the final day of the data-gathering period.

(e) Repealed.

(10.3) Repealed.

(11) (a) (I) It is the intent of the general assembly, as manifested in subsection (10.2) of this section, that, when a change occurs in reassessment cycles as prescribed in said subsection, new manuals and associated data will be published by the administrator, pursuant to section 39-2-109 (1)(e), and that said manuals and associated data and the level of value for the year that said manuals and associated data are published shall be utilized by assessors in the manner described in subsection (10.2) of this section for determining the actual value of real property in each county of the state.

(II) The general assembly hereby further finds and declares that it is the intent of paragraph (b) of this subsection (11) to comply with the provisions of section 3 of article X of the state constitution, including the provision which requires the enactment of "general laws, which shall prescribe such methods and regulations as shall secure just and equalized valuations for assessments of all real and personal property"; to reduce the confusion of the owners of taxable property within the state concerning assessment procedures and valuations of such property; to achieve valuations for assessment which represent the current value of such property to the extent which is equitably and practically possible; and to minimize the costs associated with achieving such current valuations for assessment.

(b) (I) The provisions of subsection (10.2) of this section are not intended to prevent the assessor from taking into account, in determining actual value for the years which intervene

between changes in the level of value, any unusual conditions in or related to any real property which would result in an increase or decrease in actual value. If any real property has not been assessed at its correct level of value, the assessor shall revalue such property for the intervening year so that the actual value of such property will be its correct level of value; however, the assessor shall not revalue such property above or below its correct level of value except as necessary to reflect the increase or decrease in actual value attributable to an unusual condition. For the purposes of this paragraph (b) and except as otherwise provided in this paragraph (b), an unusual condition which could result in an increase or decrease in actual value is limited to the installation of an on-site improvement, the ending of the economic life of an improvement with only salvage value remaining, the addition to or remodeling of a structure, a change of use of the land, the creation of a condominium ownership of real property as recognized in the "Condominium Ownership Act", article 33 of title 38, C.R.S., any new regulations restricting or increasing the use of the land, or a combination thereof, the installation and operation of surface equipment relating to oil and gas wells on agricultural land, any detrimental acts of nature, and any damage due to accident, vandalism, fire, or explosion. When taking into account such unusual conditions which would increase or decrease the actual value of a property, the assessor must relate such changes to the level of value as if the conditions had existed at that time.

(II) The creation of a condominium ownership of real property by the conversion of an existing structure shall be taken into account as an unusual condition as provided for in subparagraph (I) of this paragraph (b) by the assessor, when at least fifty-one percent of the condominium units, as defined in section 38-33-103 (1), C.R.S., in a multiunit property subject to condominium ownership have been sold and conveyed to bona fide purchasers and deeds have been recorded therefor.

(c) Repealed.

(12) (a) For the property tax years commencing on or after January 1, 1987, producing mines shall be valued for assessment solely pursuant to article 6 of this title.

(b) For the property tax years commencing on or after January 1, 1987, oil and gas leaseholds and lands shall be valued for assessment solely pursuant to section 39-7-102.

(c) Repealed.

(12.1) Repealed.

(12.2) (a) Except as provided in subsection (12) of this section, for property tax years commencing on or after January 1, 1987, the requirement stated in subsections (10.2) and (11) of this section that the actual value of real property be determined according to a specified year's level of value and manuals and associated data published by the administrator for said specified year pursuant to section 39-2-109 (1)(e) shall apply to the assessment of all classes of real property, including but not limited to the following classes of real property:

(I) (Deleted by amendment, L. 87, p. 1390, § 2, effective April 1, 1987.)

(II) (Deleted by amendment, L. 87, p. 1392, § 2, effective April 1, 1987.)

(III) Operating property and plants of public utilities; and

(IV) Agricultural land.

(V) (Deleted by amendment, L. 87, p. 1385, § 1, effective June 20, 1987.)

(b) This subsection (12.2) shall take effect January 1, 1987.

(12.3) (a) (I) The actual value of personal property is determined by appropriate consideration of such of the three approaches specified in section 39-1-103 (5)(a) as are applicable to the appraisal of such property and is based on the property's value in use. Subject to

review and approval pursuant to section 39-2-109 (1)(e), the administrator shall prepare and publish appraisal procedures and instructions for the annual appraisal of such property that include a definition of "value in use" and a factor or factors to adjust the actual value for the current year of assessment to the level of value applicable to real property.

(II) In determining actual value, depreciation attributable to age shall not exceed that for the actual age of the property on the assessment date. Physical, functional, and economic obsolescence shall be considered in determining actual value.

(b) Repealed.

(12.4) For property tax years commencing on and after January 1, 1987, the requirement stated in subsections (10.2) to (11) of this section that the actual value of real property be determined according to a specified year's level of value and manuals and associated data published by the administrator for said specified year pursuant to section 39-2-109 (1)(e) shall not apply to the assessment of producing coal mines and other lands producing nonmetallic minerals.

(13) to (15) Repealed.

(16) (a) During each property tax year, the director of research of the legislative council shall contract with a private person for a valuation for assessment study to be conducted as set forth in this subsection (16). The study shall be conducted in all counties of the state to determine whether or not the assessor of each county has, in fact, used all manuals, formulas, and other directives required by law to arrive at the valuation for assessment of each and every class of real and personal property in the county. The person conducting the study shall sample each class of property in a statistically valid manner, and the aggregate of such sampling shall equal at least one percent of all properties in each county of the state. The sampling shall show that the various areas, ages of buildings, economic conditions, and uses of properties have been sampled. Such study shall be completed, and a final report of the findings and conclusions thereof shall be submitted to the state board of equalization, by September 15 of the year in which the study is conducted.

(b) During each property tax year, beginning with the property tax year which commences January 1, 1985, in addition to the requirements set forth in paragraph (a) of this subsection (16), the study shall set forth the aggregate valuation for assessment of each county for the year in which the study is conducted.

(c) The person conducting any valuation for assessment study pursuant to this subsection (16) and his employees shall, during the term of his contract, have access to any document in the custody of the administrator or an assessor, including, but not limited to, such documents as are held pursuant to sections 39-4-103, 39-5-120, and 39-14-102 (1)(c). The penalties in section 39-1-116 apply against the divulging at any time of any confidential information obtained pursuant to this paragraph (c).

(d) Repealed.

Source: L. 64: R&RE, p. 676, § 1. **C.R.S. 1963:** § 137-1-4. **L. 65:** p. 1096, § 2. **L. 67:** p. 946, § 5. **L. 70:** pp. 380, 388, §§ 10, 28. **L. 73:** p. 1430 § 1. **L. 75:** (5) and (6) added, pp. 863, 1474, §§ 2, 1, effective July 1; (7) added, p. 1454, § 1, effective July 30. **L. 76:** (9) added, p. 755, § 5, effective July 1; (8) added, p. 755, § 4, effective January 1, 1977. **L. 77:** (10) R&RE and (11) and (12) added, pp. 1731, 1732, §§ 4, 5, effective June 20. **L. 79:** (13) added, p. 1329, § 2, effective May 8; (6) R&RE and (14) added, pp. 1403, 1327, §§ 1, 4, effective July 1; (2)

amended, p. 1402, § 1, effective January 1, 1980. **L. 80:** (10) amended, p. 714, § 1, effective February 29; (9) amended, p. 711, § 1, effective April 16. **L. 81:** (13)(b) amended, p. 1836, § 1, effective June 4; (9)(a), (10)(a), (10)(b), and IP(12) amended, p. 1830, § 2, effective June 12; (12)(c), (12)(d), (12)(g), and (12)(h) amended, pp. 1848, 1854, §§ 4, 2, effective January 1, 1982; (16) added, p. 1397, § 8, effective January 1, 1983. **L. 82:** (11)(b) amended, p. 553, § 1, effective May 3; (16) amended, p. 457, § 2, effective January 1, 1983. **L. 83:** (2), (7), and (12.3)(b) repealed and (12.3)(a)(I) and (16) amended, pp. 1485, 1482, §§ 11, 3, effective April 22; (10), (11)(a), (11)(b)(I), and (12)(h) amended and (10.1), (12.1), and (12.2) added, pp. 1494, 1495, §§ 1, 2, effective April 28; (5) repealed, p. 2081, § 1, effective January 1, 1984. **L. 84:** (15) repealed, p. 999, § 3, effective January 1; (10), (10.1)(a), (12)(h), (12.1), IP(12.2)(a), and (12.2)(b) amended, p. 988, § 1, effective February 23. **L. 85:** (4) amended, p. 1212, § 8, effective May 9. **L. 86:** (16)(a) amended, p. 1101, § 1, effective March 26. **L. 87:** (16)(c) added, p. 1417, § 1, effective March 13; (12)(a) RC&RE and (12.2)(a) amended, p. 1390, §§ 1, 2, effective April 1; (12)(b) RC&RE and (12.2)(a) amended, p. 1392, §§ 1, 2, effective April 1; (1.5) added, p. 1384, § 1, effective April 16; (6), (13), and (14) repealed, p. 1304, § 1, effective May 20; (9)(a), (9)(b), and (10) repealed, (10.1) R&RE, (11)(b)(I) and (12.2)(a) amended, and (12)(c) and (12.4) added, pp. 1388, 1386, 1385, §§ 6(1), 3, 1, 5, 2, effective June 20; (1) amended, p. 1383, § 1, effective July 10; (10.3) added, p. 1387, § 4, effective January 1, 1991; (9)(d) and (11)(c) added by revision, p. 1388, § 6(2). **L. 88:** (8) repealed, (9)(c), (9)(d), (10.1)(b), (10.3)(a), (11)(a), (11)(b)(I), (11)(c), and (12.3)(a) amended, (10.1)(d) R&RE, and (10.2) added, pp. 1275, 1269, 1273, 1270, §§ 14, 5, 6, 5, effective May 29; (1.5) R&RE, (16)(c) amended, and (16)(d) added, pp. 1279, 1282, §§ 2, 5, effective January 1, 1989; **L. 89:** (11)(b)(I) amended, p. 1450, § 2, effective June 7; (10.3)(c) amended, p. 1644, § 8, effective January 1, 1991. **L. 90:** (16)(d) repealed, p. 1840, § 19, effective May 31; (12)(c) repealed and (16)(a) and (16)(c) amended, pp. 1705, 1689, §§ 41, 4, effective June 9. **L. 91:** (10.2)(c), (10.3)(a), (11)(a)(I), (11)(b)(I), and (12.4) amended and (10.2)(e) and (11)(c) repealed, pp. 2003, 2005, §§ 1, 5, effective June 6. **L. 92:** (11)(b)(I) amended, p. 2212, § 10, effective June 3. **L. 93:** (7) repealed, p. 1689, § 8, effective June 6. **L. 94:** (11)(b)(I) amended, p. 309, § 1, effective March 22. **L. 95:** (10.2)(c) and (10.3) repealed, p. 7, § 1, effective March 9. **L. 96:** (11)(a)(I), IP(12.2)(a), (12.3)(a)(I), and (12.4) amended, pp. 1198, 1199, §§ 1, 2, effective June 1. **L. 99:** (10.2)(d) amended, p. 202, § 1, effective August 4. **L. 2002:** (16)(a) amended, p. 861, § 1, effective August 7. **L. 2005:** (IP)(12.2)(a) amended, p. 781, § 72, effective June 1. **L. 2020:** (1.5) repealed, (SB 20-223), ch. 291, p. 1436, § 2, effective January 1, 2021. **L. 2021:** (1) and (4) amended and (1.6) and (1.8) added, (SB 21-293), ch. 301, p. 1806, § 2, effective June 23; (12.3)(a)(I) amended, (HB 21-1312), ch. 299, p. 1792, § 5, effective July 1.

Editor's note: (1) Subsection (12.1) provided for the repeal of subsections (12) and (12.1), effective January 1, 1987. (See L. 84, p. 988.)

(2) Subsection (9)(d) provided for the repeal of subsections (9)(c) and (9)(d), effective January 1, 1989. (See L. 88, p. 1269.)

(3) Subsection (10.1)(d) provided for the repeal of subsection (10.1), effective January 1, 1991. (See L. 88, p. 1273.)

(4) Section 5(2) of chapter 291 (SB 20-223), Session Laws of Colorado 2020, provides that changes to this section take effect on the date of the governor's proclamation or January 1, 2021, whichever is later, only if, at the November 2020 statewide election, a majority of voters

approve the ballot issue referred in accordance with section 2 of Senate Concurrent Resolution 20-001. The ballot issue, referred to voters as amendment B, was approved on November 3, 2020, and was proclaimed by the Governor on December 31, 2020. The vote count for the measure was as follows:

FOR: 1,740,395

AGAINST: 1,285,136

Cross references: (1) For constitutional provisions concerning taxation, see article X of the state constitution; for the provision that sets the valuation for assessment of residential real property at 21%, see § 3 (1)(b) of article X of the state constitution.

(2) For the legislative declaration in HB 21-1312, see section 1 of chapter 299, Session Laws of Colorado 2021.

39-1-104.1. Implementation costs - annual revaluation. (Repealed)

Source: L. 87: Entire section added, p. 1389, § 10, effective June 21. **L. 95:** Entire section repealed, p. 9, § 5, effective March 9.

39-1-104.2. Adjustment of residential rate - legislative declaration - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Multi-family residential real property" means residential real property that is a duplex, triplex, or multi-structure of four or more units, all of which are based on the class codes established in the manual published by the administrator. Multi-family residential real property is a subclass of residential real property for purposes of the ratio of valuation for assessment.

(b) "Target percentage" means the percentage of aggregate statewide valuation for assessment represented by the valuation for assessment which is attributable to residential real property in the year immediately preceding the year in which a change in the level of value occurs.

(2) After careful consideration of all available information, the general assembly hereby finds and declares that the action of the first session of the fifty-sixth general assembly which set the ratio of valuation for assessment for residential real property at eighteen percent has produced a deviation from the intent of section 3 of article X of the state constitution which ensures that the percentage of the aggregate statewide valuation for assessment which is attributable to residential real property shall remain the same as it was in the year immediately preceding the year in which a change occurs in the level of value used in determining actual value. Therefore, the general assembly finds that legislation is necessary for the following purposes: To adjust the residential rate for 1988; to ensure that deviations from the constitutional mandate set forth in section 3 of article X of the state constitution shall not be perpetuated into this or any future year; and to provide a process for future adjustments in the ratio of valuation for assessment for residential real property.

(3) (a) The general assembly, pursuant to the authority granted in section 3 of article X of the state constitution, finds and declares that, for the property tax years commencing on or after January 1, 1987, but before January 1, 1989, the percentage of aggregate statewide valuation for assessment which is attributable to residential real property fails to remain as it was in the property tax year commencing January 1, 1986, when the aggregate statewide valuation

for assessment was based on the 1985 aggregate statewide valuation for assessment plus the increased valuation for assessment attributable to new construction and to increased volume of mineral and oil and gas production which occurred during 1986. Therefore, for the property tax year commencing January 1, 1988, the ratio of valuation for assessment for residential real property shall be sixteen percent of actual value.

(b) The general assembly, pursuant to the authority granted in section 3 of article X of the state constitution, finds and declares that, for the property tax years commencing on or after January 1, 1989, but before January 1, 1991, the percentage of aggregate statewide valuation for assessment which is attributable to residential real property fails to remain as it was in the property tax year commencing January 1, 1988, when the aggregate statewide valuation for assessment was based on the 1987 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 44.51 percent, for the property tax years commencing on or after January 1, 1989, but before January 1, 1991, the ratio of valuation for assessment for residential real property shall be fifteen percent of actual value.

(c) The general assembly, pursuant to the authority granted in section 3 of article X of the state constitution, finds and declares that, for the property tax years commencing on or after January 1, 1991, but before January 1, 1993, the percentage of aggregate statewide valuation for assessment which is attributable to residential real property fails to remain as it was in the property tax year commencing January 1, 1990, when the aggregate statewide valuation for assessment was based on the 1989 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 44.57 percent, for the property tax years commencing on or after January 1, 1991, but before January 1, 1993, the ratio of valuation for assessment for residential real property shall be 14.34 percent of actual value.

(d) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 1993, but before January 1, 1995, the percentage of aggregate statewide valuation for assessment which is attributable to residential real property will fail to remain as it was in the property tax year commencing January 1, 1992, when the aggregate statewide valuation for assessment was based on the 1991 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 44.73 percent, the ratio of valuation for assessment for residential real property shall be 12.86 percent of actual value for the property tax years commencing on or after January 1, 1993, but before January 1, 1995.

(e) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 1995, but before January 1, 1997, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will fail to remain as it was in the property tax year commencing January 1, 1994, when the aggregate statewide valuation for assessment was based on the 1993 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 45.29 percent, the ratio of valuation for assessment for residential real property shall be 10.36 percent of actual value for the property tax years commencing on or after January 1, 1995, but before January 1, 1997.

(f) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 1997, but before January 1, 1999, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will fail to remain as it was in the property tax year commencing January 1, 1996, when the aggregate statewide valuation for assessment was based on the 1995 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 46.17 percent, the ratio of valuation for assessment for residential real property shall be 9.74 percent of actual value for the property tax years commencing on or after January 1, 1997, but before January 1, 1999.

(g) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 1999, but before January 1, 2001, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will fail to remain as it was in the property tax year commencing January 1, 1998, when the aggregate statewide valuation for assessment was based on the 1997 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 46.49 percent, the ratio of valuation for assessment for residential real property shall be 9.74 percent of actual value for the property tax years commencing on or after January 1, 1999, but before January 1, 2001.

(h) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 2001, but before January 1, 2003, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will fail to remain as it was in the property tax year commencing January 1, 2000, when the aggregate statewide valuation for assessment was based on the 1999 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 46.61 percent, the ratio of valuation for assessment for residential real property shall be 9.15 percent of actual value for the property tax years commencing on or after January 1, 2001, but before January 1, 2003.

(i) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 2003, but before January 1, 2005, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will not remain as it was in the property tax year commencing January 1, 2002, when the aggregate statewide valuation for assessment was based on the 2001 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 47.08 percent, the ratio of valuation for assessment for residential real property shall be 7.96 percent of actual value for the property tax years commencing on or after January 1, 2003, but before January 1, 2005.

(j) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 2005, but before January 1, 2007, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will not remain as it was in the property tax year commencing January 1, 2004, when the aggregate statewide valuation for

assessment was based on the 2003 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 47.22 percent, the ratio of valuation for assessment for residential real property shall be 7.96 percent of actual value for the property tax years commencing on or after January 1, 2005, but before January 1, 2007.

(k) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 2007, but before January 1, 2009, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will not remain as it was in the property tax year commencing January 1, 2006, when the aggregate statewide valuation for assessment was based on the 2005 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 47.43 percent, the ratio of valuation for assessment for residential real property shall be 7.96 percent of actual value for the property tax years commencing on or after January 1, 2007, but before January 1, 2009.

(l) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 2009, but before January 1, 2011, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will not remain as it was in the property tax year commencing January 1, 2008, when the aggregate statewide valuation for assessment was based on the 2007 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 46.82 percent, the ratio of valuation for assessment for residential real property shall be 7.96 percent of actual value for the property tax years commencing on or after January 1, 2009, but before January 1, 2011.

(m) Pursuant to the authority granted in section 3 of article X of the state constitution, the general assembly finds and declares that, for the property tax years commencing on or after January 1, 2011, but before January 1, 2013, the percentage of aggregate statewide valuation for assessment that is attributable to residential real property will not remain as it was in the property tax year commencing January 1, 2010, when the aggregate statewide valuation for assessment was based on the 2009 aggregate statewide valuation for assessment. Therefore, the administrator having determined pursuant to subsection (4) of this section that the target percentage is 46.53 percent, the ratio of valuation for assessment for residential real property shall be 7.96 percent of actual value for the property tax years commencing on or after January 1, 2011, but before January 1, 2013.

(n) Based on the determination by the administrator that the target percentage is 45.86 percent, the ratio of valuation for assessment for residential real property is 7.96 percent of actual value for the property tax years commencing on or after January 1, 2013, but before January 1, 2015.

(o) Based on the determination by the administrator that the target percentage is 45.67 percent, the ratio of valuation for assessment for residential real property is 7.96 percent of actual value for the property tax years commencing on or after January 1, 2015, but before January 1, 2017.

(p) Based on the determination by the administrator that the target percentage is 45.76 percent, the ratio of valuation for assessment for residential real property is 7.2 percent of actual value for property tax years commencing on or after January 1, 2017, but before January 1, 2019.

(q) **[*Editor's note: This version of subsection (3)(q) is effective until voters vote on a ballot measure concerning property tax reductions at the November 2021 statewide election. See the editor's note following this section.*]** The ratio of valuation for assessment for residential real property is 7.15 percent of actual value for property tax years commencing on or after January 1, 2019, until the next property tax year that the general assembly adjusts the ratio of valuation for assessment for residential real property.

(q) **[*Editor's note: This version of subsection (3)(q) is effective only if voters approve a ballot measure concerning property tax reductions at the November 2021 statewide election. See the editor's note following this section.*]** The ratio of valuation for assessment for multi-family residential real property is 7.15 percent of actual value for property tax years commencing on or after January 1, 2019, until the next property tax year that the general assembly adjusts the ratio of valuation for assessment for residential real property.

(q) **[*Editor's note: This version of subsection (3)(q) takes effect only if voters do not approve a ballot measure concerning property tax reductions at the November 2021 statewide election. See the editor's note following this section.*]** The ratio of valuation for assessment for multi-family residential real property is 7.15 percent of actual value for property tax years commencing on or after January 1, 2019; except that, for property tax years commencing on January 1, 2022, and January 1, 2023, the ratio of valuation for assessment for multi-family residential real property is temporarily reduced to 6.8 percent of actual value.

(r) The ratio of valuation for assessment for all residential real property other than multi-family residential real property is 7.15 percent of actual value; except that, for property tax years commencing on January 1, 2022, and January 1, 2023, the ratio of valuation for assessment for all residential real property other than multi-family residential real property is temporarily reduced to 6.95 percent of actual value.

(4) to (7) Repealed.

Source: L. 88: Entire section added, p. 1276, § 1, effective January 1, 1989. **L. 89:** (3) and (7)(b) amended, p. 1450, § 3, effective June 7. **L. 90:** IP(7)(a) amended, p. 1689, § 5, effective June 9. **L. 91:** (3)(c) added and (4)(a), (6)(d), and (7)(b) amended, p. 1984, §§ 1, 2, effective April 11. **L. 91, 2nd Ex. Sess.:** (7)(b) amended, p. 100, § 1, effective September 25; IP(7)(a) and (7)(a)(II) amended, p. 101, § 1, effective October 7. **L. 92:** IP(7)(a) and (7)(b) amended, p. 2215, § 2, effective June 3. **L. 93:** (3)(d) added and (7) repealed, pp. 1876, 1689, §§ 1, 8, effective June 6. **L. 95:** (3)(e) added, p. 583, § 1, effective May 22. **L. 97:** (3)(f) added, p. 1149, § 1, effective May 28. **L. 99:** (3)(g) added, p. 505, § 1, effective April 30. **L. 2001:** (3)(h) added, p. 705, § 1, effective May 31. **L. 2002:** IP(6) amended, p. 861, § 2, effective August 7. **L. 2003:** (3)(i) added, p. 1970, § 1, effective May 22. **L. 2005:** (3)(j) added, p. 632, § 1, effective May 27. **L. 2007:** (3)(k) added, p. 1524, § 1, effective May 31. **L. 2009:** (3)(l) added, (HB 09-1360), ch. 362, p. 1875, § 1, effective June 1. **L. 2011:** (3)(m) added, (HB 11-1305), ch. 222, p. 956, § 1, effective May 27. **L. 2013:** (3)(n) added, (HB 13-1319), ch. 324, p. 1815, § 1, effective May 28. **L. 2015:** (3)(o) added, (HB 15-1357), ch. 312, p. 1276, § 1, effective June 5. **L. 2017:** (3)(p) added, (HB 17-1349), ch. 358, p. 1885, § 1, effective June 5. **L. 2019:** (3)(p) amended and (3)(q) added, (SB 19-255), ch. 433, p. 3745, § 1, effective June 3. **L. 2020:** (3)(q) amended and

(4), (5), and (6) repealed, (SB 20-223), ch. 291, p. 1436, § 3, effective January 1, 2021. **L. 2021:** (1)(a) amended and (3)(r) added, (SB 21-293), ch. 301, p. 1808, § 3, effective June 23; (3)(q) amended, (SB 21-293), ch. 301, p. 1808, §§ 3, 4, effective (see editor's notes (2) and (3)).

Editor's note: (1) Section 5(2) of chapter 291 (SB 20-223), Session Laws of Colorado 2020, provides that changes to this section take effect on the date of the governor's proclamation or January 1, 2021, whichever is later, only if, at the November 2020 statewide election, a majority of voters approve the ballot issue referred in accordance with section 2 of Senate Concurrent Resolution 20-001. The ballot issue, referred to voters as amendment B, was approved on November 3, 2020, and was proclaimed by the Governor on December 31, 2020. The vote count for the measure was as follows:

FOR: 1,740,395

AGAINST: 1,285,136

(2) Section 15(2) of chapter 301 (SB 21-293), Session Laws of Colorado 2021, provides that section 3 of the act changing subsection (3)(q) takes effect only if, at the November 2021 statewide election, a majority of voters approve a measure concerning property tax reductions, and, in which case, changes to subsection (3)(q) take effect simultaneously with the measure.

(3) Section 15(3) of chapter 301 (SB 21-293), Session Laws of Colorado 2021, provides that section 4 of the act changing subsection (3)(q) takes effect only if, at the November 2021 statewide election, a majority of voters do not approve a measure concerning property tax reductions or if there is no such measure on the ballot for the election, and, in either case, changes to subsection (3)(q) take effect on December 31, 2021.

39-1-104.5. Severed mineral interest - placement on tax roll. Any owner of the surface estate from which a mineral interest has been severed, on behalf of himself and any other owners of such interest in the surface, may require the assessor of the county wherein such real estate is situate to place such severed mineral interest, without regard to value, on the tax roll of the county if the owner of the surface estate provides proof of ownership of the severed mineral interest and a record of the creation of the severed mineral interest as shown by the records of the county clerk and recorder. Proof of ownership and the record of creation of the severed mineral interest shall be provided in the form of a certificate prepared by an attorney, a title insurance company, or a title insurance agent authorized to do business in this state.

Source: L. 79: Entire section added, p. 1405, § 1, effective July 1. **L. 83:** Entire section amended, p. 512, § 3, effective May 16.

39-1-105. Assessment date. All taxable property, real and personal, within the state at twelve noon on the first day of January of each year, designated as the official assessment date, shall be listed, appraised, and valued for assessment in the county wherein it is located on the assessment date. Personal property shall be listed and valued separately from real property. Whenever construction of any new taxable building within the boundaries of a county occurs subsequent to the assessment date but before July 1 and such county has resolved to implement the procedures set out in section 39-5-132, such building shall be listed, appraised, and valued pursuant to section 39-5-132.

Source: L. 64: R&RE, p. 677, § 1. **C.R.S. 1963:** § 137-1-5. **L. 85:** Entire section amended, p. 1226, § 2, effective January 1, 1986. **L. 86:** Entire section amended, p. 1222, § 35, effective May 30.

Cross references: For property brought into the state after assessment date, see § 39-5-110; for property destroyed after the assessment date, see § 39-5-117; for the procedure for exclusion of property within a municipality from a special district and for the effect of such an exclusion order, see §§ 32-1-502 and 32-1-503.

39-1-105.5. Reappraisal ordered based on valuation for assessment study - state school finance payments.

(1) (a) Repealed.

(b) (I) Pursuant to section 39-1-104 (16)(b) for each property tax year beginning with the property tax year which commences January 1, 1985, the annual study shall, in addition to other requirements, determine and set forth the aggregate valuation for assessment of each county for the year in which the study is conducted.

(II) (A) If the valuation for assessment of a county as reflected in its abstract for assessment for any property tax year beginning with the property tax year commencing January 1, 1985, is more than five percent below the valuation for assessment for such county as determined by the study conducted during the same property tax year, the state board of equalization shall cause to be performed a reappraisal of any class or classes of property that the study shows were not appraised consistent with the property tax provisions of the Colorado constitution or the statutes. The reappraisal must be performed during the next following year at the expense of the county; except that the state board of equalization may waive the requirement that the county reimburse the state for any costs incurred by the state in reappraising any class or classes of property if the county presents the state board with a plan to use the money retained to improve the functioning of the office of the county assessor. If the county fails to implement the plan submitted in a timely manner as agreed upon by the state board and the county, the state board shall revoke the waiver and require the county to reimburse the state for reappraisal costs incurred by the state. The reappraisal is the county's valuation for assessment with regard to the reappraised class or classes for the year in which the reappraisal is performed.

(B) Even though a county's aggregate valuation for assessment as reflected in its abstract for assessment for any property tax year beginning with the property tax year commencing January 1, 1985, is not more than five percent below the valuation for assessment for such county as determined by the study conducted during the same property tax year, the state board of equalization shall cause to be performed a reappraisal of any class or classes of property that the study shows were not appraised consistent with the property tax provisions of the Colorado constitution or the statutes. The reappraisal must be performed during the next following year at the expense of the county; except that the state board of equalization may waive the requirement that the county reimburse the state for any costs incurred by the state in reappraising any class or classes of property if the county presents the state board with a plan to use the money retained to improve the functioning of the office of the county assessor. The reappraisal is the county's valuation for assessment with regard to the reappraised class or classes of property for the year in which the reappraisal is performed.

(III) Whenever a reappraisal is ordered pursuant to subparagraph (II) of this paragraph (b), state equalization payments to school districts within the county during the year in which the reappraisal is performed shall be based upon the valuation for assessment as reflected in the county's abstract for assessment for the year prior to the year in which the reappraisal is performed. The state board of equalization shall order the county's board of county commissioners to levy, and the board of county commissioners shall levy, an additional property tax on all taxable property within the county. Such additional property tax shall be levied at the same time as other property taxes are levied during the year in which the reappraisal is performed. Such additional property tax shall be in an amount which is sufficient to reimburse the state for the excess state equalization payments made to school districts within the county during the year in which the reappraisal is performed. The county's board of county commissioners shall reimburse the state for such excess state equalization payments. Such excess shall be that amount of the state equalization payments actually paid by the state to the county during the year in which the reappraisal is performed based on the incorrect valuation for assessment as reflected in the county's abstract for assessment for the immediately prior year which amount exceeds the state equalization payments the state would have paid during the year in which the reappraisal is performed had the valuation for assessment for the immediately prior year been determined by the assessor consistent with the provisions of the Colorado constitution and the statutes. In addition, the additional property tax shall be sufficient to pay to the state, and the board of county commissioners shall pay to the state, interest on such excess at the interest rate determined by the state banking commissioner pursuant to section 39-21-110.5.

(IV) If the valuation for assessment of a county as reflected in its abstract for assessment for any property tax year beginning with the property tax year commencing January 1, 1985, is more than five percent below the valuation for assessment for such county as determined by the study conducted during the same property tax year and if the state board of equalization fails to order a reappraisal, state equalization payments to school districts within the county during the year next following the year in which the study was performed shall be based upon the valuation for assessment for the county as reflected in the county's abstract for assessment for the year in which the study was conducted. At the same time as other property taxes are levied during the year in which such state equalization payments are made, the county's board of county commissioners shall levy an additional property tax on all taxable property within the county. Such additional property tax shall be in an amount sufficient to reimburse the state for the difference between the amount the state actually paid in state equalization payments during the year following the year in which the study was performed and what the state would have paid during such year had the state equalization payments been based on the valuation for assessment as determined by the study. The county's board of county commissioners shall reimburse the state for such difference.

(V) Any finding made in 1988 pursuant to the provisions of subparagraph (II) of this paragraph (b) shall be based primarily on data and information collected from within the county in question, except where data is lacking or deficient. If data from outside the county must be used, then that data must be from a comparable area. If any finding made utilizing the study conducted for the property tax year commencing on January 1, 1987, was based upon data and information comparing taxable property in one county with taxable property in the county subject to such finding, the state board of equalization shall revise such finding so that any

orders made pursuant to the provisions of subparagraph (II) of this paragraph (b) are based solely on data and information collected from within each affected county.

(2) Any reimbursement made by a county to the state for the cost incurred by the state in reappraising any class or classes of taxable property for property tax purposes pursuant to subsection (1) of this section shall be made to the state treasurer who shall credit the amount of the reimbursement to the state general fund. For purposes of this section, the costs of salary and benefits for state employees who work on reappraisals is not a reimbursable cost incurred by the state.

Source: L. 83: Entire section added, p. 1506, § 4, effective June 2. **L. 84:** (2) added, p. 733, § 2, effective May 11. **L. 87:** (1)(b)(III) amended, p. 1394, § 1, effective July 1. **L. 88:** (1)(b)(V) added, p. 1282, § 6, effective January 1, 1989. **L. 89:** (1)(b)(III) amended, p. 1451, § 4, effective June 7. **L. 2004:** (1)(a) repealed, p. 205, § 27, effective August 4. **L. 2014:** (1)(b)(II)(A), (1)(b)(II)(B), and (2) amended, (SB 14-083), ch. 44, p. 216, § 1, effective August 6.

39-1-106. Partial interests not subject to separate tax. For purposes of property taxation, it shall make no difference that the use, possession, or ownership of any taxable property is qualified, limited, not the subject of alienation, or the subject of levy or distraint separately from the particular tax derivable therefrom. Severed mineral interests shall also be taxed.

Source: L. 64: R&RE, p. 677, § 1. **C.R.S. 1963:** § 137-1-6. **L. 73:** p. 1430, § 2. **L. 96:** Entire section amended, p. 1850, § 2, effective June 5. **L. 2002:** Entire section amended, p. 1008, § 2, effective August 7.

39-1-107. Tax liens. (1) The lien of general taxes for the current year, including taxes levied pursuant to section 39-5-132, shall attach to all taxable property, real and personal, at 12 noon on the assessment date.

(2) Taxes levied on real and personal property, together with any delinquent interest, advertising costs, and fees prescribed by law with respect to any such taxes as may have become delinquent, shall be a perpetual lien thereon, and such lien shall have priority over all other liens until such taxes, delinquent interest, advertising costs, and fees shall have been paid in full.

(3) Repealed.

(4) The property tax on a possessory interest in real or personal property that is exempt from taxation under this article shall be assessed to the holder of the possessory interest and collected in the same manner as property taxes assessed to owners of real or personal property; except that such property tax shall not become a lien against the property. When due, the property tax shall be a debt due from the holder of the possessory interest to the board of county commissioners for the county in which such property is located or to such other body as is authorized by law to levy property taxes, and shall be recoverable by such board or body by direct action in debt on behalf of each governmental entity for which a property tax levy has been made.

Source: L. 64: R&RE, p. 677, § 1. **C.R.S. 1963:** § 137-1-7. **L. 67:** p. 212, § 1. **L. 75:** (1) amended, p. 1462, § 1, effective January 1, 1976. **L. 83:** (3) repealed, p. 1485, § 11, effective April 22. **L. 85:** (1) amended, p. 1226, § 3, effective January 1, 1986. **L. 89:** (1) amended, p. 1482, § 5, effective April 23. **L. 92:** (2) amended, p. 2222, § 1, effective April 9. **L. 2002:** (4) added, p. 1008, § 3, effective August 7. **L. 2016:** (1) amended, (SB 16-189), ch. 210, p. 792, § 105, effective June 6.

Cross references: For receipts for taxes paid, see § 39-10-105; for the effect of issuance of certificate of taxes due, see § 39-10-115; for sale of tax liens, see article 11 of this title.

39-1-108. Payment of taxes - grantor and grantee. As between the grantor and grantee of property other than property described in section 39-5-104.5, when the instrument of conveyance does not contain an express agreement as to which party shall pay the taxes that may be levied on the property conveyed in the year in which conveyed, if such conveyance is made after the thirty-first day of December and before the first day of July next following, the grantee shall pay such taxes; but if the conveyance is made after the thirtieth day of June and before the first day of January next following, the grantor shall pay such taxes.

Source: L. 64: R&RE, p. 677, § 1. **C.R.S. 1963:** § 137-1-8. **L. 2020:** Entire section amended, (HB 20-1077), ch. 80, p. 324, § 6, effective September 14.

39-1-109. Taxes paid by mortgagee - effect. If the mortgagor of real property fails or neglects to pay the taxes levied on such property or permits such property to be sold for taxes, the mortgagee may pay said taxes or redeem such property if sold for taxes, and any taxes so paid or redeemed shall become and be a lien upon such real property until the same have been repaid to the mortgagee. Upon payment of any such mortgage or in an action to enforce the same, such mortgagee may demand the taxes so paid or redeemed, with interest thereon at the same rate specified in the mortgage, and the same shall be included in any judgment rendered on the mortgage. The term "mortgage" includes deeds of trust, and the term "mortgagee" includes the beneficiary of a deed of trust.

Source: L. 64: R&RE, p. 678, § 1. **C.R.S. 1963:** § 137-1-9. **L. 73:** p. 1417, § 100.

39-1-110. Notice - formation of political subdivision - boundary change of special district. (1) (a) When any petition for the organization of a political subdivision is filed, the clerk of any court or board or any other officer with whom the petition has been filed shall immediately, in writing, notify the assessor and the board of county commissioners of each county in which the proposed political subdivision is to be located and the division of local government of the filing, and such notice shall specify the boundaries of the proposed political subdivision. No political subdivision shall levy a tax for the calendar year in which it has been organized unless, prior to July 1 of said year, the assessor and the board of county commissioners of each county within which such political subdivision is located have been notified of its organization and have received from its governing body the following:

(I) Official notice that a tax will be levied for such year;

(II) A legal description; and

(III) A map of the political subdivision.

(b) No levy for the calendar year in which a political subdivision has been organized shall be made by the board of county commissioners or certified to the assessor unless the political subdivision has complied with the provisions of paragraph (a) of this subsection (1).

(1.5) No political subdivision that is a special district shall levy a tax against property included in the special district for the calendar year during which such property was included unless, prior to May 1 of said year or, if such property is included in the special district pursuant to section 32-1-401 (2), C.R.S., prior to July 1 of said year, the court order of inclusion has been filed with the county clerk and recorder of the county in which the inclusion took place in accordance with the provisions of section 32-1-105, C.R.S.

(1.8) A political subdivision that is a special district shall not levy a tax against property excluded from the special district for the calendar year during which such exclusion becomes effective if, prior to May 1 of said year, the court order of exclusion has been filed with the county clerk and recorder of the county in which the exclusion took place in accordance with the provisions of section 32-1-105, C.R.S.

(2) Whenever all or any portion of a political subdivision becomes part of another county by reason of any change in county boundaries, the governing body of such political subdivision shall, within thirty days after the effective date of such change, notify, in writing, the assessor and the board of county commissioners of the county, of which all or any portion of such political subdivision has become a part, of its intention to levy a tax for the year in which such change became effective.

(3) The provisions of this section shall not apply to any school district, local college district, health service district created pursuant to section 32-1-1003, C.R.S., or health assurance district created pursuant to section 32-1-1003.5, C.R.S.

(4) For purposes of this section, "special district" means a special district formed in accordance with the provisions of title 32, C.R.S.

Source: L. 64: R&RE, p. 678, § 1. **C.R.S. 1963:** § 137-1-10. **L. 67:** p. 946, § 6. **L. 70:** p. 380, § 11. **L. 72:** p. 620, § 162. **L. 73:** p. 1432, § 1. **L. 85:** (1) amended, p. 1022, § 10, effective July 1. **L. 87:** (1.5) and (1.8) added, p. 1396, § 1, effective April 22. **L. 90:** (1) amended, p. 1436, § 8, effective January 1, 1991. **L. 2003:** (1), (1.5), (1.8), and (2) amended and (4) added, p. 746, § 1, effective March 25. **L. 2007:** (3) amended, p. 1201, § 19, effective July 1.

Cross references: For required notice for organization, dissolution, or boundary change of a special district, see § 32-1-105.

39-1-111. Taxes levied by board of county commissioners. (1) No later than December 22 in each year, the board of county commissioners in each county of the state, or such other body in the city and county of Denver as shall be authorized by law to levy taxes, or the city council of the city and county of Broomfield, shall, either by an order to be entered in the record of its proceedings or by written approval, levy against the valuation for assessment of all taxable property located in the county on the assessment date, and in the various towns, cities, school districts, and special districts within such county, the requisite property taxes for all purposes required by law.

(2) As soon as such levies have been made, the board of county commissioners, or other body authorized by law to levy taxes, or either group's authorized party shall forthwith certify all such levies to the assessor, upon forms prescribed by the administrator, and shall transmit a copy of such certification to the administrator, to the division of local government, and to the department of education.

(3) If the board of county commissioners, or other body authorized by law to levy taxes, or either group's authorized party fails to certify such levies to the assessor, it is the duty of the assessor, upon direction of the division of local government, to extend the levies of the previous year, subject to the limitations prescribed in section 29-1-301.

(4) If the valuation for assessment for all or any part of any body authorized to levy taxes has been divided for an urban renewal area, pursuant to section 31-25-107 (9)(a), C.R.S., the board of county commissioners shall make the same levy on the portion of valuation for assessment divided under subparagraph (II) as under subparagraph (I) of said section 31-25-107 (9)(a), C.R.S., for payment of taxes according to the provisions of said section, so long as said division remains in effect.

(5) If, after certification of the valuation for assessment pursuant to section 39-5-128 and notification of total actual value pursuant to section 39-5-121 (2)(b) but prior to December 10, changes in such valuation for assessment or total actual value are made by the assessor, the assessor shall send a single notification to the board of county commissioners or other body authorized by law to levy property taxes, to the division of local government, and to the department of education that includes all of such changes that have occurred during said specified period of time. Upon receipt of such notification, such board or body shall make adjustments in the tax levies to ensure compliance with section 29-1-301, C.R.S., if applicable, and may make adjustments in order that the same amount of revenue be raised. A copy of any adjustment to tax levies shall be transmitted to the administrator and assessor. Nothing in this subsection (5) shall be construed as conferring the authority to exceed statutorily imposed mill levy or revenue-raising limits.

Source: L. 64: R&RE, p. 679, § 1. **C.R.S. 1963:** § 137-1-11. **L. 69:** p. 1115, § 1. **L. 70:** p. 380, § 12. **L. 72:** p. 620, § 163. **L. 73:** p. 1433, § 2. **L. 75:** (1) amended, p. 1456, § 1, effective July 14; (4) added, p. 1278, § 5, effective July 16. **L. 76:** (1) amended, p. 686, § 3, effective July 1. **L. 81:** (5) added, p. 1397, § 7, effective June 19. **L. 84:** (5) amended, p. 991, § 1, effective March 26. **L. 87:** (1) and (5) amended, p. 1410, § 13, effective April 22. **L. 88:** (1) amended, p. 823, § 36, effective May 24; (1) amended, p. 1283, § 8, effective January 1, 1989. **L. 89:** (1) and (5) amended, p. 1452, § 5, effective June 7. **L. 93:** (2) and (5) amended, p. 1282, § 3, effective June 6. **L. 96:** (5) amended, p. 719, § 2, effective May 22. **L. 2001:** (1) amended, p. 268, § 15, effective November 15. **L. 2021:** (1), (2), and (3) amended, (HB 21-1267), ch. 257, p. 1513, § 2, effective September 7.

Editor's note: Amendments to subsection (1) by House Bill 88-1341 and Senate Bill 88-184 were harmonized.

Cross references: For certification by boards of education of amounts that may be levied by boards of county commissioners for school districts, see § 22-40-102; for the procedure for

levy and collection of taxes in a special district and the duty of county officers to levy and collect the taxes, see §§ 32-1-1201 and 32-1-1202.

39-1-111.5. Temporary property tax credits and temporary mill levy rate reductions. (1) In order to effect a refund for any of the purposes set forth in section 20 of article X of the state constitution, any local government may approve and certify a temporary property tax credit or temporary mill levy rate reduction as set forth in this section. The procedures set forth in this section shall be deemed to be a reasonable method for effecting refunds in accordance with section 20 of article X of the state constitution.

(2) Concurrent with the certification of its levy to the board of county commissioners as required pursuant to section 39-5-128 (1), any local government may certify a refund in the form of a temporary property tax credit or temporary mill levy rate reduction. The certification shall include the local government's gross mill levy, the temporary property tax credit or temporary mill levy rate reduction expressed in mill levy equivalents, and the net mill levy, which shall be the gross mill levy less the temporary property tax credit or temporary mill levy rate reduction.

(3) Concurrent with certification to the assessor of all mill levies by the board of county commissioners or other body authorized by law to levy taxes, or by either group's authorized party, in accordance with section 39-1-111 (2), the board of county commissioners shall certify any other local government's temporary property tax credit or temporary mill levy rate reduction and any temporary property tax credit or temporary mill levy rate reduction for the county or city and county itself, itemized as set forth in subsection (2) of this section.

(4) Concurrent with the delivery to the treasurer of the tax warrant by the assessor in accordance with section 39-5-129, the assessor shall, in addition to all other information required to be set forth in the tax warrant, itemize in the manner set forth in subsection (2) of this section any duly certified temporary property tax credit or temporary mill levy rate reduction.

(5) Upon receipt of any tax warrant reflecting a temporary property tax credit or temporary mill levy rate reduction for any local government, the treasurer shall be responsible for collecting taxes on behalf of such local government based upon such local government's net adjusted mill levy. In addition to any other information required by section 39-10-103, the tax statement shall indicate by footnote which, if any, local government mill levies contained therein reflect a temporary property tax credit or temporary mill levy rate reduction for the purpose of effecting a refund in accordance with section 20 of article X of the state constitution.

Source: L. 93: Entire section added, p. 1686, § 1, effective June 6. **L. 2021:** (3) amended, (HB 21-1267), ch. 257, p. 1514, § 3, effective September 7.

39-1-112. Taxes available - when. Except as otherwise provided in article 1.5 of this title, all taxes levied pursuant to the provisions of articles 1 to 13 of this title shall be available for expenditure by the political subdivision for which levied during its fiscal year as collected.

Source: L. 64: R&RE, p. 679, § 1. **C.R.S. 1963:** § 137-1-12. **L. 81:** Entire section amended, p. 1841, § 2, effective May 28.

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. The board may appoint independent referees who are experienced in property valuation to conduct the hearing on behalf of the board, to make findings, and to submit recommendations to the board for its final decision.

(1.5) Upon authorization by the board of county commissioners, the assessor may review petitions for abatement or refund and settle by written mutual agreement any such petition for abatement or refund in an amount of ten thousand dollars or less per tract, parcel, or lot of land or per schedule of personal property. Any abatement or refund agreed upon and settled pursuant to this subsection (1.5) shall not be subject to the requirements of subsection (1) of this section.

(1.7) Every petition for abatement or refund filed pursuant to section 39-10-114 shall be acted upon pursuant to the provisions of this section by the board of county commissioners or the assessor, as appropriate, within six months of the date of filing such petition.

(2) (a) Whenever any abatement or refund in an amount of ten thousand dollars or less is recommended by the board of county commissioners, the board shall order the abatement of taxes pro rata for all levies applicable to such property, or, in the case of a refund, the board shall order the refund of taxes pro rata by all jurisdictions receiving payment thereof.

(b) Whenever any abatement or refund in an amount of ten thousand dollars or less has been agreed upon and settled by the assessor pursuant to subsection (1.5) of this section, the assessor shall order the abatement of taxes pro rata for all levies applicable to such property, or, in the case of a refund, the assessor shall order the refund of taxes pro rata by all jurisdictions receiving payment thereof.

(3) Whenever any abatement or refund in an amount in excess of ten thousand dollars is recommended by the board of county commissioners, two copies of an application therefor, reciting the amount of such abatement or refund and the grounds upon which it should be allowed, shall be submitted to the administrator for review pursuant to section 39-2-116. If an application is approved, the board of county commissioners shall order the abatement of taxes pro rata for all levies applicable to such property, or, in the case of a refund, the board of county commissioners shall order the refund of taxes pro rata by all jurisdictions receiving payment thereof.

(4) (Deleted by amendment, L. 91, p. 1962, § 2, effective June 5, 1991.)

(5) (a) If a hearing is required pursuant to subsection (1) of this section, the board of county commissioners shall provide at least seven days' notice of the scheduled hearing on a petition for abatement and refund of taxes to the person signing such petition and the taxpayer if the taxpayer did not sign the petition. Except as authorized in paragraph (b) of this subsection (5), notice shall be provided by sending to such person through the United States mail notification of the date, time, and place of the hearing.

(b) A board of county commissioners may authorize by resolution a person required to be notified by paragraph (a) of this subsection (5) or such person's agent to elect to receive the notice by fax or electronic mail at a phone number or electronic mail address supplied by such person. If no election is made by such person, the board of county commissioners shall mail the required notice.

(6) Notwithstanding any law to the contrary, for taxes levied on and after January 1, 1990, a taxpayer may file a petition for abatement or refund of taxes levied on property if the valuation of such property was the subject of an arbitration hearing pursuant to section 39-8-

108.5 and the arbitrator presiding over such hearing failed to deliver a decision to the taxpayer prior to the beginning date of the period during which the assessor sits to hear all objections and protests concerning the valuation of such property in the year following the year in which such arbitration hearing was held.

Source: L. 64: R&RE, p. 679, § 1. **C.R.S. 1963:** § 137-1-13. **L. 70:** p. 381, § 13. **L. 77:** Entire section amended, p. 1733, § 6, effective June 20. **L. 81:** Entire section amended, p. 1837, § 1, effective January 1, 1982. **L. 87:** Entire section amended, p. 1397, § 1, effective May 6. **L. 88:** (1) to (3) amended, pp. 1290, 1294, §§ 23, 27, effective May 23. **L. 90:** (2) and (3) amended, p. 1703, § 38, effective June 9. **L. 91:** (1) and (4) amended and (5) and (6) added, p. 1962, § 2, effective June 5. **L. 92:** (1), (2), (5), and (6) amended and (1.5) and (1.7) added, p. 2205, § 1, effective June 3. **L. 93:** (1) amended, p. 1744, § 3, effective July 1. **L. 96:** (3) amended, p. 649, § 1, effective May 1. **L. 2003:** (1) amended, p. 1347, § 1, effective August 6. **L. 2008:** (2) and (3) amended, p. 1246, § 5, effective August 5. **L. 2010:** (1.5), (2), and (3) amended, (HB 10-1117), ch. 195, p. 841, § 1, effective August 11. **L. 2016:** (5) amended, (SB 16-172), ch. 280, p. 1148, § 1, effective June 10.

Cross references: For approval of tax abatements or refunds by the property tax administrator, see § 39-2-116; for further restrictions relating to the abatement, refund, and cancellation of taxes, see § 39-10-114.

39-1-114. Who may administer oath. Whenever any fact, matter, or thing is required by the provisions of articles 1 to 13 of this title to be verified by oath or affirmation, any assessor, treasurer, or county clerk and recorder, or a deputy of any of said officers may administer such oath or affirmation. The deputy need not certify the oath in the name of the principal.

Source: L. 64: R&RE, p. 679, § 1. **C.R.S. 1963:** § 137-1-14.

39-1-115. Records prima facie evidence. The assessment rolls, the tax warrants, the entries made in the books of the treasurer, and the lists of lands sold for taxes recorded by the treasurer or the county clerk and recorder, or a certified copy thereof, shall be prima facie evidence of all things appearing therein in all courts and places.

Source: L. 64: R&RE, p. 679, § 1. **C.R.S. 1963:** § 137-1-15.

39-1-116. Penalty for divulging confidential information. [*Editor's note: This version of this section is effective until March 1, 2022.*] Except when pursuant to an order of any court of competent jurisdiction or as otherwise provided by law, any person who divulges or makes known in any way the contents of any private document, as specified in section 39-4-103, 39-5-120, or 39-7-101 (4), to any person not authorized to have access to such documents is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.

39-1-116. Penalty for divulging confidential information. [*Editor's note: This version of this section is effective March 1, 2022.*] Except when pursuant to an order of any court of competent jurisdiction or as otherwise provided by law, any person who divulges or makes known in any way the contents of any private document, as specified in section 39-4-103, 39-5-120, or 39-7-101 (4), to any person not authorized to have access to such documents commits a petty offense.

Source: L. 64: R&RE, p. 680, § 1. **C.R.S. 1963:** § 137-1-16. **L. 96:** Entire section amended, p. 110, § 2, effective January 1, 1997. **L. 2021:** Entire section amended, (SB 21-271), ch. 462, p. 3294, § 688, effective March 1, 2022.

Editor's note: Section 803(2) of chapter 462 (SB 21-271), Session Laws of Colorado 2021, provides that the act changing this section applies to offenses committed on or after March 1, 2022.

Cross references: For confidential records submitted by a public utility, see § 39-4-103; for confidential personal property schedules, see § 39-5-120.

39-1-117. Prior actions not affected. Nothing in articles 1 to 13 of this title shall apply to or in any manner affect any valuation, assessment, allocation, levy, tax certificate, tax warrant, tax sale, tax deed, right, claim, demand, lien, indictment, information, warrant, prosecution, defense, trial, cause of action, motion, appeal, judgment, sentence, or other authorized act, done or to be done, or proceeding arising under or pursuant to the laws in effect immediately prior to August 1, 1964, but the same shall be governed by and conducted pursuant to the provisions of law in effect immediately prior to August 1, 1964.

Source: L. 64: R&RE, p. 748, § 2. **C.R.S. 1963:** § 137-1-18.

39-1-118. Repeal of law levying state property tax - disposition of funds. After the repeal of any law levying a general property tax for the state or for state purposes takes effect, delinquent taxes collected by county treasurers as a result of the levy imposed by any such repealed law shall, when received by the state treasurer, be credited to the capital construction fund.

Source: L. 71: p. 1243, § 1. **C.R.S. 1963:** § 137-1-21.

Cross references: For the creation of and provisions relating to the capital construction fund, see § 24-75-302.

39-1-119. Funds held for payment of taxes - refund - reduction and increase of amounts - penalty. (1) Subject to section 39-3.5-105 (2), all funds in excess of those permitted to be held by the federal "Real Estate Settlement Procedures Act of 1974", 12 U.S.C. sec. 2601 et seq., as amended from time to time, and any rules promulgated to implement that federal law, as amended from time to time, held in escrow for the payment of ad valorem taxes on property under any deed of trust, mortgage, or other agreement encumbering or pertaining to real property

located in this state shall be refunded to the property owner at the time and in the manner required by the federal law and rules. This subsection (1) applies whether or not the federal law and rules would apply to the deed of trust, mortgage, or other agreement in the absence of this subsection (1).

(2) Payments into such escrow accounts for the payment of ad valorem taxes due in subsequent years shall be adjusted annually, based upon the amount of taxes paid on the subject property for the preceding year, but if such person reasonably believes that substantial improvements have been made to such property, which improvements were not included within the previous year's assessment, a reasonable estimate of the taxes for such subsequent years may be used as a basis for establishing the payments for such escrow account.

(2.5) The amount of payments into such escrow accounts for the payment of ad valorem taxes due in subsequent years shall be increased only upon official notification of an increase in the amount of taxes levied on such property. Such amounts shall not be increased based solely upon notification of an increase in the valuation for assessment of such property.

(3) Any person willfully failing to make a refund in violation of subsection (1) of this section for any whole month or more shall be liable for interest at a rate of six percent per annum and an equal amount as penalty.

Source: L. 73: p. 1435, § 1. **C.R.S. 1963:** § 137-1-22. **L. 74:** (1) amended, p. 427, § 1, effective March 19. **L. 79:** (1) amended, p. 1414, § 10, effective January 1, 1980. **L. 80:** (1) amended, p. 797, § 62, effective June 5. **L. 87:** (2.5) added, p. 1389, § 11, effective June 20. **L. 93:** (1) amended, p. 346 § 2, effective April 12. **L. 98:** (1) amended, p. 828, § 51, effective August 5. **L. 2015:** (1) amended, (SB 15-142), ch. 29, p. 71, § 1, effective March 18.

39-1-119.5. Funds collected by lessors of personal property for payments of taxes - refund - damages. (1) If a personal property lessee is required to make payment to a lessor pursuant to the terms of any contract or other agreement entered into between the lessee and lessor for the payment of personal property tax due on or after January 1, 2007, those payments shall be accounted for upon the termination of the lease entered into between the lessee and lessor. If it is determined upon this accounting that a refund is due to the lessee for overpayment of personal property taxes, the lessor shall make such refund to the lessee on or before August 31 of the year in which the tax is due.

(2) The lessor shall base the accounting and refund on the actual property tax liability due in each year of the lease period.

(3) Any lessor who willfully fails to make a refund in violation of subsection (1) of this section shall be liable to the lessee, in a civil action, in an amount equal to the sum of three times the amount of actual damages sustained and in the case of any successful action to enforce said liability, the costs of the action together with reasonable attorney fees as determined by the court.

(4) Any action brought under this section shall be commenced within three years after the date on which the failure to refund occurred or within three years after the lessee discovered or in the exercise of reasonable diligence should have discovered the lessor's failure to refund. The period of limitation provided in this section may be extended for a period of one year if the lessee proves that failure to timely commence the action was caused by the lessor engaging in conduct calculated to induce the lessee to refrain from or postpone the commencement of the action.

Source: L. 2006: Entire section added, p. 311, § 1, effective April 4.

39-1-120. Filing - when deemed to have been made. (1) (a) Any report, schedule, claim, tax return, statement, or other document required or authorized under articles 1 to 9 of this title to be filed with or any payment made to the state of Colorado or any political subdivision thereof which is transmitted through the United States mail shall be deemed filed with and received by the public officer or agency to which it was addressed on the date shown by the cancellation mark stamped on the envelope or other wrapper containing the document required to be filed.

(b) Any such document which is mailed, but not received by the public officer or agency to which it was addressed, or is received and the cancellation mark is not legible, or is erroneous or omitted, shall be deemed to have been filed and received on the date it was mailed if the sender establishes by competent evidence that the document was deposited in the United States mail on or before the date due for filing. In such cases of nonreceipt of a document by the public officer or agency to which it was addressed, the sender shall file a duplicate copy thereof within thirty days after written notification is given to the sender by such public officer of the failure to receive such document.

(2) If any report, schedule, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail, or certificate of mailing, a record authenticated by the United States postal service of such registration, certification, or certificate shall be considered competent evidence that the report, schedule, claim, tax return, statement, remittance, or other document was mailed to the public officer or agency to which it was addressed, and the date of the registration, certification, or certificate shall be deemed to be the postmark date.

(3) If the date for filing any report, schedule, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day.

Source: L. 77: Entire section added, p. 1404, § 2, effective July 1. **L. 79:** (1)(a) amended, p. 1420, § 1, effective January 1, 1980.

39-1-121. Expression of rate of property taxation in dollars per thousand dollars of valuation for assessment - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Communication" means any tax statement pursuant to section 39-10-103.

(b) "Mill" means the rate of property taxation equivalent to the amount of dollars per one thousand dollars of valuation for assessment of taxable real or personal property.

(c) "Valuation for assessment" means the actual value of any real or personal property multiplied by the assessment percentages specified in law.

(2) The general assembly hereby finds, determines, and declares that communications to taxpayers regarding the imposition of property taxes expressed in mills can be unduly confusing to the general public. The general assembly further finds, determines, and declares that, for the convenience of taxpayers and to assist citizens in better understanding the property taxation system, it is advantageous for governmental entities levying property taxes to inform taxpayers

of such tax rates in terms of the amount of dollars per one thousand dollars of valuation for assessment of taxable real or personal property.

(3) In any communication to a taxpayer, any mill levy amounts stated shall be converted into the amount of dollars per one thousand dollars of valuation for assessment of taxable real or personal property.

Source: L. 88: Entire section added, p. 1273, § 7, effective July 1. **L. 92:** (1)(a) amended, p. 2181, § 52, effective June 2. **L. 94:** (1)(a) amended, p. 1197, § 103, effective July 1. **L. 2020:** (1)(c) amended, (SB 20-223), ch. 291, p. 1438, § 4, effective January 1, 2021.

Editor's note: Section 5(2) of chapter 291 (SB 20-223), Session Laws of Colorado 2020, provides that changes to this section take effect on the date of the governor's proclamation or January 1, 2021, whichever is later, only if, at the November 2020 statewide election, a majority of voters approve the ballot issue referred in accordance with section 2 of Senate Concurrent Resolution 20-001. The ballot issue, referred to voters as amendment B, was approved on November 3, 2020, and was proclaimed by the Governor on December 31, 2020. The vote count for the measure was as follows:

FOR: 1,740,395

AGAINST: 1,285,136

39-1-122. Interim task force to study property tax assessment - classification - land used for agricultural and other purposes - 2010 interim - legislative declaration - repeal. (Repealed)

Source: L. 2010: Entire section added, (HB 10-1293), ch. 357, p. 1699, § 1, effective June 7.

Editor's note: Subsection (7) provided for the repeal of this section, effective July 1, 2012. (See L. 2010, p. 1699.)

39-1-123. Property tax reimbursement - property destroyed by natural cause. (1) **Eligibility.** For property tax years commencing on or after January 1, 2013, real or business personal property listed on a single schedule that was destroyed by a natural cause as defined in section 39-1-102 (8.4), as determined by the county assessor in the county in which the property is located, shall be subject to a reimbursement from the state in an amount equal to the property tax liability applicable to the destroyed property in the property tax year in which the natural cause occurred.

(2) **Report of destroyed properties.** (a) (I) For the property tax year commencing January 1, 2013, on or before July 1, 2014, or on or before October 1, 2014, for public utilities identified in article 4 of this title, the assessor of each county with property destroyed by a natural cause during the year shall forward to the applicable county treasurer a report of the taxable real or business personal property in the county that was destroyed by a natural cause. The report must include the information specified in paragraph (b) of this subsection (2).

(II) For property tax years commencing on or after January 1, 2014, on or before December 15 of the applicable property tax year, the assessor of each county with property

destroyed by a natural cause shall forward to the applicable county treasurer a report of the taxable real or business personal property in the county that was destroyed by a natural cause through November of the year. The report must include the information specified in paragraph (b) of this subsection (2).

(III) If after submitting a report to the county treasurer pursuant to subparagraph (I) or (II) of this paragraph (a), the county assessor discovers any taxable real or business personal property that was destroyed by a natural cause during the applicable property tax year that was not included in the report, the county assessor shall forward to the county treasurer a supplemental report of the additional taxable real or business personal property in the county that was destroyed by a natural cause. The report must include the information specified in paragraph (b) of this subsection (2). If applicable, the county assessor shall forward the supplemental report to the county treasurer on or before July 1, or for public utilities identified in article 4 of this title, on or before October 1 of the year following the property tax year in which the property was destroyed by a natural cause.

(b) (I) In the case of taxable real property, the reports required pursuant to paragraph (a) of this subsection (2) shall include the following:

(A) The legal description of each parcel of real property in the county containing the real property destroyed by a natural cause in the applicable property tax year;

(B) The schedule or parcel number for each parcel of real property containing the real property destroyed by a natural cause in the applicable property tax year;

(C) The name of the real property owner on record;

(D) A description of the real property and the date of the destruction; and

(E) The prorated property taxes due on the destroyed real property for the applicable property tax year according to the records of the county assessor.

(II) In the case of taxable business personal property, the reports required pursuant to paragraph (a) of this subsection (2) shall include the following:

(A) The schedule or identifying number for the business personal property destroyed by a natural cause;

(B) The name of the taxpayer who owns or leases the business personal property that was destroyed by a natural cause and the name of the entity under which the taxpayer does business, if applicable; and

(C) The property taxes due on the destroyed business personal property for the applicable property tax year according to the records of the county assessor.

(3) **Verification of property taxes owed.** (a) Within thirty calendar days of receiving a report from the county assessor pursuant to subsection (2) of this section, the county treasurer of the same county shall verify the total amount of the property tax in the county that is eligible for reimbursement pursuant to subsection (1) of this section. The county treasurer shall calculate such amount based on the certified tax roll that the county treasurer receives from the county assessor, as adjusted by any proration of the amount of property taxes owed due to the destruction of the property.

(b) As soon as practicable after verifying the total amount of property tax in the county that is eligible to be reimbursed, the county treasurer shall transmit a report to the state treasurer that includes the county treasurer's verification and the report of the destroyed properties from the county assessor.

(4) **State treasurer to pay county treasurer.** After receiving a report from a county treasurer pursuant to subsection (3) of this section, and subject to appropriation, the state treasurer shall issue a reimbursement warrant to the applicable county treasurer in an amount equal to the total amount of property tax due in the county that is eligible to be reimbursed pursuant to subsection (1) of this section for the applicable property tax year. The reimbursement shall be paid from the state general fund.

(5) **Reimbursement.** (a) Within thirty calendar days of the receipt of moneys from the state treasurer pursuant to subsection (4) of this section, the county treasurer shall:

(I) Apply a credit to the tax bill of the destroyed property for that year in the amount of the expected reimbursement and apply the reimbursement received from the treasurer to such credit; or

(II) Pay the property tax owed for each destroyed property. If the property tax due for the destroyed property has already been paid, the county treasurer shall issue a reimbursement to the taxpayer's last recorded mailing address.

(b) The county treasurer shall waive any interest on unpaid property taxes that are paid pursuant to this subsection (5).

(c) If any reimbursements are returned to the county treasurer as undeliverable, the county treasurer shall hold the reimbursement for six months from the date that the reimbursement was returned to the county treasurer, and the taxpayer may claim the reimbursement from the county treasurer. The county treasurer shall return to the state treasurer any reimbursements that have not been claimed by the taxpayer within such time.

(d) The state treasurer shall transfer to the general fund any moneys that he or she receives from a county treasurer pursuant to paragraph (c) of this subsection (5).

(e) Nothing in this subsection (5) shall be construed to require a county treasurer to credit or pay the property tax bill of any destroyed property prior to the county treasurer's receipt of a reimbursement warrant from the state treasurer pursuant to subsection (4) of this section.

(6) **Review.** During the first regular session of the seventy-first general assembly, the finance committees of the house of representatives and the senate, or any successor committees, shall review the provisions of this section and make recommendations regarding whether the provisions should be continued, repealed, or continued with modifications.

Source: L. 2014: Entire section added, (HB 14-1001), ch. 222, p. 830, § 1, effective May 17.

39-1-124. Mailing required to be sent by county assessor or treasurer - reasonable certainty mailing will not be delivered. If a county assessor or treasurer has reasonable certainty that a mailing or notice required to be sent pursuant to this title 39 will not be delivered to a residential real property address by the United States postal service, the county assessor or treasurer is not required to send the mailing or notice to that residential real property address; except that this section does not apply to notices required to be sent pursuant to sections 39-11-128 and 39-10-111.5 (6)(b).

Source: L. 2020: Entire section added, (HB 20-1077), ch. 80, p. 325, § 7, effective September 14.

ARTICLE 1.5

Prepayment of Ad Valorem Taxes

39-1.5-101. Legislative declaration. The general assembly hereby finds and declares that energy development operations and mineral extraction or conversion operations should be authorized to prepay ad valorem taxes to local governments for expenditure on capital improvements in order to meet additional public service demands created by such operations.

Source: L. 81: Entire article added, p. 1839, § 1, effective May 28.

39-1.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Capital improvement" means any road or highway, school facility or equipment, domestic, commercial, or industrial water facility, sewage facility, police and fire protection facility or equipment, hospital facility or equipment, or any other local government administrative or judicial facility which a local government is authorized by law to acquire or construct.

(2) "Local government" means a county, municipality as defined in section 31-1-101, C.R.S., school district, or special district which has the authority to impose general property taxes.

(3) "Operation" means the development, construction, and operation of any facility for the production of energy or the extraction, processing, conversion, or refining of minerals, including, but not limited to, a mine, power plant, mill, retort, or related facility, or any combination thereof under the same ownership, if the valuation for assessment of the taxable property of the operation within the boundaries of a local government is estimated to exceed fifty million dollars when the operation begins functioning.

Source: L. 81: Entire article, p. 1839, § 1, effective May 28.

39-1.5-103. Authorization of prepayment of taxes for capital improvements to local governments - no effect on obligation to pay taxes to other local governments. (1) An owner of an operation may prepay moneys to one or more local governments, within the boundaries of which is located taxable property of the operation, for credit against general property taxes which will be levied in the future pursuant to articles 1 to 13 of this title. Said moneys shall be expended on capital improvements which are directly or indirectly related to the additional public service demands created by the operation.

(2) If an operation prepays moneys for credit against general property taxes pursuant to this article to one or more local governments, said prepayment shall not vary the operation's obligations, under law, to pay general property taxes to any local government which does not receive such prepayments.

Source: L. 81: Entire article added, p. 1840, § 1, effective May 28.

39-1.5-104. Prepayment - amounts - credits - limitations. (1) An owner of an operation who elects to make prepayments under this article and the governing body of a local government shall jointly determine and agree upon:

(a) The total amount of prepayments to be made; except that the total amount of prepayments shall not exceed twenty-five percent of the estimate of the operation's projected tax liability to the local government over a twenty-year period, commencing with the taxable year in which the valuation for assessment of the operation is estimated to exceed fifty million dollars;

(b) The amounts and intervals of prepayments and credits for such prepayments; except that an annual prepayment credit shall not be allowed prior to the taxable year in which the operation begins functioning or the valuation for assessment of the operation exceeds fifty million dollars, whichever is earlier, nor shall it exceed twenty-five percent of the taxes due from the operation to that local government for the then current property tax year.

(2) The owner of an operation, the governing body of the local government, the assessor, the treasurer, and the division of property taxation in the department of local affairs shall estimate when the operation's projected valuation for assessment will exceed fifty million dollars and the amount thereof for the ensuing twenty years, as well as the operation's projected liability for general property taxes for the applicable period.

(3) The governing body of the local government shall adopt a resolution or ordinance which contains the total amount of taxes to be prepaid, the anticipated amounts and anticipated intervals of prepayments and credits for such prepayments, and the capital improvement or improvements upon which such prepaid taxes will be expended.

(4) The credit allowed in any taxable year for prepayments made under this article to or for each local government or any fund or account within the fund thereof shall be treated as an abatement of the property taxes due to such local government for that year from said operation and shall not affect the determination of the valuation for assessment thereof. The credit shall be shown on the tax statement for that year as it applies to each local government, fund, or fund account to which applied.

Source: L. 81: Entire article added, p. 1840, § 1, effective May 28.

39-1.5-105. Prepaid taxes subject to laws governing financial affairs. Moneys received pursuant to this article are subject to such laws relating to financial affairs, including budget, accounting, and auditing laws, as are or may be made applicable to the local government which receives such moneys.

Source: L. 81: Entire article added, p. 1841, § 1, effective May 28.

39-1.5-106. Relationship between prepaid taxes and the limitation on local government levies. In determining the amount of revenue which a local government is allowed to levy under section 29-1-301, C.R.S., prepayments made under this article shall not be deemed property tax revenue in the year of prepayment; however, tax liability against which a credit is to be allowed shall be deemed property tax revenue attributable to increased valuation for new construction or bond revenue in accordance with section 29-1-302, C.R.S., in the year in which a credit is to be allowed.

Source: L. 81: Entire article added, p. 1841, § 1, effective May 28.

39-1.5-107. Prepayment arrangement not a general obligation indebtedness. Any arrangement for prepayment of ad valorem taxes under this article shall not be construed to be a general obligation indebtedness.

Source: L. 81: Entire article added, p. 1841, § 1, effective May 28.

ARTICLE 2

Division of Property Taxation - Administrator - Board

Editor's note: This article was repealed and reenacted in 1964 and was subsequently repealed and reenacted in 1970, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 1970, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume and the editor's note before the article 1 heading.

39-2-101. Division created - property tax administrator. There is hereby created the division of property taxation in the department of local affairs, the head of which shall be the property tax administrator, which office is created by section 15 of article X of the state constitution. The administrator shall be appointed by a majority vote of the state board of equalization and shall serve for a term of five years and until a successor is appointed and qualified. The administrator may be removed from office for cause by a majority vote of the state board of equalization. The position of property tax administrator shall be exempt from the state personnel system.

Source: L. 70: R&RE, p. 371, § 1. **C.R.S. 1963:** § 137-3-1. **L. 84:** Entire section amended, p. 992, § 1, effective February 17.

Cross references: For the creation of the department of local affairs, see § 24-1-125.

39-2-102. Qualifications. The person appointed as property tax administrator shall possess knowledge of the subject of property taxation and of the laws of this state relating thereto and shall have demonstrated ability and experience in the field of property taxation. He shall devote his full time to the performance of his duties as administrator and shall hold no other office under the United States, the state, or any political subdivision thereof.

Source: L. 70: R&RE, p. 371, § 1. **C.R.S. 1963:** § 137-3-2.

39-2-103. Exercise of power. The division of property taxation and the property tax administrator shall exercise their powers, duties, and functions under the department of local affairs as if they were transferred to said department by a **type 1** transfer under the provisions of the "Administrative Organization Act of 1968".

Source: L. 70: R&RE, p. 371, § 1. **C.R.S. 1963:** § 137-3-3.

Cross references: For the creation of the department of local affairs, see § 24-1-125; for the "Administrative Organization Act of 1968", see article 1 of title 24.

39-2-104. Oath of office. Before entering upon the duties of his office, the property tax administrator shall take and subscribe to the constitutional oath of office, which oath or affirmation shall be filed in the office of the secretary of state.

Source: L. 70: R&RE, p. 372, § 1. **C.R.S. 1963:** § 137-3-4.

Cross references: For oath of office required of civil officers, see § 8 of article XII of the state constitution.

39-2-105. Seal. The division of property taxation shall have an official seal with the words "Property Tax Division - Department of Local Affairs" and such other appropriate design as the property tax administrator may determine engraved thereon, by which he shall authenticate proceedings conducted by him and of which the courts shall take judicial notice.

Source: L. 70: R&RE, p. 372, § 1. **C.R.S. 1963:** § 137-3-5.

39-2-106. Employees - compensation. Pursuant to the provisions of section 13 of article XII of the state constitution, the property tax administrator may employ a secretary and such other clerical and professional personnel as may be required to perform his duties. Compensation of the property tax administrator and other employees and necessary expenses of the division of property taxation shall be paid from annual appropriations made to the division by the general assembly. Any costs of the property tax administrator in implementing the assessment and levy procedures required pursuant to section 39-5-132 shall be paid by the local taxing authorities pursuant to said section.

Source: L. 70: R&RE, p. 372, § 1. **C.R.S. 1963:** § 137-3-6. **L. 85:** Entire section amended, p. 1226, § 4, effective January 1, 1986.

39-2-107. Office - hearings. (1) The property tax administrator shall maintain his office in the city of Denver but may transact official business at any other place within the state. The office shall be open during established hours each day, Saturdays, Sundays, and legal holidays excepted.

(2) Any hearings conducted by the administrator or the division shall be open to the public, and full and correct minutes thereof shall be kept, and such minutes shall be a public record open to public inspection.

Source: L. 70: R&RE, p. 372, § 1. **C.R.S. 1963:** § 137-3-7.

39-2-108. Rules and regulations. The administrator shall adopt rules and regulations governing proceedings and hearings pursuant to the provisions of article 4 of title 24, C.R.S.,

which rules and regulations shall be subject to legislative review pursuant to section 24-4-103 (8)(d), C.R.S.

Source: L. 70: R&RE, p. 372, § 1. **C.R.S. 1963:** § 137-3-8. **L. 77:** Entire section amended, p. 1733, § 8, effective June 20.

39-2-109. Duties, powers, and authority. (1) It is the duty of the property tax administrator, and the administrator shall have and exercise authority:

(a) To value the property and plant of all public utilities doing business in this state in the manner prescribed by law, which value shall be equalized in accordance with the provisions of section 39-4-102 (3), and to prepare and furnish all forms required to be filed with him by public utilities;

(b) To assist and cooperate in the administration of all laws concerning the valuing of taxable property, the assessment of same, and the levying of property taxes;

(c) Repealed.

(d) To approve the form and size of all personal property schedules, forms, and notices furnished or sent by assessors to owners of taxable property, the form of petitions for abatement or refund, the form of all field books, plat and block books, maps, and appraisal cards used in the office of the assessor and other forms and records used and maintained by the assessor and to require exclusive use of such approved schedules, books, maps, appraisal cards, forms, and records by all assessors to insure uniformity;

(e) To prepare and publish from time to time manuals, appraisal procedures, and instructions, after consultation with the advisory committee to the property tax administrator and the approval of the state board of equalization, concerning methods of appraising and valuing land, improvements, personal property, and mobile homes and to require their utilization by assessors in valuing and assessing taxable property. Said manuals, appraisal procedures, and instructions shall be based upon the three approaches to appraisal and the procedures set forth in section 39-1-103 (5)(a). Such manuals, appraisal procedures, and instructions shall be subject to legislative review, the same as rules and regulations, pursuant to section 24-4-103 (8)(d), C.R.S.

(f) To prepare and furnish to assessors all forms required to be completed by them and filed with the property tax administrator;

(g) To call, upon not less than ten days' prior notice, meetings of assessors at some designated place in the state and, upon reasonable notice, to call group or area meetings of two or more assessors;

(h) To prepare and design a basic form for all assessors to use in the assessment of real property which will set forth in detail information to be inserted pertaining to the approaches to appraisal set forth in section 39-1-103 (5)(a);

(i) To determine, whenever the administrator discovers that any taxable property of a public utility or any taxable rail transportation property has been omitted from the assessment roll of any year or series of years, the value of such omitted property. The administrator shall notify the assessor of such discovery and value. The assessor 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.

(j) Repealed.

(k) To prepare and publish guidelines, after consultation with the advisory committee to the property tax administrator and approval of the state board of equalization, concerning the audit and compliance review of oil and gas leasehold properties for property tax purposes, which shall be utilized by assessors, treasurers, and their agents. Such guidelines shall be subject to legislative review, the same as rules and regulations, pursuant to section 24-4-103 (8)(d), C.R.S.

(l) To resolve valuation disputes concerning property or property interests owned or held by the Southern Ute Indian tribe as provided in the taxation compact set forth in section 24-61-102, C.R.S.;

(m) To establish the forms required pursuant to part 2 of article 29 of title 38, C.R.S.

Source: L. 70: R&RE, p. 372, § 1. **C.R.S. 1963:** § 137-3-9. **L. 73:** p. 1437, § 1. **L. 76:** (1)(e) amended, p. 756, § 7, effective July 1. **L. 77:** (1)(h) added, p. 1750, § 1, effective June 9; (1)(c) R&RE and (1)(e) amended, p. 1733, §§ 7, 9, effective June 20. **L. 81:** (1)(c) repealed, p. 1398, § 11, effective January 1; (1)(a) amended, p. 1848, § 3, effective January 1, 1982. **L. 82:** (1)(e) amended, p. 555, § 1, effective January 1, 1984. **L. 83:** (1)(e) R&RE, p. 1498, § 1, effective April 12; (1)(b) amended, p. 1489, § 2, effective April 21; (1)(h) amended, p. 1483, § 4, effective April 22; (1)(i) and (1)(j) added, pp. 2082, 2083, §§ 1, 1, effective October 13. **L. 90:** (1)(e) amended, p. 1699, § 26, effective June 9. **L. 91:** (1)(k) added, p. 1953, § 1, effective January 1, 1992. **L. 96:** IP(1) and (1)(d) amended, p. 649, § 2, effective May 1; (1)(l) added, p. 1726, § 2, effective June 3. **L. 99:** (1)(l) amended, p. 629, § 40, effective August 4. **L. 2004:** (1)(j) repealed, p. 206, § 28, effective August 4. **L. 2008:** (1)(m) added, p. 452, § 10, effective July 1.

39-2-109.5. Computers for property assessment - state assistance. (Repealed)

Source: L. 83: Entire section added, p. 2083, § 2, effective October 13. **L. 2004:** Entire section repealed, p. 206, § 29, effective August 4.

39-2-110. Annual school for assessors. To further improvement in appraisal and valuation procedures and methods and understanding and knowledge thereof, the division of property taxation shall conduct annual instruction and discussion sessions in the nature of a school for assessors, their employees, and employees of the division for periods not exceeding fifteen days in length. All costs of conducting such sessions shall be paid by the division, and the necessary travel and subsistence expenses of assessors and their employees while attending such sessions shall be paid by their respective counties. All assessors shall attend this annual school. Each assessor completing this school shall receive a certificate of achievement for his effort.

Source: L. 70: R&RE, p. 373, § 1. **C.R.S. 1963:** § 137-3-10. **L. 75:** Entire section amended, p. 1457, § 1, effective June 20.

Cross references: For the definition of "assessor", see § 39-1-102 (2).

39-2-111. Complaints. The administrator shall examine all complaints filed with him wherein it is alleged that a class or subclass of taxable property in a county has not been appraised or valued as required by law or has been improperly or erroneously valued or that the

property tax laws have in any manner been evaded or violated. Complaints shall be in writing and may be filed only by a taxing authority in a county or by any taxpayer. Complaints may be filed only with respect to property located in the county in which the taxing authority levies taxes or in which the taxpayer owns taxable property. If the administrator finds the complaint is justified, he may use his findings as the basis for petitioning the state board of equalization for an order of reappraisal pursuant to section 39-2-114.

Source: L. 70: R&RE, p. 373, § 1. **C.R.S. 1963:** § 137-3-11. **L. 76:** Entire section amended, p. 757, § 9, effective January 1, 1977. **L. 83:** Entire section amended, p. 1490, § 3, effective April 21.

39-2-112. Assessor to appear - when. The property tax administrator may require any assessor to appear before him at any meeting to ascertain whether he has complied with the law in appraising and valuing the taxable property located in his county.

Source: L. 70: R&RE, p. 373, § 1. **C.R.S. 1963:** § 137-3-12.

Cross references: For the valuation for assessment, see § 39-1-104.

39-2-113. Administrator may intervene. (1) The administrator is authorized to appear as a party in interest in any proceeding before a court or other tribunal in which:

(a) An abatement or refund of property taxes is sought; or

(b) A question bearing on a statewide assessment policy is raised.

Source: L. 70: R&RE, p. 373, § 1. **C.R.S. 1963:** § 137-3-13. **L. 76:** Entire section R&RE, p. 757, § 10, effective January 1, 1977.

Cross references: For abatement and refund of taxes, see §§ 39-1-113 and 39-10-114.

39-2-114. Reappraisal - when - procedures. (1) Whenever the administrator petitions the state board of equalization for its order of reappraisal of any class or subclass of taxable property for the following taxable year, the administrator shall send a copy of such petition to the assessor of the county in which such class or subclass of taxable property is located. The petition of reappraisal shall include the reasons for such reappraisal, and the administrator has the duty to establish to the satisfaction of the state board of equalization the need for such reappraisal. The state board of equalization shall conduct a hearing on such petition, at which hearing the assessors shall attend and shall give such testimony and present such evidence as the state board of equalization may require.

(2) At the hearing on the petition for reappraisal, the affected county assessor shall have the opportunity to appear, to produce testimony and evidence, and to cross-examine witnesses. The decision of the state board of equalization shall be delivered in writing no later than the close of business on November 15.

(3) If such reappraisal is ordered by the state board of equalization, the property tax administrator shall direct the staff of the division of property taxation, working jointly with the assessor of such county, to reappraise such property, and the value so determined shall be the

actual value of the taxable property in such county for the next taxable year. The results of the reappraisal shall be filed with the property tax administrator no later than the close of business on the last working day in May of the year in which the reappraised values shall be effective, and a copy thereof shall be filed with the assessor.

(4) The affected assessor, board of county commissioners, town, city, school district, or special district, or any taxpayer resident therein, or any of them, may appeal the reappraised value to the state board of equalization by petition filed with the state board of equalization no later than the tenth day of June next following. Upon appeal, the assessor and any other petitioner shall have the right to appear, produce testimony and evidence, and cross-examine witnesses.

(5) The state board of equalization may affirm, rescind, or modify the reappraised values appealed, and shall enter its written order thereof no later than the first day of July next following.

Source: L. 70: R&RE, p. 373, § 1. **C.R.S. 1963:** § 137-3-14. **L. 77:** (1) R&RE, p. 1734, § 10, effective June 20. **L. 81:** (1) amended, p. 1398, § 10, effective January 1. **L. 83:** Entire section amended, p. 1490, § 4, effective April 21. **L. 86:** (2) amended, p. 1101, § 2, effective March 26. **L. 89:** (2) amended, p. 1452, § 6, effective June 7.

Cross references: For the duties of the board of assessment appeals, see § 39-2-125; for the determination of actual value, see § 39-1-103.

39-2-115. Review of abstracts of assessment - recommendations. (1) (a) No later than August 25 of each year, each county assessor shall file with the property tax administrator two copies of an abstract of assessment of the county.

(b) Repealed.

(2) Upon receipt of the abstracts of assessment from the assessors of the several counties of the state, the administrator shall examine and review each such abstract. If he finds from the abstract of any county that any or all of the various classes or subclasses of real and personal property located in such county have not been valued for assessment by the use of all manuals, factors, formulas, and other directives required by law, the administrator shall determine the amount of increase or decrease in valuation for assessment of such class or subclass necessary to conform to such requirements and shall file a complaint with the state board of equalization specifying the amount recommended to be added to or deducted from the valuation for assessment of such class or subclass of property in such county for the following taxable year.

(3) No later than October 15 of each year, the property tax administrator shall transmit the abstracts of assessment of the several counties to the state board of equalization together with his recommendations.

Source: L. 70: R&RE, p. 374, § 1. **C.R.S. 1963:** § 137-3-15. **L. 77:** (2) R&RE, p. 1734, § 11, effective June 20. **L. 83:** (2) and (3) amended, p. 1491, § 5, effective April 21. **L. 86:** (3) amended, p. 1102, § 3, effective March 26. **L. 89:** (1) and (3) amended, p. 1453, § 7, effective June 7. **L. 93:** (1) amended, p. 1283, § 4, effective June 6. **L. 94:** (1)(b) amended, p. 1645, § 79, effective July 1. **L. 96:** (1)(b) repealed, p. 1199, § 3, effective June 1.

39-2-116. Approval of tax abatement or refund. The administrator shall review each application submitted by the board of county commissioners or the board of equalization of any county for abatement or refund of taxes, and, if all of such application is found to be in proper form and recommended in conformity with the law, the application shall be approved; otherwise, it shall be disapproved, in which case the disapproval may be appealed to the board pursuant to section 39-2-125 (1)(b). If only a portion of such application is found to be in proper form and recommended in conformity with the law, the administrator shall approve such part and disapprove the remainder of the application, in which case the disapproved portion may be appealed to the board pursuant to section 39-2-125 (1)(b).

Source: L. 70: R&RE, p. 374, § 1. **C.R.S. 1963:** § 137-3-16. **L. 77:** p. 1734, § 12. **L. 81:** p. 1842, § 1.

Cross references: For abatement and refund of taxes, see § 39-1-113; for abatement or cancellation of taxes, see § 39-10-114.

39-2-117. Applications for exemption - review - annual reports - procedures - rules. (1) (a) (I) Every application filed on or after January 1, 1990, claiming initial exemption of real and personal property from general taxation pursuant to the provisions of sections 39-3-106 to 39-3-113.5 and 39-3-116 shall be made on forms prescribed and furnished by the administrator, shall contain such information as specified in paragraph (b) of this subsection (1), and shall be signed by the owner of such property or his or her authorized agent under the penalty of perjury in the second degree and, except as otherwise provided in this paragraph (a), shall be accompanied by a payment of one hundred seventy-five dollars, which shall be credited to the property tax exemption fund created in subsection (8) of this section. The administrator shall examine and review each application submitted, and, if it is determined that the exemption therein claimed is justified and in accordance with the intent of the law, the exemption shall be granted, the same to be effective upon such date in the year of application as the administrator shall determine, but in no event shall the exemption apply to any year prior to the year preceding the year in which application is made. The decision of the administrator shall be issued in writing and a copy thereof furnished to the applicant and to the assessor, treasurer, and board of county commissioners of the county in which the property is located.

(II) On all properties for which an application is pending in the office of the administrator, taxes shall not be due and payable until such determination has been made. Such property shall not be listed for the tax sale, and no delinquent interest will be charged on any portion of the exemption that is denied.

(III) No later than June 1 of each year, the administrator shall provide to the assessor, treasurer, and board of county commissioners of each county a list of all applications for property tax exemption currently pending in the office of the administrator.

(b) (I) Any users of real and personal property for which exemption from general taxation is requested pursuant to any of the provisions of sections 39-3-107 to 39-3-113.5 may be required to provide such information as the property tax administrator determines to be necessary.

(II) Except as otherwise provided in this subparagraph (II), any application filed pursuant to paragraph (a) of this subsection (1) claiming exemption from taxation pursuant to

section 39-3-106 or 39-3-106.5 shall contain the following information: The legal description and address of the real property or the address of the personal property being claimed as exempt; the name and address of the owner of such property; the name and telephone number of the agent of such property; the date the owner acquired such property; the date the owner commenced using the property for religious purposes; a complete list of all uses of the property other than by the owner thereof during the previous twelve months; the total amount of gross income specified in section 39-3-106.5 (1)(b)(I) and the total amount of gross rental income resulting to the owner of such property during the previous twelve months from uses for purposes other than the purposes specified in sections 39-3-106 to 39-3-113.5; and the total number of hours during the previous twelve months that such property was used for purposes other than the purposes specified in sections 39-3-106 to 39-3-113.5. For purposes of this subparagraph (II), if the owner did not own the property being claimed as exempt during the entire twelve-month period prior to filing such application, the application shall contain the required information for that portion of the twelve-month period for which such property was owned by the owner making application. Such application shall also include a declaration that sets forth the religious mission and religious purposes of the owner of the property being claimed as exempt and the uses of such property that are in the furtherance of such mission and purposes. Such declaration shall be presumptive as to the religious purposes for which such property is used. If the administrator is unable to determine whether the property qualifies for exemption based solely on the information specified in this subparagraph (II), the administrator may require additional information, but only to the extent that the additional information is necessary to determine the exemption status of the property. The administrator may challenge any declaration included in the application only upon the grounds that the religious mission and purposes are not religious beliefs sincerely held by the owner of such property, that the property being claimed as exempt is not actually used for the purposes set forth in such application, or that the property being claimed as exempt is used for private gain or corporate profit.

(III) Any application filed pursuant to paragraph (a) of this subsection (1) claiming exemption from taxation pursuant to section 39-3-116 shall contain such information specified in subparagraphs (I) and (II) of this paragraph (b) as is applicable for the purposes for which such property is used.

(2) No assessor shall classify any real or personal property as being exempt from taxation pursuant to the provisions of sections 39-3-106 to 39-3-113.5 or 39-3-116 in any year unless the application for exemption for the current year has been reviewed and has been granted as provided for by law, nor shall any assessor classify any real or personal property as being taxable after having been notified in writing that such property has been determined to be exempt from taxation by the property tax administrator.

(3) (a) (I) On and after January 1, 1990, and no later than April 15 of each year, every owner of real or personal property for which exemption from general taxation has previously been granted shall file a report with the administrator upon forms furnished by the division, containing such information relative to the exempt property as specified in paragraph (b) of this subsection (3), and signed under the penalty of perjury in the second degree. Each such annual report shall be accompanied by a payment of seventy-five dollars, which shall be credited to the property tax exemption fund created in subsection (8) of this section. Each such annual report filed later than April 15, but prior to July 1, shall be accompanied by a late filing fee of two hundred fifty dollars; except that the administrator shall have the authority to waive all or a

portion of the late filing fee for good cause shown as determined by the administrator by rules adopted pursuant to subsection (7) of this section. On and after January 1, 1990, every owner of real or personal property for which exemption from general taxation has previously been granted pursuant to the provisions of section 39-3-111 and that is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113.5 for less than two hundred eight hours during the calendar year or if the use of the property for such purposes results in annual gross rental income to such owner of less than twenty-five thousand dollars shall not be required to file any annual report pursuant to the provisions of this subsection (3). In order to claim such exemption, in lieu of such annual report, the owner shall annually file with the administrator a declaration stating that the property is used for such purposes for less than two hundred eight hours during the calendar year or such use results in annual gross rental income to the owner of less than twenty-five thousand dollars.

(II) In the event an annual report is not received by June 1 from an owner of real or personal property for which an exemption was granted for the previous year pursuant to the provisions of sections 39-3-107 to 39-3-113.5 or 39-3-116, the administrator shall give notice in writing to such property owner by June 15 that failure to comply by July 1 shall operate as a forfeiture of any right to claim exemption of previously exempt property from general taxation for the current year. Failure to timely file such annual report on or before July 1 shall operate as a forfeiture of any right to claim exemption of such property from general taxation for the year in which such failure occurs, unless an application is timely filed and an exemption granted pursuant to the provisions of paragraph (a) of subsection (1) of this section. The administrator shall review each report filed to determine if such property continues to qualify for exemption, and, if it is determined that the property does not so qualify, the owner of such property shall be notified in writing of the disqualification, and the assessor, treasurer, and board of county commissioners of the county in which the property is located shall also be so notified.

(III) In the event an annual report is not received by June 1 from an owner of real or personal property for which an exemption was granted for the previous year pursuant to the provisions of section 39-3-106 or 39-3-106.5, the administrator shall give notice in writing to such property owner by June 15 that failure to file a delinquent report during a twelve-month period commencing the following July 1 shall operate as the forfeiture of any right to claim exemption of previously exempt property from general taxation for the year in which such notice is given. Upon the filing of the delinquent annual report, a late filing fee of two hundred fifty dollars shall be paid, which shall be credited to the property tax exemption fund created in subsection (8) of this section; except that the administrator shall have the authority to waive all or a portion of the late filing fee for good cause shown as determined by the administrator by rules adopted pursuant to subsection (7) of this section. Failure to file the delinquent annual report within the twelve-month period shall result in the forfeiture of any right to claim exemption of such property from general taxation for the year in which such failure to file the annual report first occurred. The administrator shall review each report filed to determine if the property continues to qualify for exemption, and, if it is determined that the property does not so qualify, the owner of the property shall be notified in writing of the disqualification, and the assessor, treasurer, and board of county commissioners of the county in which the property is located shall also be so notified.

(b) (I) Any user of property which has been exempted pursuant to the provisions of sections 39-3-107 to 39-3-113.5 may be required to provide such information as the property tax

administrator determines to be necessary in order to ascertain whether the users and usages of the property are in compliance with the provisions of said sections.

(II) (A) Except as otherwise provided in sub-subparagraph (B) of this subparagraph (II), any annual report filed pursuant to paragraph (a) of this subsection (3) claiming exemption from taxation pursuant to section 39-3-106 or 39-3-106.5 shall contain the following information: The legal description or address of the property being claimed as exempt; the name and address of the owner of such property; a complete list of all uses of such property other than by the owner thereof during the previous calendar year; the amount of total gross income specified in section 39-3-106.5 (1)(b)(I) and the total amount of gross rental income resulting from uses of such property that are not for the purposes set forth in sections 39-3-106 to 39-3-113.5; and the total number of hours that such property was used for purposes other than the purposes specified in sections 39-3-106 to 39-3-113.5. Such annual report shall also include a declaration of the religious mission and purposes of the owner of such property claimed as being exempt and the uses of such property that are in the furtherance of such mission and purposes. Such declaration shall be presumptive as to the religious mission and religious purposes of the owner of such property. If the administrator is unable to determine whether the property continues to qualify for exemption based solely on the information specified in this subparagraph (II), the administrator may require additional information, but only to the extent that the additional information is necessary to determine the exemption status of the property. The administrator may challenge any declaration included in such annual report only upon the grounds that the religious mission and purposes are not religious beliefs sincerely held by the owner of such property, that such property is not actually used for the purposes set forth in the annual report, or that the property being claimed as exempt is used for private gain or corporate profit.

(B) For the purposes of sub-subparagraph (A) of this subparagraph (II), if the owner of property being claimed as exempt did not own such property during the entire previous calendar year, the annual report filed by such owner shall contain the information required in sub-subparagraph (A) of this subparagraph (II) for that portion of the previous calendar year during which such property was owned by such owner.

(III) Any annual report filed pursuant to paragraph (a) of this subsection (3) claiming exemption from taxation pursuant to section 39-3-116 shall contain such information specified in subparagraphs (I) and (II) of this paragraph (b) as is applicable for the purposes for which such property is used.

(4) If, subsequent to the time that exemption of any property was initially granted or annually renewed, as provided in subsections (1) and (3) of this section, it is determined that such exemption was granted or renewed as the result of false or misleading information contained in the initial application, the annual report, or any false information provided by owners or users of such property, then the property tax administrator shall revoke the exemption, and taxes shall be assessed against such property for the year or years affected by such false or misleading information, and all delinquent interest provided by law shall apply to such taxes.

(5) (a) (I) If the administrator tentatively determines that the property does not so qualify, except for the disqualification for failure to file an annual report required in subsection (3) of this section, he shall notify, by certified mail, the owner of such property of his tentative determination. The administrator shall also notify the owner of the owner's right to a public hearing, as provided for in subparagraph (II) of this paragraph (a).

(II) Within thirty days after the issuance of a tentative determination, the owner may request a public hearing regarding the determination. Upon the making of such a request, the administrator or his designees shall provide said owner with a public hearing at which said owner and any users of the property other than the owner, if their use is relevant to the determination of whether the property is exempt, shall be heard if they so desire. Such hearing shall be held no later than ninety days following the issuance of the tentative determination.

(III) Upon the conclusion of such hearing, the administrator shall provide the owner and any users sixty days within which to comply, so as to retain the exemption. If the owner fails to comply within sixty days, the administrator shall notify the owner in writing that the property has been disqualified.

(IV) The owner may waive his right to a public hearing by filing with the administrator a written statement that said right is waived. Upon receipt of such waiver, the administrator shall issue a final determination, in writing, which notifies the owner that the property does not qualify for exemption.

(V) If the owner does not request a public hearing, as provided for in subparagraph (II) of this paragraph (a), or does not file a waiver of his right to a public hearing, as provided for in subparagraph (IV) of this paragraph (a), the administrator shall provide the owner sixty days from the issuance of the tentative determination to file any additional information relevant to the determination of whether the property is exempt. At the conclusion of such sixty-day period, the administrator shall issue a final determination, in writing, which notifies the owner whether the property qualifies for exemption.

(b) An appeal from any decision of the administrator may be taken by the board of county commissioners of the county wherein such property is located, or by any owner of taxable property in such county, or by the owner of the property for which exemption is claimed if exemption has been denied or revoked in full or in part. Any such appeal shall be taken to the board of assessment appeals pursuant to the provisions of section 39-2-125 no later than thirty days following the decision of the administrator.

(6) If the decision of the board is against the petitioner, the petitioner may petition the court of appeals for judicial review thereof according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S. If the decision of the board is against the respondent, the respondent, upon the recommendation of the board that it is a matter of statewide concern, may petition the court of appeals for judicial review according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S.

(7) The administrator shall adopt rules to implement the provisions of this section pursuant to the provisions of article 4 of title 24, C.R.S., including any rules necessary to specify what shall qualify as "good cause shown" for purposes of waiving all or a portion of the late filing fees specified in subparagraphs (I) and (III) of paragraph (a) of subsection (3) of this section.

(8) All fees collected pursuant to this section shall be transmitted to the state treasurer who shall credit such revenues to the property tax exemption fund, which fund is hereby created in the state treasury. The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs of the administration of this article.

Source: L. 70: R&RE, p. 374, § 1. **C.R.S. 1963:** § 137-3-17. **L. 72:** p. 568, § 49. **L. 83:** (6) added, p. 2086, § 1, effective October 13. **L. 86:** (1) to (4) amended, p. 1104, § 2, effective

May 16. **L. 87:** (1)(a), (3)(a), and (5) amended, pp. 1399, 1400, §§ 1, 2, effective July 1. **L. 88:** (1)(a) and (3)(a) amended, p. 1292, § 25, effective May 23. **L. 89:** (1), (2), and (3)(b) amended, p. 1482, § 6, effective April 23; (1) to (3) amended and (7) added, p. 1486, § 4, effective June 7. **L. 90:** (6) amended, p. 1689, § 6, effective June 9. **L. 91:** (1)(b)(II), (3)(b)(II), and (5)(a) amended, pp. 1960, 1955, §§ 7, 1, effective June 7. **L. 92:** (1)(a) and (4) amended, p. 2222, § 2, effective April 9. **L. 2003:** (1)(b)(II) and (3)(b)(II)(A) amended, p. 866, § 1, effective April 7; (1)(a), (3)(a)(I), (3)(a)(III), and (5)(b) amended and (8) added, p. 1465, § 3, effective July 1. **L. 2009:** (1)(a) amended, (SB 09-042), ch. 176, p. 780, § 2, effective August 5. **L. 2010:** (1)(a)(I), (3)(a)(I), (3)(a)(III), and (7) amended, (HB 10-1386), ch. 328, p. 1516, § 1, effective July 1. **L. 2011:** (3)(a)(I) amended, (HB 11-1010), ch. 275, p. 1239, § 1, effective August 10. **L. 2013:** (1)(a)(I), (1)(b)(I), (1)(b)(II), (2), (3)(a)(I), (3)(a)(II), (3)(b)(I), and (3)(b)(II)(A) amended, (HB 13-1300), ch. 316, p. 1700, § 117, effective August 7.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-2-118. Recommendations to governor. No later than the first day of December of each year, the property tax administrator, in cooperation with a committee from the Colorado assessors association, shall submit to the governor for transmittal to the general assembly any recommendations concerning the administration and enforcement of the property tax laws which he deems necessary and in the public interest.

Source: L. 70: R&RE, p. 375, § 1. **C.R.S. 1963:** § 137-3-18.

39-2-119. Annual report. As soon after the end of each calendar year as may be practicable, the property tax administrator shall prepare a report covering the activities of the division of property taxation during such calendar year. Such report shall set forth the aggregate valuation for assessment of all taxable property in the state and in each county thereof, by classes and subclasses, for the two latest calendar years, the levies imposed by each political subdivision during the preceding calendar year, and the aggregate amount of taxes produced by such levies in the state and each county thereof, together with such other information as the administrator deems necessary. Such report shall be published in accordance with the provisions of section 24-1-136, C.R.S. Copies of the report shall be furnished to the governor and made available for distribution to the public.

Source: L. 70: R&RE, p. 375, § 1. **C.R.S. 1963:** § 137-3-19. **L. 83:** Entire section amended, p. 844, § 78, effective July 1. **L. 2002:** Entire section amended, p. 862, § 3, effective August 7.

39-2-120. Powers of property tax administrator. The property tax administrator shall be authorized to certify official acts of the division of property taxation, to administer oaths, issue subpoenas, compel attendance of witnesses and the production of books, accounts, and records, and to cause depositions to be taken. In case any person fails to comply with any subpoena or refuses to testify on any matter upon which he may be lawfully questioned, any

court having jurisdiction in the matter may, upon application of the property tax administrator, compel obedience in the manner provided by law.

Source: L. 70: R&RE, p. 376, § 1. **C.R.S. 1963:** § 137-3-20.

39-2-121. Enforcement of orders. The property tax administrator may compel compliance with his unappealed orders or, after approval by the board of assessment appeals of appealed orders, by proceedings in mandamus, injunction, or by other appropriate civil remedies.

Source: L. 70: R&RE, p. 376, § 1. **C.R.S. 1963:** § 137-3-21.

39-2-122. Notice prior to injunction. No injunction shall be issued suspending or staying any order of the property tax administrator except upon ten days' notice to the property tax administrator of the application for such injunction and a hearing thereon.

Source: L. 70: R&RE, p. 376, § 1. **C.R.S. 1963:** § 137-3-22.

39-2-123. Board of assessment appeals created - members - compensation. (1) On and after July 1, 1971, the Colorado tax commission shall be known as the board of assessment appeals, which agency is hereby created within the department of local affairs. The board shall be a quasi-judicial tribunal.

(2) Effective July 1, 1991, the existing board of assessment appeals is abolished, and the terms of members of the board then serving are terminated. Effective July 1, 1991, the new board shall be comprised of three members, who shall be appointed by the governor with the consent of the senate. Appointments to the board shall be as follows: One member shall be appointed for a term of two years, and two members shall be appointed for terms of four years. Thereafter, appointments to the board shall be for terms of four years each. In order to allow for appeals to be heard timely, up to six additional members may be appointed to the board by the governor with the consent of the senate. Such additional members shall be appointed for terms of one state fiscal year each. Members of the board shall be experienced in property valuation and taxation and shall be public employees, as defined in section 24-10-103 (4)(a), who are not subject to the state personnel system laws. One of such members shall be or shall have been, within the five years immediately preceding the date of initial appointment, actively engaged in agriculture. On and after June 1, 1993, members shall be licensed or certificated pursuant to the provisions of part 6 of article 10 of title 12. Service on the board shall be at the pleasure of the governor, who may appoint a replacement to serve for the unexpired term of any member. Such replacement shall be appointed with the consent of the senate. Any other vacancies on the board shall be filled by appointment by the governor with the consent of the senate for the unexpired term.

(3) In addition to any other compensation provided for by law, members of the board shall be compensated one hundred fifty dollars per diem. In addition, members of the board who do not reside in the Denver metropolitan area, which consists of the counties of Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson, shall be reimbursed for their actual and necessary travel expenses as determined by the executive director of the department of local affairs. Per diem compensation not to exceed two hundred twenty days in

any calendar year shall be paid only when the board is in session or when any member thereof conducts a hearing pursuant to section 39-2-127. The board shall be in session when it determines that it is necessary or as directed by the executive director of the department of local affairs.

(4) The board of assessment appeals shall exercise its powers, duties, and functions under the department of local affairs as if it were transferred to said department by a **type 1** transfer under the provisions of the "Administrative Organization Act of 1968".

Source: L. 70: R&RE, p. 376, § 1. **C.R.S. 1963:** § 137-3-23. **L. 76:** (3) amended, p. 757, § 11, January 1, 1977. **L. 77:** (2) amended, p. 1735, § 13, effective June 20. **L. 83:** (3) amended, p. 1500, § 1, effective May 26. **L. 85:** (3) amended, p. 1219, § 2, effective March 23; (3) amended, p. 1228, § 1, effective July 1. **L. 87:** (2) amended, p. 913, § 30, effective June 15. **L. 88:** (2) amended, p. 1296, § 1, effective April 29. **L. 89:** (2) amended, p. 1453, § 8, effective June 7. **L. 91:** (2) and (3) amended, p. 1977, § 1, effective July 1. **L. 92:** (2) amended, p. 2206, § 2, effective June 3. **L. 2013:** (2) amended, (SB 13-146), ch. 388, p. 2258, § 1, effective July 1; (2) amended, (SB 13-155), ch. 392, p. 2283, § 15, effective July 1. **L. 2019:** (2) amended, (HB 19-1172), ch. 136, p. 1728, § 250, effective October 1.

Editor's note: (1) Amendments to subsection (3) by House Bill 85-1105 and House Bill 85-1106 were harmonized.

(2) Amendments to subsection (2) by Senate Bill 13-146 and Senate Bill 13-155 were harmonized.

Cross references: For the "Administrative Organization Act of 1968", see article 1 of title 24.

39-2-124. Executive director to furnish employees and clerical assistance. Clerical assistance and such employees as are necessary shall be furnished for the board by the executive director of the department of local affairs.

Source: L. 70: R&RE, p. 377, § 1. **C.R.S. 1963:** § 137-3-24.

39-2-125. Duties of the board - board of assessment appeals cash fund - creation. (1) The board of assessment appeals shall perform the following duties, such performance to be in accordance with the applicable provisions of article 4 of title 24, C.R.S.:

(a) Adopt procedures of practice before and procedures of review by the board;

(b) (I) Hear appeals from orders and decisions of the property tax administrator filed not later than thirty days after the entry of any such order or decision.

(II) Such hearings shall include evidence as to the rationale of such order or decision and the detailed data in support thereof.

(c) Hear appeals from decisions of county boards of equalization filed not later than thirty days after the entry of any such decision;

(d) Repealed.

(e) Hear appeals from determinations by county assessors when a county board of equalization or an assessor has failed to respond within the time provided by statute to an appeal properly filed by a taxpayer;

(f) Hear appeals from decisions of boards of county commissioners filed not later than thirty days after the entry of any such decision when a claim for refund or abatement of taxes is denied in full or in part;

(g) Repealed.

(h) Collect any filing fee that shall accompany a taxpayer's request for a hearing before the board pursuant to this section. All fees collected by the board shall be transmitted to the state treasurer, who shall credit the same to the board of assessment appeals cash fund, which fund is hereby created in the state treasury and referred to in this paragraph (h) as the "cash fund". All moneys credited to the cash fund shall be used in accordance with the requirements of this section and shall not be deposited in or transferred to the general fund of this state or any other fund. The moneys credited to the cash fund shall be available for appropriation by the general assembly to the board of assessment appeals in the annual general appropriation act. In making the annual appropriation to the board of assessment appeals under the annual general appropriation act, the general assembly shall consider available revenues and reserve balances in the cash fund. Any interest earned on amounts in the cash fund shall be credited to the cash fund. Any request for a hearing before the board pursuant to sections 39-2-117 (5)(b), 39-4-108 (8), 39-8-108 (1), and 39-10-114.5 (1) shall be accompanied by a nonrefundable filing fee as follows:

(I) For any person other than a taxpayer pro se, a fee of one hundred one dollars and twenty-five cents for each tract, parcel, or lot of real property and for each schedule of personal property included in such request; except that, if any request for a hearing before the board involves more than one tract, parcel, or lot owned by the same taxpayer and involves the same issue regarding the valuation of such real property, only one filing fee shall be required for such request for a hearing.

(II) For any person who is a taxpayer pro se, for the first two requests for a hearing within a fiscal year, the taxpayer shall not be required to pay a filing fee, and for each additional request within such fiscal year, a fee of thirty-three dollars and seventy-five cents for each tract, parcel, or lot of real property, and for each schedule of personal property included in such request; except that, if any request for a hearing before the board involves more than one tract, parcel, or lot owned by the same taxpayer and involves the same issue regarding the valuation of such real property, only one filing fee shall be required for such request for a hearing.

(1.5) As used in this section, notwithstanding any other law, "taxpayer pro se" includes the trustee of a trust.

(2) Complaints filed by the property tax administrator shall be advanced on the calendar and shall take precedence over other matters pending before the board.

(3) Effective January 1, 1983, the consideration of a property's market value in the ordinary course of trade and the comparison of a property with other properties of known or recognized value by the board when considering the market approach to appraisal in its review of the determination of a property's actual value are subject to the provisions of section 39-1-103 (8).

Source: L. 70: R&RE, p. 377, § 1. **L. 71:** p. 1245, § 1. **C.R.S. 1963:** § 137-3-25. **L. 73:** p. 1438, § 1. **L. 76:** (1)(c) amended, p. 757, § 12, effective January 1, 1977. **L. 77:** (1)(f)

amended and (3) added, p. 1735, §§ 14, 15, effective June 20. **L. 79:** (1)(g) added, p. 1461, § 1, effective July 1. **L. 81:** (1)(f) amended, p. 1843, § 1, effective May 18; (3) amended, p. 1831, § 4, effective June 12. **L. 83:** (1)(d)(I) repealed, p. 1491, § 7, effective April 21; (3) amended, p. 1483, § 5, effective April 22; (1)(d) repealed, p. 1508, § 5, effective June 2; (1)(f) amended, p. 2086, § 2, effective October 13. **L. 84:** (1)(c) amended, p. 1001, § 3, effective March 5. **L. 85:** (1)(c) amended, p. 1219, § 1, effective March 24. **L. 88:** (1)(c) amended, p. 1296, § 2, effective April 29. **L. 90:** (1)(c)(I) amended, p. 1709, § 1, effective May 22. **L. 91:** (1)(c)(I) amended, p. 1978, § 2, effective July 1. **L. 92:** IP(1) amended and (1)(h) added, p. 2207, § 3, effective June 3. **L. 2002:** (1)(g) repealed, p. 1361, § 15, effective July 1. **L. 2003:** IP(1) and (1)(h) amended, p. 1465, § 2, effective July 1. **L. 2008:** (1)(h) amended, p. 2147, § 25, effective June 4. **L. 2012:** (1.5) added, (HB 12-1307), ch. 216, p. 929, § 2, effective August 8. **L. 2013:** (1)(c) and IP(1)(h) amended, (SB 13-146), ch. 388, p. 2259, § 2, effective July 1.

Cross references: (1) For the legislative declaration contained in the 2008 act amending subsection (1)(h), see section 1 of chapter 417, Session Laws of Colorado 2008.

(2) For the legislative declaration in the 2012 act adding subsection (1.5), see section 1 of chapter 216, Session Laws of Colorado 2012.

39-2-126. Delaying effect of decision - when. If the finality of a decision of the board of assessment appeals is suspended until after the last day of the calendar year by a pending judicial review, the property tax valuations for the current year shall be those established by the administrator as to utilities under the provisions of article 4 of this title, or by the county assessor or those approved by the county board of equalization, subject to the refund provisions of section 39-8-109.

Source: L. 70: R&RE, p. 377, § 1. **L. 71:** p. 1245, § 2. **C.R.S. 1963:** § 137-3-26.

39-2-127. Board of assessment appeals meetings - proceedings - representation before board. (1) The board of assessment appeals shall maintain its headquarters in the city and county of Denver but may transact its official business at any other place within the state. All its sessions shall be open to the public, and full and correct minutes thereof shall be kept, and such minutes shall be a public record open to public inspection.

(2) At the direction of the chairman and with the agreement of the parties before the board, one or more of the members of the board of assessment appeals may conduct hearings in Denver or in a county of closer location to the subject property, administer oaths, examine witnesses, receive evidence, issue subpoenas, and render preliminary decisions subject to concurrence and modification by agreement of at least two members of the board. An additional board member may be added after a hearing to review the evidence and hearing transcript or recording and render a decision in the event the board members who conducted the hearing are unable to reach a decision.

(3) Upon request of any member of the board, legal counsel provided by the office of the attorney general shall attend hearings on appeals before the board and shall advise the board as to matters of procedure, evidence, and law arising in the course of such appeals. Upon the board's own motion, legal counsel shall provide other legal services to the board. When the state property tax administrator is a party to the appeal, such legal counsel shall not be the same legal

counsel who advises or represents the state property tax administrator at proceedings before the board.

(4) Any person who is a party in a proceeding before the board may appear on his or her own behalf or be represented by an attorney admitted to practice law in this state or by any other individual of his or her choice. A trust may be represented by an attorney admitted to practice law in this state, by the trustee of the trust, or by the trustee's designee.

(5) The board may permit, in its discretion and upon prior written application, the intervention of another affected party in a matter pending before the board. The board may limit or restrict the participation of an intervenor in such manner as the board, in its discretion, orders.

(6) The board of assessment appeals shall issue a written decision for each appeal it hears. Each such written decision must either be a summary decision or a full decision; however, a summary decision may only be issued upon request for a summary decision made by both parties before the board. A full decision must contain specific findings of fact and conclusions of law. A summary decision need not contain specific findings of fact and conclusions of law. If the board has issued a summary decision, a party dissatisfied with the summary decision may file a written request with the board for a full decision. The written request must be received by the board within ten working days after the date on which the summary decision was mailed. Timely filing of the written request with the board is a prerequisite to review of the board's decision by the court of appeals. Upon timely request for a full decision, the board shall issue a full decision and enter it as the final decision in the appeal subject to judicial review by the court of appeals as provided in section 39-8-108 (2) or 39-10-114.5 (2).

Source: L. 70: R&RE, p. 377, § 1. **L. 71:** p. 1245, § 3. **C.R.S. 1963:** § 137-3-27. **L. 85:** (2) amended and (3) added, p. 1221, § 1, effective July 1. **L. 88:** (2) amended and (4) added, p. 1297, § 3, effective April 29. **L. 2011:** (2) amended and (5) added, (HB 11-1011), ch. 15, p. 41, § 1, effective August 10. **L. 2012:** (4) amended, (HB 12-1307), ch. 216, p. 929, § 3, effective August 8. **L. 2013:** (6) added, (SB 13-146), ch. 388, p. 2260, § 3, effective July 1.

Cross references: For the legislative declaration in the 2012 act amending subsection (4), see section 1 of chapter 216, Session Laws of Colorado 2012.

39-2-128. Board of assessment appeals may issue orders. The board of assessment appeals may issue such orders as it deems necessary to ascertain facts and to carry out its decisions, and any such order directed to a county assessor or a county board of equalization shall be enforceable in the district court of the county.

Source: L. 70: R&RE, p. 377, § 1. **C.R.S. 1963:** § 137-3-28. **L. 83:** Entire section amended, p. 1491, § 6, effective April 21. **L. 2013:** Entire section amended, (SB 13-146), ch. 388, p. 2260, § 4, effective July 1.

39-2-129. Advisory committee to the property tax administrator created. (1) There is hereby created in the department of local affairs the advisory committee to the property tax administrator. Said advisory committee shall exercise its powers and perform its duties and functions under the department of local affairs as if it were transferred to said department by a

type 1 transfer under the provisions of the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(2) Repealed.

Source: L. 76: Entire section added, p. 755, § 6, effective July 1. **L. 86:** Entire section amended, p. 426, § 62, effective March 26. **L. 93:** (2) repealed, p. 675, § 12, effective May 1.

39-2-130. Membership of the advisory committee - terms - compensation - meetings. (1) Said advisory committee shall be comprised of the following five members, no more than three of whom shall be affiliated with the same political party and all of whom shall be appointed by the governor with the consent of the senate:

(a) One assessor and one nonassessor appointed from the counties of seventy-five thousand or more population according to the most recent federal census;

(b) One assessor and one nonassessor appointed from the counties of less than seventy-five thousand population according to the most recent federal census; and

(c) One nonassessor from the western slope.

(2) (a) The governor shall appoint one of the nonassessor members as chairman of the advisory committee.

(b) The governor shall appoint the assessor members from among the certified assessors recommended by the Colorado assessors association.

(3) Initially, two members shall be appointed to the advisory committee for two-year terms and three members for four-year terms. Thereafter, appointments to the advisory committee shall be for terms of four years each. Vacancies on the advisory committee shall be filled by appointment of the governor for the unexpired term.

(4) Members of said committee shall be compensated on a per diem allowance basis at the rate of thirty-five dollars per day and shall be reimbursed for their actual and necessary expenses. Per diem compensation, not to exceed thirty days in any calendar year, shall be paid only when the advisory committee is in session.

(5) The advisory committee shall meet at least quarterly but may meet more frequently upon call of the chairman and may hold hearings as deemed necessary. A quorum of at least three members shall be required to conduct official business.

(6) Repealed.

Source: L. 76: Entire section added, p. 755, § 6, effective July 1. **L. 86:** (6) added, p. 426, § 63, effective March 26. **L. 93:** (6) repealed, p. 1792, § 86, effective June 6.

39-2-131. Function of the committee. (1) (a) It is said committee's function and it shall have and exercise the authority, prior to publication, to review:

(I) Manuals or any part thereof, appraisal procedures, instructions, and guidelines prepared and published by the administrator pursuant to section 39-2-109 (1)(e) and based upon the approaches to appraisal set forth in section 39-1-103 (5)(a) and pursuant to section 39-2-109 (1)(k); and

(II) Forms, notices, and records approved or prescribed pursuant to the authority of the property tax administrator set forth in section 39-2-109 (1)(d).

(b) Upon completion of such review, said committee shall submit such manuals, appraisal procedures, instructions, guidelines, forms, notices, and records and its recommendations to the state board of equalization for approval or disapproval pursuant to section 39-9-103 (10).

(2) Repealed.

Source: L. 76: Entire section added, p. 756, § 6, effective July 1. **L. 83:** Entire section amended, p. 1483, § 6, effective April 22. **L. 86:** Entire section amended, p. 426, § 64, effective March 26. **L. 90:** (1) amended, p. 1699, § 27, effective June 9. **L. 91:** (1) amended, p. 1953, § 2, effective January 1, 1992. **L. 93:** (2) repealed, p. 1792, § 87, effective June 6.

Exemptions

ARTICLE 3

Exemptions

Editor's note: This article was repealed and reenacted in 1964 and was subsequently repealed and reenacted in 1989, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this article prior to 1989, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume and the editor's note before the article 1 heading. Former C.R.S. section numbers prior to 1989 are shown in editor's notes following those sections that were relocated.

Cross references: For applications for exemptions, see § 39-2-117.

Law reviews: For article, "Survey of Colorado Tax Liens", see 14 Colo. Law. 1765 (1985); for article, "Property Tax Exemptions for Religious and Nonprofit Organizations", see 18 Colo. Law. 1939 (1989); for article, "A Survey of the Law of Colorado Nonprofit Entities", see 27 Colo. Law. 5 (April 1998).

PART 1

PROPERTY EXEMPT FROM TAXATION

39-3-101. Legislative declaration - presumption of charitable purpose. The general assembly recognizes that only the judiciary may make a final decision as to whether or not any given property is used for charitable purposes within the meaning of the Colorado constitution; nevertheless, in order to guide members of the public and public officials alike in the making of their day-to-day decisions and to assist in the avoidance of litigation, the general assembly hereby finds, declares, and determines that the uses of property which are set forth in this part 1 as uses for charitable purposes benefit the people of Colorado and lessen the burdens of government by performing services which government would otherwise be required to perform. Therefore, property used for such purposes shall be presumed to be owned and used solely and

exclusively for strictly charitable purposes and not for private gain or corporate profit, and, consequently, property used for such purposes is entitled to be exempt from the levy and collection of property tax pursuant to the provisions of this part 1 and the Colorado constitution. This legislative finding, declaration, determination, and presumption shall not be questioned by the administrator and shall be entitled to great weight in any and every court.

Source: L. 89: Entire article R&RE, p. 1470, § 1, effective April 23. **L. 2002:** Entire section amended, p. 1032, § 66, effective June 1.

39-3-102. Household furnishings - exemption. (1) Household furnishings, including free-standing household appliances, wall-to-wall carpeting, an independently owned residential solar electric generation facility, and security devices and systems that are not used for the production of income at any time shall be exempt from the levy and collection of property tax. If any household furnishings are used for the production of income for any period of time during the taxable year, such household furnishings shall be taxable for the entire taxable year. An independently owned residential solar electric generation facility shall not be considered to be used for the production of income unless the facility produces income for the owner of the residential real property on which the facility is located. For property tax purposes only, rebates, offsets, credits, and reimbursements specified in section 40-2-124, C.R.S., shall not constitute the production of income. For purposes of this subsection (1), for property tax purposes only, security devices and systems shall include, but shall not be limited to, security doors, security bars, and alarm systems.

(2) For property tax years commencing on and after January 1, 1990, no work of art, as defined in section 39-1-102 (18), which is not subject to annual depreciation and which would otherwise be exempt under this section shall cease to be exempt because it is stored or displayed on premises other than a residence.

Source: L. 89: Entire article R&RE, p. 1470, § 1, effective April 23; entire section amended, p. 1494, § 1, effective June 8. **L. 92:** (1) amended, p. 2216, § 4, effective June 2. **L. 2010:** (1) amended, (HB 10-1267), ch. 425, p. 2199, § 2, effective August 11.

Editor's note: This section is similar to former § 39-3-101 (1)(a) as it existed prior to 1989.

39-3-103. Personal effects - exemption. Personal effects which are not used for the production of income at any time shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1471, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(b) as it existed prior to 1989.

39-3-104. Ditches, canals, and flumes - exemption. Ditches, canals, and flumes which are owned and used by any person exclusively for irrigating land owned by such person shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1471, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(c) as it existed prior to 1989.

39-3-105. Public libraries - governments - school districts - exemption. Property, real and personal, of public libraries and of the state and its political subdivisions, including school districts or any cooperative association thereof, shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1471, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(d) as it existed prior to 1989.

39-3-106. Property - religious purposes - exemption - legislative declaration. (1) Property, real and personal, which is owned and used solely and exclusively for religious purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax.

(2) In order to guide members of the public and public officials alike in the making of their day-to-day decisions, to provide for a consistent application of the laws, and to assist in the avoidance of litigation, the general assembly hereby finds and declares that religious worship has different meanings to different religious organizations; that the constitutional guarantees regarding establishment of religion and the free exercise of religion prevent public officials from inquiring as to whether particular activities of religious organizations constitute religious worship; that many activities of religious organizations are in the furtherance of the religious purposes of such organizations; that such religious activities are an integral part of the religious worship of religious organizations; and that activities of religious organizations which are in furtherance of their religious purposes constitute religious worship for purposes of section 5 of article X of the Colorado constitution. This legislative finding and declaration shall be entitled to great weight in any and every court.

(3) For the purpose of claiming an exemption pursuant to this section, property that is owned and used by a charitable trust that is exempt from taxation under section 501 (c)(3) of the federal "Internal Revenue Code of 1986", as amended, shall be treated the same as property that is owned and used by any other type of nonprofit organization.

Source: L. 89: Entire article R&RE, p. 1471, § 1, effective April 23; entire section R&RE, p. 1485, § 1, effective June 7. **L. 2004:** (3) added, p. 506, § 3, effective August 4.

Editor's note: This section is similar to former § 39-3-101 (1)(e) as it existed prior to 1989.

Cross references: For the constitutional provision regarding exemptions for property used for religious worship, schools, or charitable purposes, see § 5 of article X of the state constitution.

39-3-106.5. Tax-exempt property - incidental use - exemption - limitations. (1) If any property, real or personal, which is otherwise exempt from the levy and collection of property tax pursuant to the provisions of section 39-3-106, is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113.5, such property shall be exempt from the levy and collection of property tax if:

(a) The property is used for such purposes for less than two hundred eight hours, adjusted for partial usage if necessary on the basis of the relationship that the amount of time and space used for such other purpose bears to the total available time and space, during the calendar year; or

(b) The use of the property for such purposes results in either:

(I) Less than ten thousand dollars of gross income to the owner of such property which is derived from any unrelated trade or business, as determined pursuant to the provisions of sections 511 to 513 of the federal "Internal Revenue Code of 1986", as amended; or

(II) Less than ten thousand dollars of gross rental income to the owner of such property.

(1.5) Notwithstanding the provisions of subsection (1) of this section, for property tax years commencing on or after January 1, 1994, if any property, real or personal, which is otherwise exempt from the levy and collection of property tax pursuant to the provisions of section 39-3-106, is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113.5, such property shall be exempt from the levy and collection of property tax if:

(a) The property is used for such purposes for less than two hundred eight hours, adjusted for partial usage if necessary on the basis of the relationship that the amount of time and space used for such other purpose bears to the total available time and space, during the calendar year; or

(b) The use of the property for such purposes results in:

(I) Less than ten thousand dollars of gross income to the owner of such property which is derived from any unrelated trade or business, as determined pursuant to the provisions of sections 511 to 513 of the federal "Internal Revenue Code of 1986", as amended; and

(II) Less than ten thousand dollars of gross rental income to the owner of such property.

(2) Except as otherwise provided in section 39-3-108 (3) and subsection (3) of this section, if any property, real or personal, that is otherwise exempt from the levy and collection of property tax pursuant to the provisions of sections 39-3-107 to 39-3-113.5 is used on an occasional, noncontinuous basis for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113.5, such property shall be exempt from the levy and collection of property tax if:

(a) The property is used for such purposes for less than two hundred eight hours, adjusted for partial usage if necessary on the basis of the relationship that the amount of time and space used for such other purpose bears to the total available time and space, during the calendar year; or

(b) The use of the property for such purposes results in less than twenty-five thousand dollars of gross rental income to the owner of such property.

(3) The requirement that property be used on an occasional basis in order to qualify for the exemption set forth in subsection (2) of this section shall not apply to property, real or personal, that is otherwise exempt from the levy and collection of property tax pursuant to the provisions of section 39-3-111 that is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113.5.

Source: L. 89: Entire section added, p. 1486, § 2, effective June 7. **L. 91:** (2) added, p. 1956, § 2, effective June 7. **L. 93:** (1.5) added, p. 613, § 1, effective April 30. **L. 2004:** (2)(b) amended, p. 359, § 1, effective August 4. **L. 2011:** IP(2) amended and (3) added, (HB 11-1010), ch. 275, p. 1240, § 2, effective August 10. **L. 2013:** IP(1), IP(1.5), IP(2), and (3) amended, (HB 13-1300), ch. 316, p. 1703, § 118, effective August 7.

39-3-107. Property - not-for-profit schools - exemption. Property, real and personal, which is owned and used solely and exclusively for schools which are not held or conducted for private or corporate profit shall be exempt from the levy and collection of property tax. No requirement shall be imposed that use of property which is otherwise exempt pursuant to the provisions of this section shall benefit the people of Colorado in order to qualify for said exemption. Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 89: Entire article R&RE, p. 1471, § 1, effective April 23. **L. 90:** Entire section amended, p. 1711, § 1, effective June 9.

Editor's note: This section is similar to former § 39-3-101 (1)(f) as it existed prior to 1989.

39-3-108. Property - nonresidential - health-care facility - water company - charitable purposes - exemption - limitations. (1) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if:

(a) Such property is nonresidential;

(b) Such property is licensed by the state of Colorado as a health-care facility; or

(c) Such property is used as an integral part of a nonprofit domestic water company.

(1.3) Nonresidential property that is owned and used solely and exclusively by a qualified amateur sports organization shall be presumed to be owned and used solely and exclusively for strictly charitable purposes. For purposes of this subsection (1.3), the term "qualified amateur sports organization" means any organization organized and operated exclusively to foster local, statewide, national, or international amateur sports competition if such organization is also organized and operated primarily to support and develop amateur athletes for national or international competition in sports; except that no part of the net earnings of such organization inure to the benefit of any private shareholder or individual. So long as a qualified amateur sports organization demonstrates that its membership is open to any individual who is an amateur athlete, coach, trainer, manager, administrator, or official active in such sport or to any amateur sports organization that conducts programs in such sport, or both, the organization shall be presumed to provide public benefits to an indefinite number of persons and to directly benefit the people of Colorado whether or not the right to benefit may depend upon voluntary membership in the organization.

(1.5) No requirement shall be imposed that use of property which is otherwise exempt pursuant to the provisions of this section shall benefit the people of Colorado in order to qualify for said exemption.

(2) Any exemption claimed pursuant to the provisions of subsection (1) of this section shall comply with the provisions of section 39-2-117.

(3) (a) When any property of a health-care facility, real or personal, or any portion thereof, which is otherwise exempt from the levy and collection of property tax pursuant to the provisions of paragraph (b) of subsection (1) of this section, is used for any purpose other than the purposes specified in sections 39-3-106 to 39-3-113.5, such property or portion thereof shall be exempt from the levy and collection of property tax if the use of the property or portion thereof does not result in gross income derived from any unrelated trade or business to the owner which is in excess of fifteen percent of the total gross revenues derived from the operation of the property. Gross income derived from any unrelated trade or business shall be determined pursuant to the provisions of sections 511 through 513 of the federal "Internal Revenue Code of 1986", as amended.

(b) If the use of any property or portion thereof results in gross income derived from any unrelated trade or business in excess of fifteen percent of the total gross revenues to the owner derived from the operation of the property, the administrator shall determine the value of the nonexempt portion of the property for property tax purposes.

Source: L. 89: Entire article R&RE, p. 1471, § 1, effective April 23. **L. 90:** (1.3), (1.5), and (3) added, pp. 1711, 1702, §§ 2, 35, effective June 9. **L. 2013:** (3)(a) amended, (HB 13-1300), ch. 316, p. 1703, § 119, effective August 7.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

39-3-108.5. Property - community corrections facility - exemption. (1) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is owned and used by a nonprofit community corrections agency for a community correctional facility or program.

(2) As used in this section:

(a) "Community correctional facility or program" shall have the meaning set forth in section 17-27-102 (3), C.R.S., for community corrections program.

(b) "Nonprofit community corrections agency" means any person, agency, corporation, association, or entity that:

(I) Is exempt from federal income tax pursuant to the "Internal Revenue Code of 1986", as amended; and

(II) Operates a community correctional facility or program.

(3) The provisions of this section shall apply to property tax years beginning on or after January 1, 1993.

Source: L. 93: Entire section added, p. 614, § 2, effective April 30. **L. 95:** (2)(a) amended, p. 1108, § 54, effective May 31.

39-3-109. Residential property - integral part of tax-exempt entities - charitable purposes - exemption - limitations. (1) Property, real and personal, which is owned and used

solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is residential and the structure and the land upon which such structure is located are used as an integral part of a church, an eleemosynary hospital, an eleemosynary licensed health-care facility, a school, or an institution whose property is otherwise exempt from taxation pursuant to the provisions of this part 1 and which is not leased or rented at any time to persons other than:

(a) Persons who are attending such school as students; or

(b) Persons who are actually receiving care or treatment from such hospital, licensed health-care facility, or institution for physical or mental disabilities and who, in order to receive such care or treatment, are required to be domiciled within such hospital, licensed health-care facility, or institution, or within affiliated residential units.

(2) Persons residing within residential units specified in paragraph (b) of subsection (1) of this section may submit to the administrator, on a form prescribed by the administrator, a certificate signed by a physician licensed to practice in the state of Colorado that the medical condition of such individual requires the individual to reside in such residential unit. If a person residing within such residential unit submits such signed certificate to the administrator pursuant to the provisions of this subsection (2), the portion of such residential property that is utilized by qualified occupants shall be deemed to be property used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit and such portion, but only such portion, shall be exempt under the provisions of subsection (1) of this section. The determination as to what portion of such structure is so utilized shall be made by the administrator on the basis of the facts existing on the annual assessment date for such property, and the administrator shall have the authority to determine a ratio which reflects the value of the nonexempt portion of such structure in relation to the total value of the whole structure and the land upon which such structure is located and which is identical to the ratio of the number of residential units occupied by nonqualified occupants to the total number of occupied residential units in such structure.

(2.5) No requirement shall be imposed that use of property which is otherwise exempt pursuant to the provisions of this section shall benefit the people of Colorado in order to qualify for said exemption.

(3) Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 89: Entire article R&RE, p. 1472, § 1, effective April 23. **L. 90:** (2.5) added, p. 1712, § 3, effective June 9. **L. 2002:** IP(1) amended, p. 1032, § 67, effective June 1.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

39-3-110. Property - integral part of child care center - charitable purposes - exemption - limitations. (1) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is used as an integral part of a child care center:

(a) Which is licensed pursuant to article 6 of title 26, C.R.S.;

(b) Which is maintained for the whole or part of a day for the care of five or more children who are not sixteen years of age or older;

(c) Which is not owned or operated for private gain or corporate profit;

(d) The costs of operation of which, including salaries, are reasonable based upon the services and facilities provided and as compared with the costs of operation of any comparable public institution;

(e) Which provides its services to an indefinite number of persons free of charge or at reduced rates equal to five percent of the gross revenues of such child care center or equal to ten percent of the amount of tuition charged by such child care center to the financially needy or charges on the basis of ability to pay;

(f) The operation of which does not materially enhance, directly or indirectly, the private gain of any individual except as reasonable compensation for services rendered or goods furnished;

(g) The property of which is claimed for exemption does not exceed the amount of property reasonably necessary for the accomplishment of the exempt purpose; and

(h) The property of which is irrevocably dedicated to a charitable purpose.

(1.5) No requirement shall be imposed that use of property which is otherwise exempt pursuant to the provisions of this section shall benefit the people of Colorado in order to qualify for said exemption.

(2) Any exemption claimed pursuant to the provisions of subsection (1) of this section shall comply with the provisions of section 39-2-117.

(3) The provisions of subsection (1) of this section shall not apply to any child care center which is operated for religious purposes and which is exempt from the levy and collection of property tax pursuant to the provisions of section 39-3-106 or 39-3-106.5.

Source: L. 89: Entire article R&RE, p. 1473, § 1, effective April 23; (1)(e) amended and (3) added, p. 1492, § 6, effective June 7. **L. 90:** (1.5) added, p. 1712, § 4, effective June 9.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

39-3-111. Property - used by fraternal or veterans' organization - charitable purposes - exemption - limitations. Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit, shall be exempt from the levy and collection of property tax if such property is used by any fraternal organization, as defined in section 24-21-602 (18), notwithstanding the requirement that such organization be in existence for a period of five years, or by any veterans' organization, as defined in section 24-21-602 (43), notwithstanding the requirement that such organization be in existence for a period of five years, and the net income derived from the use of such property is irrevocably dedicated to any of the purposes specified in sections 39-3-106 to 39-3-110, 39-3-112, or 39-3-113 and to the purpose of maintaining and operating such organization. As used in this section, the term "net income" means all items of revenue and gain minus all items of loss and expense, including amounts reasonably anticipated for future needs, as determined according to the usual method of accounting for such organization. No requirement shall be imposed that use of property which is otherwise exempt pursuant to this section shall benefit the people of

Colorado in order to qualify for said exemption. Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 89: Entire article R&RE, p. 1473, § 1, effective April 23. **L. 90:** Entire section amended, p. 1712, § 5, effective June 9. **L. 2018:** Entire section amended, (HB 18-1375), ch. 274, p. 1725, § 93, effective May 29.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

39-3-111.5. Property - health-care services - charitable purposes - exemption - limitations. (1) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if:

(a) Such property is owned by a nonprofit corporation, whether organized under the laws of this state or of another state;

(b) Such property is occupied or used by one or more physician or dentist, or both, licensed to practice medicine or dentistry, as applicable, under the laws of this state for the purpose of the practice of medicine or dentistry;

(c) Such health-care services are provided to patients who request such services and the financially needy are only charged for such services based upon the ability to pay; and

(d) The board of county commissioners of the county in which such property is located certifies that a need exists for the provision of such health-care services.

(2) The limitations set forth in section 39-3-116 (1) and (2) shall not apply to the use of property pursuant to the provisions of subsection (1) of this section.

(3) Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 91: Entire section added, p. 1956, § 3, effective June 7.

39-3-112. Definitions - residential property - orphanage - low-income elderly or individuals with disabilities - homeless or abused - low-income households - charitable purposes - exemption - limitations. (1) As used in this section, unless the context otherwise requires:

(a) "Area median income" means the median income of the county in which the property is located in relation to family size, as published annually by the United States department of housing and urban development.

(a.3) "Disabled" means that an 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.

(a.5) "Elderly or disabled low-income residential facility" means a facility, a portion of which is operated as a residential facility for elderly individuals or individuals with disabilities who meet the requirements of sub-subparagraph (A) of subparagraph (II) of paragraph (a) of subsection (3) of this section, which portion houses only such persons, exclusive of necessary

housing facilities for resident managerial personnel, and the rest of which is operated as a health-care facility which is licensed by the state of Colorado.

(b) "Family service facility" means a facility which is operated as a residential facility for single-parent families, which houses only such families, exclusive of necessary housing facilities for resident managerial personnel, which provides, in addition to housing, counseling in such areas as career development, parenting skills, and financial budgeting, and which is a child care center licensed pursuant to the provisions of section 26-6-104, C.R.S.

(b.3) "Low-income household" means an individual or family whose total income is no greater than thirty percent of the area median income.

(b.5) "Low-income household residential facility" means a facility:

(I) That is operated as a residential facility for low-income households;

(II) For which the published rent schedule includes rents that a low-income household can afford by expending no more than thirty percent of the low-income household's total income for rent and utilities; and

(III) For which the owner of the facility has shown that the rent for the facility for which the exemption authorized in subsection (2) of this section applies is lower than the rent for a comparable facility for which said exemption does not apply by an amount equal to at least the value of said exemption.

(c) "Transitional housing facility" means a facility that:

(I) Is operated as a residential facility for single individuals or families, or both, who are homeless, who have resided within the past six months in a shelter for the homeless, or who have been abused, and whose incomes are as specified in sub-subparagraph (A) of subparagraph (II) of paragraph (a) of subsection (3) of this section;

(II) Has as its purpose to facilitate the achievement of independent living by such individuals and families within a twenty-four-month period; and

(III) Provides counseling in such areas as career development, parenting skills, and financial budgeting, whether at such facility or at another location.

(2) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is residential and is occupied, owned, and operated in accordance with the requirements set forth in subsection (3) of this section.

(3) In order for property to be exempt from the levy and collection of property tax pursuant to subsection (2) of this section, the administrator must find, pursuant to section 39-2-117, that:

(a) The residential structure is:

(I) Occupied as an orphanage; or

(II) Occupied by:

(A) Single individuals who are sixty-two years of age or older or who are disabled, or a family, the head of which, or whose spouse, is sixty-two years of age or older or is disabled, and whose incomes are within one hundred fifty percent of the limits prescribed for similar individuals or families who occupy low-rent public housing operated by a city or county housing authority which is nearest in distance to such structure; or

(B) Single-parent families whose incomes are as specified in sub-subparagraph (A) of this subparagraph (II) and who occupy a family service facility which is owned and operated by

an organization which is exempt from federal income tax pursuant to the provisions of section 501 (c)(3) of the "Internal Revenue Code of 1986", as amended; or

(C) Single individuals or families who occupy a transitional housing facility which is owned and operated by an organization which is exempt from federal income tax pursuant to the provisions of section 501 (c)(3) of the "Internal Revenue Code of 1986", as amended; or

(D) Low-income households who occupy a low-income household residential facility.

(b) The residential structure is efficiently operated. Efficient operation is determined by the following factors:

(I) That the costs of operation, including salaries, are reasonable based upon the services and facilities provided and as compared with the costs of operation of any comparable public institution;

(II) That such operations do not materially enhance, directly or indirectly, the private gain of any individual except as reasonable compensation for services rendered or goods furnished;

(III) That the property on which the exemption is claimed does not exceed the amount of property reasonably necessary for the accomplishment of the exempt purpose; and

(IV) That the owners and operators of the residential structure have no occupancy requirement that discriminates upon the basis of race, creed, color, religion, sex, sexual orientation, gender identity, gender expression, marital status, national origin, or ancestry; however, if the owner or sponsoring organization is a religious denomination, said owners or operators may give preference to members of that denomination.

(c) The property is owned:

(I) By a nonprofit corporation of which:

(A) No part of the net earnings of such corporation inures to the benefit of any private shareholder; and

(B) Property owned by such corporation is irrevocably dedicated to charitable, religious, or hospital purposes and no portion of its assets will inure to the benefit of any private person upon the liquidation, dissolution, or abandonment of such corporation; or

(II) (A) With respect to residential structures specified in sub-subparagraphs (A), (C), and (D) of subparagraph (II) of paragraph (a) of this subsection (3), during any compliance period, as defined by section 42 (i)(1) of the "Internal Revenue Code of 1986", as amended, by any domestic or foreign limited partnership of which any nonprofit corporation that satisfies the provisions of subparagraph (I) of this paragraph (c) is a general partner and that was formed for the purpose of obtaining, and has been allocated, low-income housing credits pursuant to section 42 of the "Internal Revenue Code of 1986", as amended.

(B) For property tax years commencing prior to January 1, 2019, this subsection (3)(c)(II) shall not apply if, during such compliance period, such domestic or foreign limited partnership which owns the residential structure distributes income or has income available for distribution to its partners or if the residential structure is sold or otherwise disposed of during such compliance period. If the administrator determines that, as specified in this subsection (3)(c)(II)(B), income has been distributed or has been available for distribution or the residential property has been sold or otherwise disposed of, the administrator shall revoke the property tax exemption for the residential property and property taxes shall be levied and collected against the residential property which would have otherwise been levied and collected from the date on which the exemption was initially granted plus all delinquent interest as provided for by law.

(B.5) For property tax years commencing on or after January 1, 2019, this subsection (3)(c)(II) shall not apply if, during such compliance period, such domestic or foreign limited partnership which owns the residential structure distributes income or has income available for distribution to its partners or if the residential structure is sold or otherwise disposed of during such compliance period. If the administrator determines that, as specified in this subsection (3)(c)(II)(B.5), income has been distributed or has been available for distribution or the residential property has been sold or otherwise disposed of, the administrator shall either revoke the property tax exemption for the residential property as of the date income becomes available for distribution or terminate the exemption as of the date the property is transferred.

(C) The provisions of this subparagraph (II) shall apply to applications for exemption made pursuant to section 39-2-117 which are filed on and after January 1, 1991, or which are pending on said date; or

(III) (A) With respect to residential structures specified in sub-subparagraphs (A), (C), and (D) of subparagraph (II) of paragraph (a) of this subsection (3), by any domestic or foreign limited partnership of which all of the general and limited partners are nonprofit corporations that satisfy the provisions of subparagraph (I) of this paragraph (c).

(B) The provisions of this subparagraph (III) shall apply to applications for exemption made pursuant to section 39-2-117 which are filed on or after January 1, 1993, or which are pending on said date; or

(IV) (A) With respect to elderly or disabled low-income residential facilities or low-income household residential facilities, during any compliance period, as defined by section 42 (i)(1) of the "Internal Revenue Code of 1986", as amended, by any domestic or foreign limited partnership so long as each of the general partners of such limited partnership is a for-profit corporation, seventy-five percent or more of the outstanding voting stock of which is owned by, and seventy-five percent or more of the members of the board of directors of which is elected by, one or more nonprofit corporations that satisfy the provisions of subparagraph (I) of this paragraph (c) and so long as such limited partnership was formed for the purpose of obtaining, and the structure that is owned by such limited partnership has been allocated, low-income housing credits pursuant to section 42 of the "Internal Revenue Code of 1986", as amended.

(B) The provisions of this subparagraph (IV) shall not apply if, during any compliance period: Any of the general partners of the domestic or foreign limited partnership which owns the residential structure specified in sub-subparagraph (A) of this subparagraph (IV) cease to meet the requirements specified in sub-subparagraph (A) of this subparagraph (IV); the domestic or foreign limited partnership which owns such residential structure distributes cash or other property to its partners; or such residential structure is sold or otherwise disposed of.

(C) Upon a determination by the administrator that any of the events specified in sub-subparagraph (B) of this subparagraph (IV) have occurred, the administrator shall revoke the property tax exemption for the residential facility specified in sub-subparagraph (A) of this subparagraph (IV), and property taxes shall be levied and collected against such residential facility in the amount which would have otherwise been levied and collected from the date on which such exemption was initially granted, and all delinquent interest provided by law shall apply to such taxes.

(D) The provisions of this subparagraph (IV) shall apply to applications for exemption made pursuant to section 39-2-117 which are filed on or after January 1, 1993, or which are pending on such date.

(4) In the event the occupants of the residential structure include both persons who are qualified pursuant to paragraph (a) of subsection (3) of this section and persons who are not qualified, the portion of such residential structure that is utilized by qualified occupants shall be deemed to be property used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit, and such portion, but only such portion, shall be exempt pursuant to the provisions of subsection (2) of this section. The determination as to what portion of such structure is so utilized shall be made by the administrator on the basis of the facts existing on the annual assessment date for such property, and the administrator shall have the authority to determine a ratio which reflects the value of the nonexempt portion of such structure in relation to the total value of the whole structure and the land upon which such structure is located and which is identical to the ratio of the number of residential units occupied by nonqualified occupants to the total number of occupied residential units in such structure.

(4.5) No requirement shall be imposed that use of property which is otherwise exempt pursuant to the provisions of this section shall benefit the people of Colorado in order to qualify for said exemption.

(5) Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

(6) For purposes of processing applications received for the exemption authorized by subsection (2) of this section for low-income household residential facilities, the department of local affairs shall contract with an independent contractor for the performance of the application processing services in accordance with section 24-50-504, C.R.S. Said contract shall be limited to a term of one year and shall commence when the exemption for low-income household residential facilities first becomes available.

Source: L. 89: Entire article R&RE, p. 1473, § 1, effective April 23. **L. 90:** (4.5) added, p. 1713, § 6, effective June 9. **L. 91:** (1)(c) added and (3)(a) and (3)(c) amended, p. 1957, §§ 4, 5, effective June 7. **L. 92:** (3)(c)(II)(B) amended, p. 2223, § 3, effective April 9. **L. 93:** (1)(a.5), (3)(c)(III), and (3)(c)(IV) added and (3)(c)(II)(C) amended, p. 432, §§ 1, 2, effective April 19. **L. 95:** (1)(c), (3)(c)(II)(A), and (3)(c)(III)(A) amended, p. 1391, § 1, effective June 5. **L. 2001:** (1)(a), (3)(c)(II)(A), (3)(c)(III)(A), and (3)(c)(IV)(A) amended and (1)(a.3), (1)(b.3), (1)(b.5), (3)(a)(II)(D), and (6) added, pp. 1520, 1521, §§ 1, 2, 3, effective August 8. **L. 2008:** (3)(b)(IV) amended, p. 1604, § 34, effective May 29. **L. 2014:** (1)(a.5) amended, (SB 14-118), ch. 250, p. 986, § 24, effective August 6. **L. 2019:** IP(3) and (3)(c)(II)(B) amended and (3)(c)(II)(B.5) added, (HB 19-1319), ch. 200, p. 2164, § 4, effective September 1. **L. 2021:** IP(3) and (3)(b)(IV) amended, (HB 21-1108), ch. 156, p. 897, § 45, effective September 7.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

Cross references: (1) For the legislative declaration contained in the 2008 act amending subsection (3)(b)(IV), see section 1 of chapter 341, Session Laws of Colorado 2008.

(2) For the legislative declaration in HB 19-1319, see section 1 of chapter 200, Session Laws of Colorado 2019.

(3) For the legislative declaration in HB 21-1108, see section 1 of chapter 156, Session Laws of Colorado 2021.

39-3-112.5. Residential property - homeless - charitable purposes - exempt - limitations. (1) Property, real and personal, which is used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is residential, is owned by the United States, and is leased by a department or agency of the United States to any nonprofit organization, whether organized under the laws of this state or of another state, for the purpose of housing single individuals or families, or both, who are homeless.

(2) Any exemption shall be allowed pursuant to subsection (1) of this section only upon the delivery to the administrator of a copy of such lease between the agency of the United States and the nonprofit organization and a copy of the rental agreement between the nonprofit organization and the individuals or families to be housed in such property. Such exemption shall be allowed only for the period of time that such residential property is actually used for said purpose, and such nonprofit organization shall immediately notify the administrator when the use of such residential property has changed.

(3) Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 91: Entire section added, p. 1959, § 6, effective June 7.

39-3-113. Residential property - while being constructed - charitable purposes - exemption - limitations. Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection of property tax if such property is residential and consists of land and one or more structures which are in the process of being constructed if such property is irrevocably committed to residential use in accordance with the requirements set forth in section 39-3-109 (1) or 39-3-112 (2) and (3). The exemption provided by this section shall terminate on the assessment date subsequent to the issuance of a permit or other authority to occupy such structure or structures. Thereafter, such property shall be subject to the provisions of sections 39-3-109 and 39-3-112. No requirement shall be imposed that use of property which otherwise is exempt pursuant to the provisions of this section shall benefit people of Colorado in order to qualify for said exemption. Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 89: Entire article R&RE, p. 1475, § 1, effective April 23. **L. 90:** Entire section amended, p. 1713, § 7, effective June 9.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

39-3-113.5. Property acquired by nonprofit housing provider for low-income housing - use for charitable purposes - exemption - limitations - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Area median income" means the median income of any county in which property is located in relation to family size, as published annually by the United States department of housing and urban development.

(b) "Indicators of intent" means off-site activities of a nonprofit housing provider that establish the provider's specific intent to:

(I) Use property for the purpose of constructing or rehabilitating housing to be sold to low-income applicants; or

(II) Sell the property to low-income applicants for the purpose of constructing or rehabilitating housing for the low-income applicants.

(c) "Low-income applicant" means an individual or family whose total income is no greater than eighty percent of the area median income and who applies to a nonprofit housing provider to assist in the construction and purchase of housing to be constructed by the provider.

(d) "Nonprofit housing provider" means an organization that is exempt from federal income tax pursuant to section 501 (c)(3) of the federal "Internal Revenue Code of 1986", as amended, and that has a primary organizational mission of:

(I) Working with low-income applicants to construct or rehabilitate housing that the organization then sells to the low-income applicants for their residential use; or

(II) Selling property to low-income applicants and then working with the low-income applicants to construct or rehabilitate housing for their residential use.

(2) Subject to the limitations specified in subsection (3) of this section, for property tax years commencing on or after January 1, 2011, real property acquired by a nonprofit housing provider upon which the provider intends to construct or rehabilitate housing to be sold to low-income applicants or which the provider intends to sell to low-income applicants for the purpose of constructing or rehabilitating housing for their residential use is deemed to be being used for strictly charitable purposes, regardless of whether or not there is actual physical use of the property, and shall be exempt from property taxation in accordance with section 5 of article X of the state constitution. In the case of property sold by a nonprofit housing provider to a low-income applicant, the property tax exemption pursuant to this subsection (2) shall be allowed until a certificate of occupancy is issued for the housing; except that the property tax exemption shall not be allowed for longer than one year after the nonprofit housing provider sells the property to the low-income applicant. In determining whether a nonprofit housing provider satisfies the intent requirement of this subsection (2) with respect to particular property, the administrator may consider indicators of intent, including but not limited to:

(a) The establishment by the nonprofit housing provider of a committee or other structure for the purpose of planning the construction or rehabilitation of housing on the property;

(b) Steps taken by the nonprofit housing provider to obtain any required local government approvals for the construction or rehabilitation of housing on the property;

(c) Steps taken by the nonprofit housing provider to develop and implement a financing plan for the construction or rehabilitation of housing on the property;

(d) The hiring of architects, contractors, or other professionals by the nonprofit housing provider in preparation for the actual construction or rehabilitation of housing on the property; and

(e) The solicitation or acceptance by the nonprofit housing provider of applications from low-income applicants for housing to be constructed or rehabilitated on the property.

(3) The property tax exemption allowed to a nonprofit housing provider by subsection (2) of this section is subject to the following limitations:

(a) The exemption may be allowed for a maximum of five consecutive property tax years, beginning with the property tax year in which the nonprofit housing provider obtained title to the property; and

(b) If the nonprofit housing provider is allowed an exemption for any property tax year and subsequently sells, donates, or leases the property to any person other than a low-income applicant who assisted or will assist in the construction of housing for the applicant's residential use on the property, the provider shall be liable for all property taxes that the provider did not previously pay due to the exemption.

Source: L. 2011: Entire section added, (HB 11-1241), ch. 248, p. 1082, § 1, effective August 10. **L. 2013:** (1)(b), (1)(c), (1)(d), IP(2), and (3)(b) amended, (HB 13-1246), ch. 203, p. 845, § 1, effective August 7.

39-3-114. Burden - claim for charitable exemption. The burden shall be on the owner and operator of any residential property for which an exemption is claimed pursuant to any of the provisions of sections 39-3-109 and 39-3-112 to show facts sufficient to support the exemption claimed. In determining whether or not a particular property is entitled to such an exemption provided for in any of said sections, the administrator may require the owner or operator of such property to annually submit a complete financial report on its operations and may require any occupants whose residential units are claimed to qualify for such exemption to submit copies of their federal or state income tax returns.

Source: L. 89: Entire article R&RE, p. 1475, § 1, effective April 23. **L. 2009:** Entire section amended, (SB 09-042), ch. 176, p. 781, § 4, effective August 5.

Editor's note: This section is similar to former § 39-3-101 (1)(g) as it existed prior to 1989.

39-3-114.5. Charitable exemption - owner claiming federal tax credit - fee in lieu of school district tax. (Repealed)

Source: L. 2009: Entire section added, (SB 09-042), ch. 176, p. 780, § 3, effective August 5. **L. 2014:** Entire section repealed, (HB 14-1349), ch. 230, p. 855, § 5, effective May 17.

39-3-115. Statutes not applicable. Nothing in sections 39-3-106 to 39-3-114 shall apply to parts 2 and 5 of article 4 of title 29, C.R.S.

Source: L. 89: Entire article R&RE, p. 1476, § 1, effective April 23.

39-3-116. Combination use of property - charitable, religious, and educational purposes - exemption - limitations. (1) Except as otherwise provided in this section, property, real and personal, which is owned and used by the owner thereof or by any other person or organization solely and exclusively for any combination of the purposes specified in sections 39-3-106 to 39-3-113.5, subject to the limitations and requirements in said sections, including but

not limited to the requirement that property not be owned or used for private or corporate gain or profit, shall be exempt from the levy and collection of property tax. No requirement shall be imposed that use of property which is otherwise exempt pursuant to any of said sections shall benefit the people of Colorado in order to qualify for said exemption. Property which is otherwise exempt pursuant to the provisions of this section shall be subject to the provisions of section 39-3-129 relating to the proportional valuation of exempt property if such property is partially leased, loaned, or otherwise made available for a portion of any calendar year to any business conducted for profit.

(2) In the event that such property is used by any person or organization other than the owner:

(a) The use of the property by the owner, if any, must qualify pursuant to the provisions of this section or pursuant to any of the provisions of sections 39-3-106 to 39-3-113.5, and, in addition, the owner must qualify for an exemption pursuant to the provisions of section 39-2-117;

(b) The use of the property by the person or organization other than the owner is a use described in the provisions of this section or in any of the provisions of sections 39-3-106 to 39-3-113.5 or such person or organization is otherwise exempt from the payment of property taxes; and

(c) The amount received by the owner for the use of such property specified in sections 39-3-107 to 39-3-113.5, other than from any shareholder or member of the owner or from any person or organization controlled by an organization which also controls such shareholder or member, must not exceed one dollar per year plus an equitable portion of the reasonable expenses incurred in the operation and maintenance of the property so used. For purposes of this paragraph (c), reasonable expenses include interest expenses, depreciation, long-term maintenance expenses allowed in accordance with generally accepted accounting principles, capital expenses dedicated to refurbishing the property, and expenses incurred to allow the property to conserve energy, water, or other natural resources, but do not include any amount expended to reduce debt.

(3) Any exemption claimed pursuant to the provisions of this section shall comply with the provisions of section 39-2-117.

Source: L. 89: Entire article R&RE, p. 1476, § 1, effective April 23; (2)(c) amended, p. 1486, § 3, effective June 7. **L. 90:** (1) amended, p. 1713, § 8, effective June 9. **L. 2013:** (1) and (2) amended, (HB 13-1300), ch. 316, p. 1704, § 120, effective August 7. **L. 2014:** (2)(c) amended, (HB 14-1074), ch. 26, p. 166, § 1, effective March 14.

Editor's note: This section is similar to former § 39-3-101 (1)(g.1) as it existed prior to 1989.

39-3-117. Cemeteries - not-for-profit - exemption. Cemeteries not used or held for private or corporate profit shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1476, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(h) as it existed prior to 1989.

39-3-118. Intangible personal property - exemption. Intangible personal property shall be exempt from the levy and collection of property tax. For purposes of this section, "intangible personal property" shall include, but is not limited to, computer software.

Source: L. 89: Entire article R&RE, p. 1476, § 1, effective April 23. **L. 90:** Entire section amended, p. 1715, § 2, effective May 2.

Editor's note: This section is similar to former § 39-3-101 (1)(i) as it existed prior to 1989.

Cross references: For the legislative declaration contained in the 1990 act amending this section, see section 1 of chapter 281, Session Laws of Colorado 1990.

39-3-118.5. Business personal property - exemption - exemption authority for local governments. (1) For property tax years commencing on and after January 1, 1996, business personal property shall be exempt from the levy and collection of property tax until such business personal property is first used in the business after acquisition.

(2) For the property tax year commencing on January 1, 2021, any county, municipality, or special district may exempt from its levy and collection of property tax up to one hundred percent of any business personal property.

Source: L. 95: Entire section added, p. 1213, § 1, effective May 31. **L. 2021:** Entire section amended, (SB 21-130), ch. 75, p. 299, § 2, effective April 29.

Cross references: For the legislative declaration in SB 21-130, see section 1 of chapter 75, Session Laws of Colorado 2021.

39-3-118.7. Community solar garden - partial business personal property tax exemption - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Community solar garden" has the same meaning as set forth in section 40-2-127 (2)(b)(I)(A), C.R.S.

(b) "Subscriber" has the same meaning as set forth in section 40-2-127 (2)(b)(II), C.R.S.

(2) For property tax years commencing on and after January 1, 2015, but before January 1, 2021, there is exempt from the levy and collection of property tax the percentage of alternating current electricity capacity of a community solar garden that is attributed to residential or governmental subscribers, or to subscribers that are organizations that have been granted property tax exemptions pursuant to sections 39-3-106 to 39-3-113.5.

Source: L. 2014: Entire section added, (HB 14-1101), ch. 172, p. 627, § 1, effective August 6.

39-3-119. Inventories - materials and supplies - held for consumption or primarily for sale - exemption. Inventories of merchandise and materials and supplies that are held for consumption by any business or are held primarily for sale shall be exempt from the levy and collection of property tax. The property tax administrator shall publish in the manuals, appraisal procedures, and instructions prepared and published pursuant to section 39-2-109 (1)(e) a definition or description of the types of personal property that are "held for consumption by any business" and therefore exempt from the levy and collection of property tax pursuant to this section.

Source: L. 89: Entire article R&RE, p. 1476, § 1, effective April 23. **L. 2000:** Entire section amended, p. 750, § 2, effective May 23.

Editor's note: This section is similar to former § 39-3-101 (1)(k) as it existed prior to 1989.

39-3-119.5. Personal property - exemption - reimbursement to local governments - legislative declaration - definitions. (1) For property tax years commencing on and after January 1, 1997, personal property not otherwise exempt from property tax shall be exempt from the levy and collection of property tax if the personal property would otherwise be listed on a single personal property schedule and the actual value of such personal property is less than or equal to the amount set forth in subsection (2) of this section.

(2) (a) The exemption created in subsection (1) of this section shall be up to and including the following amounts:

(I) Two thousand five hundred dollars for property tax years commencing prior to January 1, 2009;

(II) Four thousand dollars for property tax years commencing on January 1, 2009, and January 1, 2010;

(III) Five thousand five hundred dollars for property tax years commencing on January 1, 2011, and January 1, 2012;

(IV) Seven thousand dollars for property tax years commencing on January 1, 2013, and January 1, 2014;

(V) Seven thousand three hundred dollars for property tax years commencing on January 1, 2015, and January 1, 2016;

(VI) Seven thousand four hundred dollars for property tax years commencing on January 1, 2017, and January 1, 2018;

(VII) Seven thousand seven hundred dollars for property tax years commencing on January 1, 2019, and January 1, 2020; and

(VIII) Fifty thousand dollars for property tax years commencing on January 1, 2021, and January 1, 2022.

(b) (I) (A) Beginning with the property tax year commencing on January 1, 2023, the amount of the exemption created in subsection (1) of this section shall be adjusted biennially to account for inflation since the amount of the exemption last changed pursuant to this subsection (2). On or before November 1, 2022, and each even-numbered year thereafter, the administrator shall calculate the amount of the exemption for the next two-year cycle using inflation for the prior two calendar years as of the date of the calculation. The adjusted exemption shall be

rounded upward to the nearest one hundred dollar increment. The administrator shall certify the amount of the exemption for the next two-year cycle and publish the amount on the website maintained by the division of property taxation in the department of local affairs.

(B) When calculating the exemption amount under subsection (2)(b)(I)(A) of this section, the administrator shall do another calculation in the same manner but starting from seven thousand nine hundred dollars instead of fifty thousand dollars. This amount is the alternative exemption amount.

(C) If, under subsection (3)(f) of this section, the state treasurer notifies the administrator that not all counties have received reimbursement warrants for lost property tax revenue for the amounts specified in subsection (3)(d) of this section, then beginning with the property tax year commencing on January 1 that follows the notification, and for all property tax years thereafter, the amount of the exemption in subsection (1) of this section is the alternative exemption amount. Thereafter, the alternative exemption is adjusted biennially to account for inflation in the same manner as set forth in subsection (2)(b)(I)(A) of this section, and the administrator shall certify the amount of the exemption for the next two-year cycle and publish the amount on the website maintained by the division of property taxation in the department of local affairs.

(II) As used in subsection (2)(b)(I) of this section, "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 applicable predecessor or successor index.

(3) (a) (I) For the property tax year commencing on January 1, 2021, each assessor shall calculate the aggregate value of exempt business personal property within the county based on the property that is listed on schedules for the property tax year with a total value that is more than seven thousand nine hundred dollars and less than or equal to fifty thousand dollars.

(II) For the property tax year commencing on January 1, 2021, each treasurer shall calculate the total property tax revenues lost by all local governmental entities within the treasurer's county based on the exempt business personal property amount calculated in accordance with subsection (3)(a)(I) of this section.

(b) No later than February 1, 2022, and each February 1 thereafter, the administrator shall calculate the percentage increase or decrease in total valuation of business personal property in the state over the prior two property tax years. The administrator shall publish the percentage increase or decrease on the website maintained by the division of property taxation in the department of local affairs.

(c) (I) For the property tax years commencing on January 1, 2022, and each year thereafter, each assessor shall calculate an estimate of the aggregate value of exempt business personal property for the county and each local governmental entity located within the county that is equal to the applicable baseline exemption total adjusted by the growth factor for each property tax year commencing on and after January 1, 2022.

(II) For the property tax years commencing on January 1, 2022, and each year thereafter, each treasurer shall calculate the total property tax revenues lost by all local governmental entities within the treasurer's county based on the estimate of exempt business personal property amount calculated in accordance with subsection (3)(c)(I) of this section.

(III) As used in this subsection (3)(c), unless the context otherwise requires:

(A) "Baseline exemption total" means the aggregate value of the exempt business personal property calculated in accordance with subsection (3)(a)(I) of this section for a county or a local governmental entity located within the county as of January 1, 2021.

(B) "Growth factor" means the percentage increase or decrease that the administrator publishes for a property tax year in accordance with subsection (3)(b) of this section.

(d) No later than March 1, 2022, and each March 1 thereafter, each treasurer shall report the amount specified in subsection (3)(a)(II) or (3)(c)(II) of this section, as applicable, and the basis for the amount to the administrator, and the administrator may require a treasurer to provide additional information as necessary to evaluate the amount reported. The administrator shall confirm that the reported amount is correct or rectify the amount, if necessary. The administrator shall then forward the correct amount for each county to the state treasurer to enable the state treasurer to issue a reimbursement warrant to each treasurer in accordance with subsection (3)(e) of this section.

(e) No later than April 15, 2022, and April 15 of each year thereafter, the state treasurer shall issue a warrant to be paid upon demand from the general fund to each treasurer that is equal to the amount specified by the administrator for the county under subsection (3)(d) of this section. Each treasurer shall distribute the total amount received from the state treasurer to the local governmental entities within the treasurer's county as if the revenues had been regularly paid as property tax. When distributing the money, the treasurer shall provide each local governmental entity with a statement of the amount distributed to the local governmental entity that represents the reimbursement received under this subsection (3)(e).

(f) No later than May 1, 2022, and May 1 of each year thereafter, the state treasurer shall notify the administrator whether all counties have received a reimbursement warrant for lost property tax revenue for the amounts specified in subsection (3)(d) of this section.

(g) This subsection (3) does not apply if the amount of the exemption created in subsection (1) of this section is the alternative exemption amount as required by subsection (2)(b)(I)(C) of this section.

Source: L. 96: Entire section added, p. 1847, § 1, effective August 7. **L. 2008:** Entire section amended, p. 947, § 1, effective August 5. **L. 2018:** (2)(b)(II) amended, (HB 18-1375), ch. 274, p. 1722, § 79, effective May 29. **L. 2021:** (2)(a)(III) and (2)(b)(I) amended and (2)(a)(V), (2)(a)(VI), (2)(a)(VII), (2)(a)(VIII), and (3) added, (HB 21-1312), ch. 299, p. 1792, § 6, effective July 1.

Cross references: For the legislative declaration in HB 21-1312, see section 1 of chapter 75, Session Laws of Colorado 2021.

39-3-120. Livestock - exemption. Livestock shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1476, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(l) as it existed prior to 1989.

39-3-121. Agricultural and livestock products - exemption. Agricultural and livestock products shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1477, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(m) as it existed prior to 1989.

39-3-122. Agricultural equipment used in production of agricultural products - exemption. Agricultural equipment which is used on any farm or ranch in the production of agricultural products shall be exempt from the levy and collection of property tax.

Source: L. 89: Entire article R&RE, p. 1477, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-101 (1)(n) as it existed prior to 1989.

39-3-123. Works of art, literary materials, and artifacts - on loan - exemption - limitations - definitions. (1) Works of art, literary materials, and artifacts shall be exempt from the levy and collection of property tax if such works of art, literary materials, and artifacts are loaned to and are in the custody and control of:

(a) The state or a political subdivision thereof; or

(b) A library or any art gallery or museum which is owned or operated by a charitable organization whose property is irrevocably dedicated to charitable purposes and whose assets shall not inure to the benefit of any private person upon the liquidation, dissolution, or abandonment by the owner, and which uses such works of art, literary materials, and artifacts for charitable purposes. This exemption shall apply only for the period of time during which such works of art, literary materials, and artifacts are actually on loan and shall be in addition to such exemptions provided for in sections 39-3-108 to 39-3-113.5.

(2) Any exemption claimed pursuant to the provisions of subsection (1) of this section shall comply with the provisions of section 39-5-113.5.

(3) For purposes of subsection (1) of this section:

(a) "Artifacts" means items of personal property which are objects of human workmanship and which have archaeological or historical significance.

(b) "Charitable organization" means a charitable organization as defined in section 39-26-102 (2.5).

(c) "Charitable purposes" means public display, research, educational study, maintenance of property, and preparation for display.

(d) "Literary materials" means items of personal property including, but not limited to, books, letters, diaries, records, documents, memoranda, journals, magazines, and notes.

(e) "Works of art" means works of art as defined in section 39-1-102 (18).

Source: L. 89: Entire article R&RE, p. 1477, § 1, effective April 23. **L. 2013:** (1)(b) amended, (HB 13-1300), ch. 316, p. 1704, § 121, effective August 7.

Editor's note: This section is similar to former § 39-3-101 (1)(o) as it existed prior to 1989.

39-3-124. Property used by state entity - installment sales or lease agreement - financed purchase of an asset, certificate of participation, or leveraged lease agreement - exemption. (1) (a) Property, real and personal, that is used by the state or any of its political subdivisions pursuant to the provisions of any installment sales agreement, financed purchase of an asset agreement, certificate of participation agreement, or any other agreement whereby the state or such political subdivision shall be entitled to acquire title to such property at the end of the agreement term without cost or for only nominal consideration shall be exempt from the levy and collection of property tax.

(b) (I) (A) Subject to the provisions of sub-subparagraph (B) of this subparagraph (I), on and after January 1, 2009, the part of real property that is used by the state, a political subdivision, or a state-supported institution of higher education pursuant to the provisions of any lease or rental agreement for at least a one-year term, with or without an option to purchase, and pursuant to which the subject real property is used for purposes of the state, political subdivision, or institution of higher education, as applicable, shall be exempt from the levy and collection of property tax. If the state or any political subdivision or state-supported institution of higher education enters into a lease or rental agreement or is already in a lease or rental agreement on or after January 1, 2009, and is exempt from the levy and collection of property tax pursuant to this section, the state, political subdivision, or state-supported institution of higher education, as applicable, shall file a copy of the lease or rental agreement with the county assessor's office. The state or a political subdivision or institution of higher education shall notify the county assessor's office in the event that the lease or rental agreement is terminated prior to the term stated in such lease or rental agreement. Nothing in this paragraph (b) shall affect property tax exemptions allowed pursuant to section 8-82-104, 22-32-127, 29-4-227, 30-11-104.2, 31-15-802, or 43-1-214, C.R.S.

(B) The state, a political subdivision, or a state-supported institution of higher education shall reduce, deduct, or offset property taxes from rent due under any lease or rental agreement pursuant to sub-subparagraph (A) of this subparagraph (I). Upon receipt of a lease or rental agreement for the state, a political subdivision, or a state-supported institution of higher education, the county assessor shall send a notice to the landlord acknowledging receipt of the lease or rental agreement. The notice shall identify the property, the property address, and the parties to the lease or rental agreement.

(C) To the extent that real property taxes are shared and payable by one or more tenants under the lease of property that are not the state, a political subdivision, or a state-supported institution of higher education, real property taxes otherwise due but for the application of this paragraph (b) shall be deemed taxes paid by the property owner or the landlord of a property leased in part to the state, a political subdivision, or a state-supported institution of higher education.

(D) Only a tenant that is the state, a political subdivision, or a state-supported institution of higher education shall receive any benefit related to the tenant's property tax-exempt status pursuant to this paragraph (b).

(E) It is the general assembly's intent that the application of this paragraph (b) be cost-neutral in that the tax reduction and the rent reduction pursuant to this paragraph (b) are equal.

(II) For purposes of this paragraph (b), "state-supported institution of higher education" includes, but need not be limited to, all postsecondary institutions in the state supported in whole or in part by state funds, including community colleges, extension programs of the state-supported universities and colleges, local district colleges, area technical colleges, and the institutions governed by the regents of the university of Colorado.

(2) A leasehold interest in real or personal property that is owned by the state or by a political subdivision of the state and that has been leased to a private person, the use and possession of which has been leased back to the state or a political subdivision of the state, shall be exempt from the levy and collection of property tax during the term of the use and possession of the property by the state or a political subdivision of the state. Property that is the subject of a leveraged leasing agreement executed by the state or by a political subdivision of the state shall be treated as tax-exempt property owned by the state for purposes of any state or local tax.

(3) The lease of property by a political subdivision of the state to a private person and the sublease of the property back to the political subdivision of the state pursuant to a leveraged leasing agreement shall not cause the private person to whom the property has been leased to incur any liability in tort by virtue of the private person's status as a lessor under the leveraged leasing agreement.

Source: L. 89: Entire article R&RE, p. 1477, § 1, effective April 23. **L. 2003:** Entire section amended, p. 1720, § 3, effective May 14. **L. 2008:** (1) amended, p. 1631, § 1, effective August 5. **L. 2009:** (1)(b)(I) amended, (HB 09-1365), ch. 320, p. 1710, § 1, effective June 1. **L. 2016:** (1)(b)(II) amended, (HB 16-1082), ch. 58, p. 153, § 43, effective August 10. **L. 2021:** (1)(a) amended, (HB 21-1316), ch. 325, p. 2062, § 77, effective July 1.

Editor's note: This section is similar to former § 39-3-101 (1)(p) as it existed prior to 1989.

39-3-125. Church property - used as residence - exemption - limitation. (Repealed)

Source: L. 89: Entire article R&RE, p. 1478, § 1, effective April 23; entire section repealed, p. 1492, § 9, effective June 7.

Editor's note: Before its repeal, this section was similar to former § 39-3-102 as it existed prior to 1989.

39-3-126. Horticultural improvements - exemption - limitation - exception. Any increase in value of privately owned lands resulting from the planting of trees shall not be taken into account in determining the actual value of such lands for a period of thirty years from the date of planting such trees. This section shall apply to all lands so planted; however, in the event that any trees become sufficiently mature as to be of economic use and value prior to the expiration of thirty years, any increase in use and value shall be thereafter taken into account in determining the actual value of such lands.

Source: L. 89: Entire article R&RE, p. 1478, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-103 as it existed prior to 1989.

39-3-127. County fair property - exemption - limitation. Property, real and personal, of any association duly organized pursuant to the laws of this state for the purpose of holding county fairs to promote and advance the interests of agriculture, horticulture, animal husbandry, home economics, and the mechanical attributes thereof shall be exempt from the levy and collection of property tax so long as such property is actually and exclusively used for said purpose and not for pecuniary profit.

Source: L. 89: Entire article R&RE, p. 1478, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-104 as it existed prior to 1989.

39-3-127.5. Qualifying business entities - participation in federal tax credit transactions - exemption - requirements - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Qualified business entity" means a limited partnership or a limited liability company:

(I) That is formed for the purpose of obtaining federal tax credits and that does obtain such credits; and

(II) The general partner or managing member of which is an entity that would qualify for property tax exemption under sections 39-3-106 to 39-3-113.5.

(2) For property tax years beginning on or after January 1, 2014, real and personal property is exempt from the levy and collection of property tax if:

(a) The property tax is owed by a qualified business entity; and

(b) The property is used for the purposes described in sections 39-3-106 to 39-3-113.5 and 39-3-116.

(3) In addition to any other requirement specified in this section, any exemption claimed pursuant to the provisions of this section must also comply with section 39-2-117.

Source: L. 2014: Entire section added, (HB 14-1349), ch. 230, p. 853, § 1, effective May 17.

39-3-128. Exempt property listed and valued. It is the duty of the assessor to list, appraise, and value all real property exempted from the levy and collection of property tax pursuant to the provisions of sections 39-3-106 to 39-3-113.5 or 39-3-116, and such information shall be entered in the same detail as required for taxable property.

Source: L. 89: Entire article R&RE, p. 1478, § 1, effective April 23; entire section amended, p. 1492, § 8, effective June 7. **L. 2013:** Entire section amended, (HB 13-1300), ch. 316, p. 1705, § 122, effective August 7. **L. 2016:** Entire section amended, (SB 16-189), ch. 210, p. 792, § 106, effective June 6.

Editor's note: This section is similar to former § 39-3-105 as it existed prior to 1989.

39-3-129. Proportional valuation - exempt property. (1) Except as otherwise provided in subsection (2) of this section, whenever any real property that was previously taxable becomes legally exempt from the levy and collection of property tax or any real property that was previously legally exempt from the levy and collection of property tax becomes taxable, the valuation for assessment of the real property shall be a proportion of the valuation for assessment of the real property for the entire taxable year based upon the ratio of the portion of the taxable year in which the property is taxable to the entire taxable year. In the event the real property is partially leased, loaned, or otherwise made available to and used by a business conducted for profit, the determination as to what portion of the real property is so utilized shall be made by the administrator on the basis of the facts existing on the annual assessment date for the real property. The administrator shall have the authority to determine the actual value of the nonexempt portion of the property in relation to the actual value of the entire property by using the ratio of the square foot area of the property utilized by the business conducted for profit to the total square foot area of the property. Where shown to be more appropriate, in order to determine the relationship between the actual value of the nonexempt portion of the property and the actual value of the total property, the administrator may employ the ratio of the portion as measured in hours of any calendar year in which the property is leased, loaned, or otherwise made available to and used by any business conducted for profit to the entire calendar year.

(2) The provisions of subsection (1) of this section shall not be applicable to household furnishings.

Source: L. 89: Entire article R&RE, p. 1478, § 1, effective April 23. **L. 96:** (1) amended, p. 44, § 2, effective March 20; (1) amended, p. 1200, § 4, effective June 1.

Editor's note: (1) This section is similar to former § 39-3-106 as it existed prior to 1989.

(2) Amendments to subsection (1) by Senate Bill 96-006 and House Bill 96-1113 were harmonized.

Cross references: For the legislative declaration contained in the 1996 act amending subsection (1), see section 1 of chapter 16, Session Laws of Colorado 1996.

39-3-130. Change in tax status of property - effective date - tax liability. (1) (a) (I) Whenever any real property that was previously taxable becomes legally exempt from the levy and collection of property tax for any reason, the person conveying the real property shall be relieved from all further tax obligations with respect to the real property on the date title thereto is conveyed by agreement or on the date title thereto is conveyed pursuant to a court order.

(II) On and after January 1, 1996, whenever any personal property that was previously taxable becomes legally exempt from the levy and collection of property tax for any reason, the exempt status shall become effective on the assessment date following the change in status. If the change in status occurred due to the conveyance of the personal property, the person conveying the personal property shall not be relieved of any tax obligation with respect to the personal property for the property tax year in which the conveyance occurred.

(b) (I) Except as otherwise provided in subsection (2) of this section, whenever any real property that was previously exempt from the levy and collection of property tax becomes

taxable, the person acquiring title to the real property shall be liable for subsequent tax obligations with respect to the real property on the date title thereto is acquired by the person.

(II) On and after January 1, 1996, except as otherwise provided in subsection (2) of this section, whenever any personal property that was previously exempt from the levy and collection of property tax becomes taxable, the taxable status shall become effective on the assessment date following the change in status. If the change in status occurred due to conveyance of the personal property, the person acquiring title to the personal property shall not be liable for any tax obligation with respect to the personal property for the property tax year in which the conveyance occurred.

(2) Whenever any personal property consisting of inventory, as defined in section 39-1-102 (7.2), becomes taxable because the personal property has become subject to a lease or rental agreement, the lessor shall not be responsible for any tax obligation on the property for the property tax year in which the agreement was executed.

Source: L. 89: Entire article R&RE, p. 1479, § 1, effective April 23. **L. 96:** Entire section amended, p. 45, § 3, effective March 20.

Editor's note: This section is similar to former § 39-3-107 as it existed prior to 1989.

Cross references: For the legislative declaration contained in the 1996 act amending this section, see section 1 of chapter 16, Session Laws of Colorado 1996.

39-3-131. Entire property becomes tax-exempt. Whenever any property which was previously taxable becomes exempt from the levy and collection of property tax, the treasurer shall accept payment of property taxes levied on such property for the current taxable year. The amount of such property taxes shall be calculated on the basis of the property tax levy on such property in the preceding taxable year and prorated to the date upon which title to such property was conveyed.

Source: L. 89: Entire article R&RE, p. 1479, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-108 as it existed prior to 1989.

39-3-132. Portion of property becomes tax-exempt. Whenever only a portion of a parcel, tract, or lot of real property which was previously taxable becomes exempt from the levy and collection of property tax for any reason, the treasurer may, upon the basis of an appraisal and computation of the valuation for assessment of such property by the assessor, either collect the property taxes thereon for the current taxable year, calculated on the basis of the property tax levy on such property during the preceding taxable year and prorated to the date upon which title to such property was conveyed, or, if the treasurer is satisfied that there is sufficient taxable real property remaining to satisfy any lien for the amount of property taxes payable on such portion, he may defer collection of the property taxes until the following taxable year. In the event the prorated taxes on such portion are collected, the owner of the remainder of such real property shall be credited with the full amount of taxes collected when the property tax levy for the

current taxable year has been fixed and made and the correct amount of property taxes determined.

Source: L. 89: Entire article R&RE, p. 1479, § 1, effective April 23.

Editor's note: This section is similar to former § 39-3-109 as it existed prior to 1989.

39-3-133. Payment of property taxes extinguishes lien. Payment to the treasurer of prorated property taxes for the current taxable year, as provided for in sections 39-3-131 and 39-3-132, together with payment of any other unpaid property taxes, delinquent interest, or charges thereon, shall extinguish the lien for property taxes on such property, or a portion thereof; however, if only a portion of any parcel, tract, or lot of real property becomes exempt from the levy and collection of property tax and no property taxes are collected at that time, the lien of property taxes levied or to be levied shall attach to the remaining portion of such real property.

Source: L. 89: Entire article R&RE, p. 1479, § 1, effective April 23. **L. 92:** Entire section amended, p. 2223, § 4, effective April 9.

Editor's note: This section is similar to former § 39-3-110 as it existed prior to 1989.

39-3-134. Condemnation by tax-exempt agency - duties of treasurer. In all cases where an entire property, or a portion of any parcel, tract, or lot of real property, is likely to become exempt from the levy and collection of property tax through exercise of the power of eminent domain, the treasurer shall be joined as a party respondent in any such eminent domain action, and, upon joinder and notice of the proceedings, the treasurer shall assert a claim for the amount of any prorated property taxes for the current taxable year on such property, and all other unpaid property taxes, delinquent interest, or charges thereon, with the clerk of the court in which the proceedings are filed. Upon institution of any such proceedings, the lien of property taxes levied and to be levied shall be transferred from the real property acquired or sought to be acquired to any money awarded or to be awarded for the taking of such real property. Nothing in this section shall require any treasurer to file a claim in any such proceedings involving acquisition of only a portion of any real property if the treasurer is satisfied that there is sufficient taxable real property remaining after the taking of such portion to satisfy any lien for the amount of property taxes payable on such portion taken.

Source: L. 89: Entire article R&RE, p. 1480, § 1, effective April 23. **L. 92:** Entire section amended, p. 2224, § 5, effective April 9.

Editor's note: This section is similar to former § 39-3-111 as it existed prior to 1989.

39-3-135. Taxation of exempt property - taxes not to become lien. (Repealed)

Source: L. 89: Entire article R&RE, p. 1480, § 1, effective April 23. **L. 96:** Entire section repealed, p. 1851, § 3, effective June 5.

Editor's note: Before its repeal, this section was similar to former § 39-3-112 as it existed prior to 1989.

39-3-136. Legislative declaration - taxation of exempt property - possessory interests. (Repealed)

Source: L. 96: Entire section added, p. 1849, § 1, effective June 5. **L. 2002:** (2) amended, p. 1032, § 68, effective June 1; entire section repealed, p. 1009, § 6, effective August 7.

39-3-137. Organizations with tax-exempt status - forgiveness of taxes owed. (1) Subject to the provisions of subsection (2) of this section, any organization that, as of August 5, 2008, owes taxes that have been levied on real or personal property shall not be required to pay the balance of the taxes owed on or after August 5, 2008, if the organization meets the following requirements:

(a) The organization is a religious, charitable, or educational organization exempt from general taxation on real and personal property pursuant to sections 39-3-106 to 39-3-113.5 and 39-3-116;

(b) The organization has, before August 5, 2008, filed an application for exemption and been granted an exemption from general taxation on real and personal property pursuant to section 39-2-117;

(c) The organization has, before August 5, 2008, and after receiving an exemption from property tax, filed an annual report required for the continuation of property tax-exempt status pursuant to section 39-2-117 (3), but the report was determined to be incomplete or otherwise incorrect when filed; and

(d) The organization, as a result of the incomplete or incorrect report referenced in paragraph (c) of this subsection (1), was denied tax-exempt status for one or more property tax years and received a property tax bill for such year or years.

(2) Any waiver of the balance of taxes owed by an organization pursuant to subsection (1) of this section shall be contingent upon the reestablishment of the organization's tax-exempt status by the property tax administrator, as authorized by the state board of equalization.

(3) The state board of equalization may authorize the property tax administrator to reestablish tax-exempt status for any organization that meets the criteria specified in paragraphs (a) to (d) of subsection (1) of this section and that paid all or any portion of a property tax bill for a year or years in which the organization was denied tax-exempt status.

Source: L. 2008: Entire section added, p. 457, § 1, effective August 5. **L. 2009:** (2) and (3) amended, (SB 09-042), ch. 176, p. 782, § 5, effective August 5. **L. 2013:** (1)(a) amended, (HB 13-1300), ch. 316, p. 1705, § 123, effective August 7.

PART 2

PROPERTY TAX EXEMPTION FOR QUALIFYING SENIORS AND DISABLED VETERANS

39-3-201. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Section 3.5 of article X of the state constitution, which was approved by the registered electors of the state at the 2000 general election and amended by the registered electors of the state at the 2006 general election, provides property tax exemptions for qualifying seniors and qualifying disabled veterans;

(b) It is within the legislative prerogative of the general assembly to enact legislation to implement section 3.5 of article X of the state constitution that will ensure compliance with the requirements of said section and facilitate its operation;

(c) In enacting legislation to implement section 3.5 of article X of the state constitution the general assembly has attempted to interpret the provisions of section 3.5 of article X of the state constitution in a manner that gives its words their natural and obvious significance;

(d) This part 2 reflects the considered judgment of the general assembly regarding the meaning and implementation of the provisions of section 3.5 of article X of the state constitution.

Source: L. 2001: Entire part added, p. 460, § 1, effective April 25. **L. 2007:** (1)(a) amended, p. 476, § 1, effective April 15.

39-3-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Division" means the division of veterans affairs in the department of military and veterans affairs.

(1.5) "Exemption" means the property tax exemptions for qualifying seniors and qualifying disabled veterans allowed by section 39-3-203.

(2) (a) "Owner-occupier" means an individual who:

(I) Is an owner of record of residential real property that he or she occupies as his or her primary residence;

(II) Is not an owner of record of the residential real property that he or she occupies as his or her primary residence, but is:

(A) The spouse of an individual who is an owner of record of the residential real property and who also occupies the residential real property as his or her primary residence; or

(B) The surviving spouse of an individual who was an owner of record of the residential real property and who occupied the residential real property with the surviving spouse as his or her primary residence until his or her death; or

(III) Is not an owner of record of the residential real property that he or she occupies as his or her primary residence, only because the property has been purchased by or transferred to a trust, a corporate partnership, or any other legal entity solely for estate planning purposes and is the maker of the trust or a principal of the corporate partnership or other legal entity;

(IV) (A) Occupies residential real property as his or her primary residence; and

(B) Is the spouse of a person who also occupies the residential real property, who is not the owner of record of the property only because the property has been purchased by or transferred to a trust, a corporate partnership, or any other legal entity solely for estate planning purposes, and who is the maker of the trust or a principal of the corporate partnership or other legal entity; and

(V) (A) Occupies residential real property as his or her primary residence; and

(B) Is the surviving spouse of a person who occupied the residential real property with the surviving spouse until his or her death, who was not the owner of record of the property at the time of his or her death only because the property had been purchased by or transferred to a trust, a corporate partnership, or any other legal entity solely for estate planning purposes prior to his or her death, and who was the maker of the trust or a principal of the corporate partnership or other legal entity prior to his or her death.

(b) "Owner-occupier" also includes any individual who, but for the confinement of the individual to a hospital, nursing home, or assisted living facility, would occupy residential real property as his or her primary residence and would meet one or more of the ownership criteria specified in paragraph (a) of this subsection (2), if the residential real property:

(I) Is temporarily unoccupied; or

(II) Is occupied by the spouse or a financial dependent of the individual.

(3) "Owner of record" means an individual whose name appears on a valid recorded deed to residential real property as an owner of the property.

(3.5) "Qualifying disabled veteran" means an individual who has served on active duty in the United States armed forces, including a member of the Colorado National Guard who has been ordered into the active military service of the United States, has been separated therefrom under honorable conditions, and has established a service-connected disability that has been rated by the federal department of veterans affairs as a one hundred percent permanent disability through disability retirement benefits pursuant to a law or regulation administered by the department, the United States department of homeland security, or the department of the Army, Navy, or Air Force.

(4) "Surviving spouse" means an individual who was legally married to another individual at the time of the other individual's death and who has not remarried.

Source: L. 2001: Entire part added, p. 461, § 1, effective April 25. **L. 2007:** (1) amended and (1.5) and (3.5) added, p. 476, § 2, effective April 15. **L. 2016:** (3.5) amended, (HB 16-1444), ch. 193, p. 682, § 1, effective July 1.

39-3-203. Property tax exemption - qualifications. (1) For the property tax year commencing January 1, 2002, for property tax years commencing on or after January 1, 2006, but before January 1, 2009, and for property tax years commencing on or after January 1, 2012, fifty percent of the first two hundred thousand dollars of actual value of residential real property that as of the assessment date is owner-occupied and is used as the primary residence of the owner-occupier shall be exempt from taxation, and for property tax years commencing on or after January 1, 2003, but before January 1, 2006, and on or after January 1, 2009, but before January 1, 2012, fifty percent of zero dollars of actual value of residential real property that as of the assessment date is owner-occupied and is used as the primary residence of the owner-occupier shall be exempt from taxation if:

(a) (I) The owner-occupier is sixty-five years of age or older as of the assessment date and has owned and occupied such residential real property as his or her primary residence for the ten years preceding the assessment date; or

(II) The owner-occupier is the surviving spouse of an owner-occupier who previously qualified for a property tax exemption for the same residential real property under subparagraph (I) of this paragraph (a); and

(b) The owner-occupier has completed and filed an exemption application in the manner required by section 39-3-205 and the circumstances that qualify the property for the exemption have not changed since the filing of the application. Under no circumstances shall an exemption be allowed for property taxes assessed during any property tax year prior to the year in which an owner-occupier first files an exemption application.

(1.5) (a) For property tax years commencing on or after January 1, 2007, fifty percent of the first two hundred thousand dollars of actual value of residential real property that as of the assessment date is owner-occupied and is used as the primary residence of an owner-occupier who is a qualifying disabled veteran shall be exempt from taxation if:

(I) The owner-occupier has completed and filed an exemption application in the manner required by section 39-3-205; and

(II) The circumstances that qualify the property for the exemption have not changed since the filing of the application.

(a.5) For property tax years commencing on or after January 1, 2015, fifty percent of the first two hundred thousand dollars of actual value of residential real property that as of the assessment date is owner-occupied and is used as the primary residence of an owner-occupier who is the surviving spouse of a qualifying disabled veteran who previously received an exemption under paragraph (a) of this subsection (1.5) is exempt from taxation.

(b) Under no circumstances shall an exemption be allowed for property taxes assessed during any property tax year prior to the year for which an owner-occupier first files an exemption application.

(2) Notwithstanding the provisions of paragraph (a) of subsection (1) and subsection (1.5) of this section, if ownership of residential real property that qualified for an exemption as of the assessment date changes after the assessment date, an exemption shall be allowed only if an owner-occupier whose status as an owner-occupier qualified the property for the exemption has filed an exemption application by the deadline for filing exemption applications specified in section 39-3-205 (1).

(3) An individual who owns and occupies a dwelling unit in a common interest community, as defined in section 38-33.3-103 (8), C.R.S., as his or her primary residence, or who owns residential real property consisting of multiple-dwelling units and occupies one of the dwelling units as his or her primary residence, shall be allowed an exemption only with respect to the dwelling unit that the individual occupies as his or her primary residence.

(4) No more than one exemption per property tax year shall be allowed for a single dwelling unit of residential real property, regardless of how many owner-occupiers use the dwelling unit as their primary residence or whether one or more owner-occupiers qualify for exemptions under both subsections (1) and (1.5) of this section. The full amount of the exemption allowed by subsection (1) or (1.5) of this section shall be allowed with respect to any single dwelling unit of residential real property so long as any owner-occupier of the dwelling unit satisfies the requirements of subsection (1) or (1.5) of this section, and the fact that any other person who does not satisfy said requirements is also an owner of record of the dwelling unit shall not affect the amount of the exemption.

(5) For purposes of this part 2, two individuals who are legally married, but who own more than one piece of residential real property, shall be deemed to occupy the same primary residence and may claim no more than one exemption.

(6) (a) Notwithstanding the ten-year occupancy requirement set forth in subparagraph (I) of paragraph (a) of subsection (1) of this section, an owner-occupier who has not actually owned and occupied residential real property for which the owner-occupier has claimed an exemption under said subsection (1) for the ten years preceding the assessment date shall be deemed to have met the ten-year requirement and shall be allowed an exemption under said subsection (1) with respect to the property if:

(I) The owner-occupier would have qualified for the exemption with respect to other residential real property that the owner-occupier owned and occupied as his or her primary residence before moving to the residential real property for which an exemption is claimed but for the fact that the other property was condemned by a governmental entity through an eminent domain proceeding; or

(I.5) For property tax years commencing on or after January 1, 2015, the owner-occupier would have qualified for the exemption with respect to other residential real property that the owner-occupier owned and occupied as his or her primary residence before moving to the residential real property for which an exemption is claimed but for the fact that a natural disaster destroyed the former primary residence or otherwise rendered it uninhabitable; and

(II) The owner-occupier has not owned and occupied residential property as his or her primary residence other than the residential real property for which an exemption is claimed since the condemnation occurred.

(b) An owner-occupier who claims an exemption with respect to residential real property that he or she has not actually owned and occupied as his or her primary residence for the ten years preceding the assessment date as permitted by paragraph (a) of this subsection (6) shall provide to the assessor with whom the owner-occupier files the exemption application any information that the assessor may reasonably require to verify that the owner-occupier is entitled to an exemption.

Source: L. 2001: Entire part added, p. 462, § 1, effective April 25. **L. 2003:** IP(1) amended, p. 1476, § 1, effective May 1. **L. 2007:** IP(1), (2), (4), and IP(6)(a) amended and (1.5) added, p. 477, § 3, effective April 15. **L. 2009:** IP(1) amended, (SB 09-276), ch. 437, p. 2426, § 1, effective June 4. **L. 2010:** IP(1) amended, (SB 10-190), ch. 311, p. 1461, § 2, effective May 27. **L. 2014:** (1.5)(a.5) and (6)(a)(I.5) added and (6)(a)(I) amended, (HB 14-1373), ch. 266, p. 1066, § 1, effective May 26.

39-3-204. Notice of property tax exemption. No later than May 1, 2013, and no later than May 1 of each year thereafter in which an assessor sends a notice of valuation pursuant to section 39-5-121 (1)(a) that is not included with the tax bill, each assessor shall mail to each residential real property address in the assessor's county notice of the exemption allowed by section 39-3-203 (1). As soon as practicable after January 1, 2014, and as soon as practicable after January 1 of each year thereafter, each county treasurer shall, at the treasurer's discretion, mail or electronically send to each person whose name appears on the tax list and warrant as an owner of residential real property notice of the exemption allowed by section 39-3-203 (1). The treasurer must mail or electronically send the notice in each year on or before the date on which the treasurer mails the property tax statement for the previous property tax year pursuant to section 39-10-103. No later than May 1, 2008, and no later than each May 1 thereafter, each assessor also shall mail to each residential property address in the assessor's county notice of the

exemption allowed by section 39-3-203 (1.5). No later than May 1, 2007, the division shall mail to the residential property address of each person residing in the state who the division believes is a qualifying disabled veteran notice of the exemption allowed by section 39-3-203 (1.5) for the 2007 property tax year. However, the sending of notice to a person by the division does not constitute a determination by the division that the person sent notice is entitled to an exemption. The notice shall be in a form prescribed by the administrator, who shall consult with the division before prescribing the form of the notice of the exemption allowed by section 39-3-203 (1.5), and shall include a statement of the eligibility criteria for the exemptions and instructions for obtaining an exemption application. To reduce mailing costs, an assessor may coordinate with the treasurer of the same county to include notice with the tax statement for the previous property tax year mailed pursuant to section 39-10-103 or may include notice with the notice of valuation mailed pursuant to section 39-5-121 (1)(a).

Source: L. 2001: Entire part added, p. 464, § 1, effective April 25. **L. 2007:** Entire section amended, p. 478, § 4, effective April 15. **L. 2013:** Entire section amended, (HB 13-1145), ch. 98, p. 314, § 1, effective April 4.

39-3-205. Exemption applications - penalty for providing false information - confidentiality. (1) (a) To claim the exemption allowed by section 39-3-203 (1), an individual shall file with the assessor a completed exemption application no later than July 15 of the first property tax year for which the exemption is claimed. An application returned by mail shall be deemed filed on the date it is postmarked.

(b) To claim the exemption allowed by section 39-3-203 (1.5), an individual shall file with the division a completed exemption application no later than July 1 of the first property tax year for which the exemption is claimed. An application returned by mail shall be deemed filed on the date it is postmarked.

(2) (a) An exemption application shall be a form prescribed by the administrator, who shall consult with the division before prescribing the form of the application for the exemption allowed by section 39-3-203 (1.5), and shall require an applicant to provide the following information:

(I) The applicant's name, mailing address, date of birth, and social security number;

(II) The address and schedule or parcel number of the residential real property for which an exemption is claimed;

(III) The name and social security number of each individual who occupies as his or her primary residence the residential real property for which an exemption is claimed;

(IV) If a trust is the owner of record of the residential real property for which an exemption is claimed, the names of the maker of the trust, the trustee, and the beneficiaries of the trust;

(V) If a corporate partnership or other legal entity is the owner of record of the residential real property for which an exemption is claimed, the names of the principals of the corporate partnership or other legal entity;

(VI) An affirmation, in a form prescribed by the administrator, that the applicant believes, under penalty of perjury in the second degree, as defined in section 18-8-503, C.R.S., that all information provided by the applicant is correct; and

(VII) Any other information that the administrator may reasonably require as necessary for the proper and efficient administration of the exemption.

(b) The exemption application shall also contain a statement that an applicant, or in the case of residential real property for which the owner of record is a trust, the trustee, has a legal obligation to inform the assessor within sixty days of any change in the ownership or occupancy of residential real property for which an exemption has been applied for or allowed that would prevent an exemption from being allowed for the property.

(2.5) For the purpose of verifying the eligibility of each applicant for the exemption allowed to qualifying disabled veterans under section 39-3-203 (1.5) efficiently and with minimal inconvenience to each applicant, the division shall determine whether an applicant for the exemption is a qualifying disabled veteran. With respect to any application timely filed by July 1 pursuant to paragraph (b) of subsection (1) of this section, the division shall, if possible, determine whether the applicant is a qualifying disabled veteran and send notice of its determination to the applicant on or before the immediately succeeding August 1. If the division determines that the applicant is a qualifying disabled veteran, it shall also send notice of its determination and a copy of the exemption application to the assessor for the county where the property is located. If the division is unable to determine whether the applicant is a qualifying disabled veteran on or before said August 1, it shall send preliminary notice to both the applicant and the assessor that its determination is pending and shall follow up the preliminary notice by sending final notice of its ultimate determination to the applicant and, together with a copy of the exemption application, to the assessor as soon as possible thereafter.

(3) (a) In addition to any penalties prescribed by law for perjury in the second degree, an applicant who knowingly provides false information on an exemption application or files more than one exemption application in any property tax year:

(I) Shall not be entitled to an exemption;

(II) Shall be required to pay, to the treasurer of any county in which an exemption was improperly allowed due to the provision by the applicant of false information or the filing by the applicant of more than one exemption application, an amount equal to the amount of property taxes not paid as a result of the exemption being improperly allowed; and

(III) Shall, upon conviction of perjury, be required to pay to the treasurer of any county in which an invalid exemption application was filed an additional amount equal to twice the amount of the property taxes that would not have had to be paid had the exemption application been valid plus interest. Interest shall be calculated at the annual rate calculated pursuant to section 39-21-110.5 (2) and (3) from the date the invalid exemption application was filed until the date the applicant makes the payment required by this subparagraph (III).

(b) If an applicant or a trustee fails to inform the assessor within sixty days of any change in the ownership or occupancy of residential real property for which an exemption has been applied for or allowed that would prevent an exemption from being allowed for the property as required by paragraph (b) of subsection (2) of this section:

(I) An exemption shall not be allowed with respect to the residential real property; and

(II) The applicant or trustee shall be required to pay, to the treasurer of any county in which an exemption was improperly allowed due to the applicant's or trustee's failure to immediately inform the assessor of any change in the ownership or occupancy of residential real property, an amount equal to the amount of property taxes not paid as a result of the exemption being improperly allowed plus interest. Interest shall be calculated at the annual rate calculated

pursuant to section 39-21-110.5 (2) and (3) from the date on which the change in the ownership or occupancy occurred until the date the applicant makes the payment required by this subparagraph (II).

(c) Any amount required to be paid to a treasurer pursuant to paragraph (a) or (b) of this subsection (3) shall be deemed part of the lien of general taxes imposed on the person required to pay the amount and shall have the priority specified in section 39-1-107 (2).

(4) (a) Completed exemption applications shall be kept confidential; except that:

(I) (A) An assessor or the division may release statistical compilations or informational summaries of any information contained in exemption applications and shall provide a copy of an exemption application to the applicant who returned the application, the treasurer of the same county as the assessor, the administrator, the state treasurer, or the state auditor upon request or as otherwise required by this part 2.

(B) An assessor or the division may introduce a copy of an exemption application as evidence in any administrative hearing or legal proceeding in which the accuracy or veracity of the exemption application is at issue so long as neither the applicant's social security number nor any other social security number set forth in the application are divulged.

(II) A treasurer, the administrator, the state treasurer, or the state auditor shall keep confidential each individual exemption application that it may receive from an assessor or the division but may release statistical compilations or informational summaries of any information contained in exemption applications and may introduce a copy of an exemption application as evidence in any administrative hearing or legal proceeding in which the accuracy or veracity of the exemption application is at issue so long as neither the applicant's social security number nor any other social security number set forth in the application are divulged.

(III) The administrator may share information contained in an exemption application, including any social security number set forth in the application, with the department of revenue to the extent necessary to enable the administrator to verify that the applicant satisfies legal requirements for claiming the exemption.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (4), an assessor, the division, a treasurer, the administrator, the state treasurer, or the state auditor shall not give any other person any listing of individuals who have applied for an exemption or any other information that would enable a person to easily assemble a mailing list of individuals who have applied for an exemption.

Source: L. 2001: Entire part added, p. 464, § 1, effective April 25. **L. 2007:** (1), IP(2)(a), and (4) amended and (2.5) added, p. 478, § 5, effective April 15. **L. 2011:** (2.5) amended, (HB 11-1226), ch. 73, p. 201, § 1, effective March 29. **L. 2016:** (4)(a)(III) added, (HB 16-1175), ch. 332, p. 1344, § 2, effective June 10.

39-3-206. Notice to individuals returning incomplete or nonqualifying exemption applications - denial of exemption - administrative remedies. (1) (a) Except as otherwise provided in paragraph (a.5) of subsection (2) of this section, an assessor shall only grant the exemption allowed to qualifying seniors under section 39-3-203 (1) to an applicant who has timely returned an exemption application in accordance with section 39-3-205 (1)(a) that establishes that the applicant is entitled to the exemption.

(b) If the information provided on or with an application for the exemption allowed to qualifying seniors under section 39-3-203 (1) indicates that the applicant is not entitled to the exemption, or is insufficient to allow the assessor to determine whether or not the applicant is entitled to the exemption, the assessor shall deny the application and mail to the applicant a statement providing the reasons for the denial and informing the applicant of the applicant's right to contest the denial pursuant to subsection (2) of this section. The assessor shall mail the statement no later than August 1 of the property tax year for which the exemption application was filed.

(1.5) (a) Except as otherwise provided in paragraph (a.7) of subsection (2) of this section, the division shall only accept an application for the exemption allowed to qualifying disabled veterans under section 39-3-203 (1.5) if the applicant timely returned the exemption application in accordance with section 39-3-205 (1)(b), and an assessor shall only grant the exemption if the division verifies that the applicant is a qualified disabled veteran and the exemption application forwarded by the division to the assessor pursuant to section 39-3-205 (2.5) establishes that the applicant meets the other requirements to be entitled to the exemption.

(b) If the information provided on or with an application for the exemption allowed to qualifying disabled veterans under section 39-3-203 (1.5) that is forwarded by the division to an assessor pursuant to section 39-3-205 (2.5) indicates that the applicant is not entitled to the exemption, or is insufficient to allow the assessor to determine whether or not the applicant is entitled to the exemption, the assessor shall deny the application and mail to the applicant a statement providing the reasons for the denial and informing the applicant of the applicant's right to contest the denial pursuant to subsection (2) of this section. The assessor shall mail the statement no later than August 1 of the property tax year for which the exemption application was filed.

(2) (a) An applicant whose exemption application has been denied pursuant to paragraph (b) of subsection (1) or paragraph (b) of subsection (1.5) 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 August 15 of the property tax year for which the exemption application was filed. The hearing shall be held on or after August 1 and no later than September 1 of the property tax year for which the exemption application was filed, and the decision of the county board of equalization is not subject to further administrative appeal by either the applicant or the assessor. An applicant may not contest a determination by the division that the applicant is not a qualifying disabled veteran at a hearing requested pursuant to this paragraph (a).

(a.5) An individual who wishes to claim the exemption for qualifying seniors allowed by section 39-3-203 (1), but who has not timely filed an exemption application with the assessor by July 15, may file a late exemption application no later than the August 15 that immediately follows that deadline. The assessor shall accept any such application but may not accept any late application filed after August 15. The assessor shall grant an exemption if an accepted late application establishes that the applicant is entitled to the exemption. A decision of an assessor to disallow the filing of a late application after August 15 or to grant or deny an exemption to an applicant who has filed a late application after July 15 but no later than August 15 is final, and an applicant who is denied late filing or an exemption may not contest the denial.

(a.7) An individual who wishes to claim the exemption for qualifying disabled veterans allowed by section 39-3-203 (1.5), but who has not timely filed an exemption application with the division, may request that the division waive the application deadline and allow the

individual to file a late exemption application no later than the August 1 that immediately follows the original application deadline. The division may accept an application if, in the division's sole discretion, the applicant shows good cause for not timely filing an application. If the division accepts a late application, it shall determine whether the applicant is a qualifying disabled veteran and shall mail notice of its determination to the applicant no later than the August 25 that immediately follows the late application deadline. If the division determines that a veteran is a qualifying disabled veteran, it shall mail a copy of the notice of its determination to the assessor for the county in which the property for which the applicant has claimed the exemption is located and shall include with the notice a copy of the applicant's exemption application. The assessor shall grant an exemption if the notice and application forwarded by the division to the assessor establish that the applicant is entitled to the exemption. A decision of the division to allow or disallow the filing of a late application or of an assessor to grant or deny an exemption to an applicant who has filed a late application is final, and an applicant who is denied late filing or an exemption may not contest the denial.

(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.

Source: L. 2001: Entire part added, p. 466, § 1, effective April 25. **L. 2002:** (2) amended, p. 842, § 1, effective August 7. **L. 2003:** (1)(a) amended and (2)(a.5) added, p. 2479, §§ 1, 2, effective June 5. **L. 2007:** (1), (2)(a), and (2)(a.5) amended and (1.5) and (2)(a.7) added, pp. 480, 481, §§ 6, 7, effective April 15. **L. 2011:** (1.5) and (2)(a.7) amended, (HB 11-1226), ch. 73, p. 202, § 2, effective March 29. **L. 2013:** (2)(a.5) amended, (HB 13-1145), ch. 98, p. 315, § 2, effective April 4. **L. 2016:** (1)(b), (1.5)(b), (2)(a), (2)(a.5), and (2)(a.7) amended, (HB 16-1175), ch. 332, p. 1345, § 3, effective January 1, 2017.

39-3-207. Reporting of exemptions - reimbursement to local governmental entities. (1) No later than October 10, 2002, and no later than each October 10 thereafter through October 10, 2016, and no later than September 10, 2017, and no later than each September 10 thereafter, each assessor shall forward to the administrator a report on the exemptions allowed in his or her county for the current property tax year. The report shall include:

(a) A statement of the total amount of actual value of residential real property within the county that is exempted from taxation;

(b) With respect to each unit of residential real property for which an exemption is allowed:

(I) The legal description of the property;

(II) The schedule or parcel number for the property;

(III) The name and social security number of the applicant who claimed an exemption for the property and each additional person who occupies the property; and

(IV) A statement of the taxable and tax exempt value of the property; and

(c) For reports issued for the 2007 property tax year and for each subsequent property tax year, separate identification, in such form as the administrator may require, of the units of residential real property within the county exempted from taxation under section 39-3-203 (1.5) and of the total amount of actual value of the property so exempted.

(2) (a) (I) The administrator shall examine the reports sent by each assessor pursuant to subsection (1) of this section to ensure that no applicant has claimed an exemption without meeting all legal requirements for claiming the exemption. No later than November 1, 2002, and no later than each November 1 thereafter, if the administrator determines that an applicant has claimed more than one exemption, the administrator shall provide written notice to the applicant that the applicant has claimed more than one exemption and is therefore not entitled to any exemption. No later than November 1, 2016, and no later than each November 1 thereafter, if the administrator determines that the applicant and the applicant's spouse have claimed separate exemptions in violation of section 39-3-203 (5), that the applicant has claimed an exemption for residential real property that the applicant does not own and occupy as the applicant's primary residence as required by section 39-3-203 (1), or that the applicant is otherwise ineligible to claim an exemption, the administrator shall provide written notice to the applicant that the applicant is ineligible for the exemption and specify the reasons for the determination of ineligibility. The notice shall also include a statement specifying the deadline and procedures for protesting the denial of the exemption or exemptions claimed.

(II) An applicant whose claims for exemption are denied by the administrator pursuant to subparagraph (I) of this paragraph (a) may file a written protest with the administrator no later than November 15 of the year in which the exemption or exemptions were denied. If the ground for the denial is that the applicant, or the applicant and the applicant's spouse, claimed multiple exemptions, the sole ground for a protest is that the applicant, or the applicant and the applicant's spouse, filed only one claim for an exemption and the protest shall specify property or properties identified by the administrator in the notice denying exemptions for which no exemption was claimed. The administrator shall request that any appropriate assessor check the assessor's records of exemption applications to determine whether the applicant filed a disputed exemption application and shall decide the protest accordingly. If the ground for the denial is that the applicant is not an owner-occupier of the residential real property for which an exemption is claimed, the sole grounds for a protest are that the applicant actually is an owner-occupier or that the applicant qualifies for an exemption for the property under section 39-3-203 (6). If a protest is denied, the administrator shall mail the applicant a written statement of the basis for the denial and a copy of each exemption application filed with an assessor that the applicant claimed had not been filed.

(b) No later than December 1, 2002, and no later than each December 1 thereafter, and after examining the reports sent by each assessor, denying claims for exemptions, and deciding protests in accordance with paragraph (a) of this subsection (2), the administrator shall provide written notice to the assessor of each county in which an exemption application has been denied because the applicant filed multiple exemption applications with the identity of the applicant who filed multiple exemption applications and the denial of the exemption. No later than December 1, 2016, and no later than each December 1 thereafter, and after examining the reports sent by each assessor, denying claims for exemptions, and deciding protests in accordance with paragraph (a) of this subsection (2), the administrator shall also provide written notice to the assessor of each county in which an exemption application has been denied for any other reason with the identity of the applicant and the denial of the exemption, specifying the reason for the denial. No later than January 10, 2017, and no later than each January 10 thereafter, each assessor shall forward to the administrator a partial copy of the tax warrant for the assessor's county that includes only property for which the assessor has granted an exemption. The

administrator shall examine the tax warrants to ensure that no additional exemptions have been allowed since the administrator examined the reports previously received from the assessors and that each assessor has removed from the tax warrant all exemptions that the administrator previously denied. No later than January 17, 2017, and no later than each January 17 thereafter, the administrator shall notify each assessor and each treasurer of any exemptions to be removed from the tax warrant.

(3) No later than April 1, 2003, and no later than each April 1 thereafter through April 1, 2016, to enable the state treasurer to issue a reimbursement warrant to each treasurer in accordance with subsection (4) of this section, each treasurer shall forward to the state treasurer a report on the exemptions allowed in his or her county for the previous property tax year. No later than March 1, 2017, and no later than March 1 of each year thereafter, each treasurer shall forward the report to the administrator, who shall cross-check it as specified in subsection (3.5) of this section before correcting it, if necessary, and forwarding it to the state treasurer to enable the state treasurer to issue a reimbursement warrant to each treasurer in accordance with subsection (4) of this section. The report shall include:

(a) A statement of the total amount of actual value of residential real property within the county that was exempted from taxation and the total amount of property tax revenues lost by local governmental entities within the county as a result of the exemption that must be reimbursed by the state;

(b) With respect to each unit of residential real property for which an exemption was allowed:

(I) The legal description of the property;

(II) The schedule or parcel number for the property;

(III) The name of the applicant who claimed an exemption for the property and each additional person who occupies the property; and

(IV) A statement of the taxable and tax exempt value of the property and the amount of taxes due on the property; and

(c) For reports issued for the 2007 property tax year and for each subsequent property tax year, separate identification, in such form as the administrator may require, of the units of residential real property within the county exempted from taxation under section 39-3-203 (1.5), the total amount of actual value of the property so exempted, and the total amount of property tax revenues lost by local government entities within the county as a result of the exemption.

(3.5) After receiving reports from each treasurer pursuant to subsection (3) of this section, the administrator shall cross-check the reports to identify any exemption allowed in a county that must be denied due to a failure of the individual allowed the exemption to satisfy all legal requirements for claiming the exemption. The administrator shall remove any exemption that must be denied from the report in which it appears and shall forward all reports to the state treasurer no later than the April 1 immediately following the receipt of the reports by the administrator. In addition, if the administrator identifies any exemption improperly allowed for a prior property tax year commencing on or after January 1, 2016, for which the state treasurer reimbursed a treasurer pursuant to subsection (4) of this section or identifies any exemption properly allowed for such a prior property tax year for which the state treasurer did not reimburse a treasurer, the administrator shall advise the state treasurer to adjust the current year reimbursement to the treasurer to correct the error. No later than that April 1, the administrator shall also notify the treasurer and assessor of each county of the exemptions removed from the

report for the county and any resulting and other adjustments to the amount of current year reimbursement to be paid by the state treasurer to the treasurer.

(3.7) In accordance with section 25-2-103 (4.5), C.R.S., the administrator shall annually provide to the state registrar of vital statistics of the department of public health and environment a list, by name and social security number, of every individual who received an exemption for the immediately preceding year so that the registrar can provide to the administrator a list of all such individuals who have died. No later than April 1, 2017, and no later than each April 1 thereafter, the administrator shall forward to the assessor of each county, the name and social security number of each deceased individual who received an exemption for the immediately preceding year for residential real property located within the county so that the assessor can terminate the exemption for the property.

(4) (a) (I) In accordance with section 3.5 of article X of the state constitution, no later than April 15, 2003, and no later than each April 15 thereafter, the state treasurer shall issue a warrant to each treasurer for the amount needed to fully reimburse all local governmental entities within the treasurer's county for the amount of property tax revenues lost as a result of the application of the exemption to property taxes that accrued during the previous property tax year and are payable during the year in which the state treasurer issues the warrant. The reimbursement shall be paid from the state general fund and shall not be subject to the statutory limitation on state general fund appropriations set forth in section 24-75-201.1, C.R.S.

(II) As used in this paragraph (a), with respect to exemptions allowed for property tax years commencing on or after January 1, 2016, "property tax revenues lost as a result of the application of the exemption" includes only those revenues lost as a result of exemptions properly allowed in accordance with the requirements of this part 2 and does not include any revenues lost as a result of an exemption being erroneously allowed.

(b) Each treasurer shall distribute the total amount received from the state treasurer pursuant to paragraph (a) of this subsection (4) to the local governmental entities within the treasurer's county as if the lost tax revenues had been regularly paid. When a treasurer distributes said amount, the treasurer shall provide each local governmental entity with a statement of the amount distributed to the local governmental entity that represents reimbursement received from the state for property tax revenues lost as a result of the exemption. In accordance with section 3.5 of article X of the state constitution, moneys distributed to a local governmental entity as reimbursement for property tax revenues lost as a result of the exemption shall not be included in the local governmental entity's fiscal year spending for purposes of section 20 of article X of the state constitution.

(4.5) In accordance with subsection (3.5) of this section, for any property tax year commencing on or after January 1, 2016, the state treasurer shall not reimburse a treasurer for property tax revenues lost as a result of an exemption erroneously allowed in the treasurer's county. If, pursuant to subsection (3.5) of this section, the administrator advises the state treasurer that the state treasurer has provided either too much or too little reimbursement to a treasurer for exemptions allowed in the treasurer's county for any prior property tax year commencing on or after January 1, 2016, the state treasurer shall adjust the reimbursement for the current property tax year as directed by the administrator in order to correct the error.

(5) Notwithstanding any provision of law to the contrary, the reports required by this section and the contents thereof shall be kept confidential by an assessor, a treasurer, the

administrator, the state treasurer, or the state auditor; except that said persons may provide the reports to each other as required or authorized by law.

(6) Repealed.

Source: L. 2001: Entire part added, p. 467, § 1, effective April 25. **L. 2002:** IP(1) amended, p. 842, § 2, effective August 7. **L. 2007:** (1)(c) and (3)(c) added and (3)(b)(III) amended, p. 482, §§ 8, 9, effective April 15. **L. 2012:** (6) added, (HB 12-1326), ch. 195, p. 777, § 4, effective May 22. **L. 2016:** (6) amended, (HB 16-1161), ch. 35, p. 89, § 1, effective March 22; IP(1), (2), IP(3), and (4)(a) amended and (3.5), (3.7), and (4.5) added, (HB 16-1175), ch. 332, p. 1346, § 4, effective June 10. **L. 2020:** (6) repealed, (HB 20-1387), ch. 174, p. 801, § 1, effective June 29.

39-3-208. Auditing of property tax exemption program. The state auditor shall periodically audit the property tax exemption program administered pursuant to this part 2 to ensure that the program is operating in compliance with section 3.5 of article X of the state constitution and this part 2. In connection with an audit, the state auditor may suggest means of improving the administration of the program. Upon request, an assessor, a treasurer, the administrator, or the state treasurer shall provide the state auditor with any exemption applications, reports, or other documents relevant to the administration of the program.

Source: L. 2001: Entire part added, p. 469, § 1, effective April 25.

39-3-209. State expenditure for property tax exemptions - mechanism for refunding of excess state revenue - legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Although the exemptions allowed by this part 2 are exemptions from local government property taxes, the state must reimburse local governments for the net amount of property tax revenues lost as a result of the exemptions and therefore bears the full cost of the exemptions;

(b) Section 3.5 of article X of the state constitution authorizes the general assembly to raise or lower the maximum amount of actual value of residential real property of which fifty percent is exempt pursuant to this part 2;

(c) In order to eliminate the cost of the exemption and fund other state needs, the general assembly, as authorized by section 3.5 of article X of the state constitution, has at times temporarily suspended the exemption for qualifying seniors allowed by this part 2 by lowering to zero the maximum amount of actual value of residential real property of which fifty percent is exempt;

(d) The general assembly intends to allow seniors to rely on predictable and sustainable exemptions by fully funding the property tax exemption for qualifying seniors in the future, and it is more likely to be able to do so if the cost of the exemption, which exclusively benefits taxpayers who reside in Colorado, constitutes a refund of excess state revenues for state fiscal years for which such refunds are required; and

(e) Section 20 of article X of the state constitution authorizes the state to use any reasonable method to make required refunds of excess state revenues, and the payment by the state of reimbursement to local governments for the net amount of property tax revenues lost as a

result of the property tax exemptions allowed by this part 2, which exemptions directly reduce the tax liability of taxpaying Colorado residents throughout the state, is a reasonable method of making such refunds.

(2) For any state fiscal year commencing on or after July 1, 2017, for which state revenues, as defined in section 24-77-103.6 (6)(c), exceed the excess state revenues cap, as defined in section 24-77-103.6 (6)(b)(I)(C) or (6)(b)(I)(D), and are required to be refunded in accordance with section 20 of article X of the state constitution, the lesser of all reimbursement paid by the state treasurer to each treasurer as required by section 39-3-207 (4) for the property tax year that commenced during the state fiscal year or an amount of such reimbursement equal to the amount of excess state revenues for the state fiscal year that are required to be refunded is a refund of such excess state revenues.

Source: L. 2017: Entire section added, (SB 17-267), ch. 267, p. 1467, § 24, effective May 30.

Cross references: For the legislative declaration in SB 17-267, see section 1 of chapter 267, Session Laws of Colorado 2017.

Deferrals

ARTICLE 3.5

Tax Deferral for the Elderly and Military Personnel

Law reviews: For article, "Survey of Colorado Tax Liens", see 14 Colo. Law. 1765 (1985); for article "An Update of Appendices from Collecting Pre- and Post-Judgment Interest in Colorado", see 15 Colo. Law. 990 (1986).

39-3.5-101. Definitions. As used in this article 3.5, unless the context otherwise requires:

(1) "Homestead" means the owner-occupied residence of the taxpayer and includes owner-occupied units in a condominium, townhouse, or similar structure and an owner-occupied mobile home.

(1.5) "Mobile home" means any wheeled vehicle, exceeding either eight feet in width or thirty-two feet in length, excluding towing gear and bumpers, without motive power, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may be drawn over the public highways by a motor vehicle.

(1.8) **[*Editor's note: This version of subsection (1.8) is effective until the revisor of statutes receives notice. See the editor's note following this section.*]** "Person called into military service" means a member of the Army National Guard of the United States, the Army reserve, the Naval reserve, the Marine Corps reserve, the Air National Guard of the United States, the Air Force reserve, or the Coast Guard reserve who has been ordered to active duty pursuant to 10 U.S.C. sec. 12301 (a) or 12302 for a period of more than thirty consecutive days

in a time of war or national emergency declared by the congress or the president of the United States. "Active duty" includes any period during which a person called into military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(1.8) **[*Editor's note: This version of subsection (1.8) is effective upon notice to the revisor of statutes. See the editor's note following this section.*]** "Person called into military service" means a member of the Army National Guard of the United States, the Army reserve, the Naval reserve, the Marine Corps reserve, the Air National Guard of the United States, the Air Force reserve, the Space National Guard of the United States, or the Coast Guard reserve who has been ordered to active duty pursuant to 10 U.S.C. sec. 12301 (a) or 12302 for a period of more than thirty consecutive days in a time of war or national emergency declared by the congress or the president of the United States. "Active duty" includes any period during which a person called into military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Real property taxes" means all ad valorem taxes levied on a homestead, including special assessments and all other charges which are recoverable by law at the annual real estate tax sale, and includes special assessments and all other charges which are recoverable by law at the personal property tax sale of a mobile home, as provided in section 39-10-111.

(3) "Tax-deferred property" means the property upon which real property taxes are deferred pursuant to this article.

(3.5) "Tax-growth cap" means an amount equal to the average of a person's real property taxes paid on the same homestead for the two property tax years preceding the year a deferral is claimed, increased by four percent.

(4) "Taxpayer" means a person who has filed or whose guardian, conservator, or attorney-in-fact has filed a claim for deferral pursuant to this article or persons who have jointly filed a claim for deferral under this article.

Source: L. 78: Entire article added, p. 471, § 1, effective February 28, 1979. **L. 79:** (1) and (4) amended, p. 1411, § 1, effective January 1, 1980. **L. 88:** (1) and (2) amended and (1.5) added, p. 1283, § 9, effective January 1, 1989. **L. 2003:** (1.8) added, p. 2112, § 1, effective May 22. **L. 2021:** IP amended and (3.5) added, (SB 21-293), ch. 301, p. 1808, § 5, effective June 23; IP and (1.8) amended, (HB 21-1231), ch. 206, p. 1079, § 12, effective (see editor's note).

Editor's note: Section 15(2) of chapter 206 (HB 21-1231), Session Laws of Colorado 2021, provides that the act changing this section takes effect only if the federal government creates the Space National Guard in the "FY 2022 National Defense Authorization Act" and takes effect on the date identified in the written notice from the resource and legislative director of the department of military and veterans affairs to the revisor of statutes, as required in section 10 of chapter 206, that the Space National Guard was created or, if the notice does not specify that date, on the date of the notice to the revisor of statutes, or on May 28, 2021, whichever is later. As of publication date, the revisor of statutes had not received notice.

39-3.5-102. Deferral of tax on homestead - qualifications - filing of claim. (1) (a) Subject to the provisions of this article, a person who is sixty-five years of age or older or who is a person called into military service on January 1 of the year in which the person files a claim under this section may elect to defer the payment of real property taxes. To exercise this option,

the taxpayer shall file a claim for deferral with the treasurer of the county in which the taxpayer's homestead is located. The claim shall be filed after January 1 and on or before April 1 of each year in which the taxpayer claims the deferral.

(b) Notwithstanding paragraph (a) of this subsection (1), a person called into military service at any time between January 1, 2003, and June 30, 2003, may defer the payment of real property taxes for the property tax year 2002 by filing a claim pursuant to this section on or before June 30, 2003.

(c) (I) Subject to the provisions of this article 3.5, including the limitations set forth in subsection (1)(c)(II) of this section, beginning January 1, 2023, a person who is not otherwise eligible for deferral under this section may elect to defer the payment of the portion of real property taxes that exceed the person's tax-growth cap. To exercise this option, the taxpayer must file a claim for deferral with the treasurer of the county in which the taxpayer's homestead is located. The taxpayer must file the claim after January 1 and on or before April 1 of each year in which the taxpayer claims the deferral.

(II) In addition to any other limitations set forth in this article 3.5, the minimum amount of real property taxes that may be deferred under this subsection (1)(c) at one time is one hundred dollars, and the total amount of real property taxes that a person may defer under this subsection (1)(c) for all years shall not exceed ten thousand dollars. If a taxpayer's surviving spouse elects to continue deferral under section 39-3.5-112 (1.5)(a), the same total limit applies to the taxpayer and the surviving spouse.

(III) A person who previously deferred real property taxes as a person called into military service but is no longer eligible for a new deferral on that basis may defer additional real property taxes under this subsection (1)(c).

(2) When a taxpayer who is sixty-five years of age or older, who is a person called into military service, or who is otherwise eligible under subsection (1)(c) of this section files a valid claim for deferral under subsection (1) of this section, it has the effect of:

(a) Deferring the payment of the taxpayer's real property taxes or in the case of a person who is otherwise eligible, a portion of the taxpayer's real property taxes, for the calendar year previous to the year in which the claim is filed;

(b) Continuing the deferral of taxes which have been deferred under this article for previous years which have not become delinquent pursuant to section 39-3.5-111;

(c) Terminating and releasing the lien for the general taxes so deferred created by section 39-1-107 and substituting therefor the lien for said deferred taxes created by section 39-3.5-105.

(2.5) (a) A person called into military service may defer only the real property taxes payable in a year in which the person is a person called into military service. A person who is no longer a person called into military service may file a valid claim in a subsequent year to continue the prior allowable deferral of taxes.

(b) A person who defers a portion of real property taxes under subsection (1)(c) of this section may file a valid claim in a subsequent year to continue the prior allowable deferral of taxes.

(3) If a guardian, conservator, or attorney-in-fact has been appointed for a taxpayer otherwise qualified to claim deferral of taxes under this article, the guardian, conservator, or attorney-in-fact may act for such taxpayer in claiming the deferral.

Source: L. 78: Entire article added, p. 472, § 1, effective February 28, 1979. **L. 2003:** (1) and IP(2) amended and (2.5) added, p. 2112, § 2, effective May 22. **L. 2021:** (1)(c) added and IP(2), (2)(a), and (2.5) amended, (SB 21-293), ch. 301, p. 1809, § 6, effective June 23.

39-3.5-103. Property entitled to deferral. (1) In order to qualify for real property tax deferral under this article 3.5, the property shall meet all of the following requirements at the time the claim is filed and so long thereafter as payment is deferred:

(a) The property must be the homestead of the taxpayer claiming the deferral.

(b) The taxpayer claiming the deferral must, by himself or jointly with another person residing in the homestead, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale or own the mobile home or be purchasing the mobile home under a recorded instrument of sale; except that nonresidence of the joint owner in the homestead because of ill health of the joint owner shall not prevent the taxpayer from meeting the requirement of this paragraph (b).

(c) The property for which the deferral is claimed must not be income-producing.

(d) Repealed.

(d.5) (I) Either of the following applies to the property:

(A) The owner of the property is a person who is sixty-five years of age or older, and the total value of all liens of mortgages and deeds of trust on the property, excluding any mortgage or deed of trust that the holder has agreed, on a form designated by the state treasurer, to subordinate to the lien of the state for deferred taxes, is less than or equal to seventy-five percent of the actual value of the property, as determined by the county assessor; or

(B) The owner of the property is a person called into military service or a person eligible for deferral under section 39-3.5-102 (1)(c), and the total value of all liens of mortgages and deeds of trust on the property, excluding any mortgage or deed of trust that the holder has agreed, on a form designated by the state treasurer, to subordinate to the lien of the state for deferred taxes, is less than or equal to ninety percent of the actual value of the property, as determined by the county assessor.

(II) For purposes of this paragraph (d.5), the actual value of the property shall be the most recent appraisal by the county assessor as of the time the claim for deferral is submitted to the county treasurer.

(e) All real property taxes for years prior to the year for which the election is made must be paid.

(f) The cumulative value of the deferral provided in this section plus the interest accrued on the deferral provided in section 39-3.5-105 (5) shall not exceed the market value of the property less the value of all mortgages which constitute liens upon the property and any other liens upon the property filed prior to the date of recordation of the certificate for deferral.

Source: L. 78: Entire article added, p. 472, § 1, effective February 28, 1979. **L. 79:** Entire section R&RE, p. 1411, § 2, effective January 1, 1980. **L. 88:** (1)(b) amended and (1)(f) added, p. 1283, § 10, effective January 1, 1989. **L. 2005:** (1)(d) amended and (1)(d.5) added, p. 877, § 1, effective June 1. **L. 2021:** IP(1), IP(1)(d.5)(I), and (1)(d.5)(I)(B) amended, (SB 21-293), ch. 301, p. 1810, § 7, effective June 23.

Editor's note: Subsection (1)(d)(II) provided for the repeal of subsection (1)(d), effective January 1, 2006. (See L. 2005, p. 877.)

39-3.5-104. Claim form - contents. (1) A taxpayer's claim for deferral shall be in writing on a form prescribed by the state treasurer and supplied by the county treasurer and shall:

(a) Describe the property;

(b) Recite facts which establish eligibility for deferral under the provisions of this article;

(c) List all mortgages and deeds of trust which constitute liens upon the property, together with the book and page number of the county records at which each is recorded and the date of recordation;

(d) List all mortgages which constitute liens upon a mobile home, together with the street address and county where the record of any such mortgage is on file with the authorized agent for the department of revenue;

(d.5) On or after January 1, 2006, list the actual value of the property based on the most recent appraisal by the county assessor;

(e) Demonstrate that the cumulative value of the deferral plus the interest accrued on the deferral does not exceed the market value of the property less the value of all mortgages which constitute liens upon the property and any other liens upon the property filed prior to the date of recordation of the certificate for deferral.

(2) The form prescribed by the state treasurer shall contain a statement, in bold-faced type, that states substantially as follows:

IMPORTANT NOTICE TO PROPERTY OWNER: YOU COULD LOSE YOUR PROPERTY IF THE CUMULATIVE AMOUNT OF THE DEFERRAL PLUS INTEREST EXCEEDS THE MARKET VALUE OF YOUR PROPERTY LESS THE VALUE OF ANY LIENS.

Source: L. 78: Entire article added, p. 472, § 1, effective February 28, 1979. **L. 79:** Entire section R&RE, p. 1412, § 3, effective January 1, 1980. **L. 88:** (1)(d), (1)(e), and (2) added, p. 1284, §§ 12, 11, effective January 1, 1989. **L. 2005:** (1)(d.5) added, p. 878, § 2, effective June 1.

39-3.5-105. Listing of tax-deferred property - tax as lien - interest accrual. (1) If eligibility for deferral of homestead property is established as provided in this article, the county treasurer shall:

(a) Enter in his records a notation that the property is tax-deferred;

(b) (I) Promptly, upon designation of the property as tax-deferred, issue a certificate of deferral, which shall include the name of the taxpayer, the description of the property, the amount of tax deferred, and the year for which the deferral was granted. The certificate shall be recorded in the county records and thereafter sent to the state treasurer. One copy shall be given to the assessor, and one copy shall be retained in the county treasurer's office.

(II) Promptly, upon designation of a mobile home as tax-deferred, the owner of the mobile home shall surrender title to the property to the county clerk and recorder. The county clerk and recorder shall, pursuant to the provisions of article 29 of title 38, C.R.S., make

application with the department of revenue for issuance of a new certificate of title with a record of the lien of the state treasurer. This procedure shall be followed for each subsequent year that the property is deferred. The county treasurer shall issue a certificate of deferral, which shall include the name of the taxpayer, the description of the property, the amount deferred, and the tax year for which the deferral was granted, and shall send such certificate to the state treasurer. One copy shall be given to the county assessor, and one copy shall be retained in the county treasurer's office. Upon satisfaction of said lien, the state treasurer shall release the lien from said title.

(2) Notwithstanding the requirements of section 39-1-119 (1), if a person holding escrow funds for the payment of ad valorem taxes receives a copy of the certificate of deferral relating to any tax-deferred property, he shall, no later than thirty days after receiving said certificate, refund to the owner of said property all funds held in escrow for the payment of ad valorem taxes on said property which have been deferred.

(3) Until otherwise required by this article, the county treasurer shall, in subsequent years, continue to list the property as tax-deferred in the manner provided in subsection (1) of this section.

(4) (a) The lien for deferred taxes and interest shall attach on the date of recordation of the certificate for deferral, shall be junior to any mortgage or deed of trust recorded prior to the date of recording of such certificate, shall have priority over all liens attaching subsequent to the date of recording of such certificate, and shall not be foreclosed except as provided in sections 39-3.5-110 to 39-3.5-112.

(b) The lien for deferred taxes and interest for 1978 deferred taxes shall attach on the date of recordation of the certificate of deferral, shall be junior to any mortgage or deed of trust recorded prior to the date of recording of such certificate, shall have priority over all liens attaching subsequent to the date of recording of such certificate, and shall not be foreclosed except as provided in sections 39-3.5-110 to 39-3.5-112.

(5) (a) Repealed.

(b) On and after May 1, 1999, interest shall accrue on all taxes deferred pursuant to deferrals claimed prior to the 1999 calendar year at the rate of seven percent per annum until the date on which such taxes are paid. Interest shall accrue on all taxes deferred pursuant to deferrals claimed on and after January 1, 1999, but prior to January 1, 2001, at the rate of seven percent per annum, beginning May 1 of the calendar year in which the deferral is claimed, until the date on which such taxes are paid.

(c) Interest shall accrue on all taxes deferred pursuant to all deferrals claimed on and after January 1, 2001, at a rate equivalent to the rate per annum on the most recently issued ten-year United States treasury note, rounded to the nearest one-tenth of one percent, as reported by the "Wall Street Journal", as of February 1 of the calendar year in which such deferral is claimed. Interest shall accrue on taxes deferred at the rate specified in this paragraph beginning May 1 of the calendar year in which the deferral is claimed until the date on which such taxes are paid.

Source: L. 78: Entire article added, p. 473, § 1, effective February 28, 1979. **L. 79:** Entire section R&RE, p. 1412, § 4, effective January 1, 1980. **L. 88:** (1)(b) amended, p. 1284, § 13, effective January 1, 1989. **L. 98:** (5) amended, p. 679, § 1, effective August 5. **L. 2000:** (5)(b) amended and (5)(c) added, p. 905, § 1, effective May 25.

Editor's note: Subsection (5)(a)(II) provided for the repeal of subsection (5)(a), effective May 1, 1999. (See L. 98, p. 679.)

39-3.5-105.5. Loan of state moneys to taxpayers. (1) Upon approval by the state treasurer of a taxpayer's application to participate in the property tax deferral program, the state treasurer shall make a loan to the taxpayer in the amount certified as deferred in the taxpayer's certificate of deferral. The loan shall be disbursed to a county treasurer on behalf of the taxpayer pursuant to section 39-3.5-106 and shall be made from the moneys on deposit in the state treasury that are not immediately required to be disbursed.

(2) Interest on a loan for property tax deferral shall accrue at the rate specified in section 39-3.5-105 (5). The interest shall accrue beginning April 30 of the calendar year in which the deferral is claimed until the date on which such loan is repaid.

Source: L. 2002: Entire section added, p. 637, § 1, effective July 1.

39-3.5-105.7. Prior deferrals to be treated as loans. All deferred real property tax paid by the state treasurer to a county treasurer prior to July 1, 2002, shall be reclassified as an investment in a loan to a taxpayer that was disbursed to a county treasurer on behalf of the taxpayer, and all provisions of this article shall apply to the loan.

Source: L. 2002: Entire section added, p. 637, § 1, effective July 1.

39-3.5-106. State treasurer to pay county treasurer an amount equivalent to deferred taxes. (1) Pursuant to section 39-3.5-105.5, the state treasurer shall loan the amount certified as deferred in the certificate of deferral to a taxpayer deferring property taxes under this article. By April 30, 2003, and by each April 30 thereafter, the state treasurer shall pay the amount of each taxpayer's loan to the county treasurer in which the taxpayer's homestead property is located. The total amount paid by the state treasurer shall be distributed by the county treasurer in the same manner the tax would have been if regularly paid.

(2) The state treasurer shall maintain an account for each tax-deferred property and shall accrue interest, beginning May 1 of the calendar year in which the deferral was claimed, on the amount certified as deferred in the certificate of deferral. The state treasurer shall insure that each account for tax-deferred property complies with this article.

Source: L. 78: Entire article added, p. 474, § 1, effective February 28, 1979. **L. 79:** (2) R&RE, p. 1413, § 5, effective January 1, 1980. **L. 88:** (2) amended, p. 1285, § 14, effective January 1, 1989. **L. 91:** (1) and (2) amended, p. 1952, § 1, effective January 1, 1992. **L. 2002:** (1) amended, p. 638, § 2, effective July 1.

39-3.5-107. Repayment of loans - release of liens - disposition of payments. (1) On and after the date of payment by the state treasurer to the county treasurer as provided in section 39-3.5-106, the right to receive repayment of a loan for deferred taxes and to enforce the lien created by deferral shall be vested in the state treasurer.

(2) If repayment of a loan for deferred taxes is tendered to the county treasurer, he or she shall accept payment, give a receipt therefor, and forthwith transmit the money collected to the state treasurer.

(3) Promptly upon receiving repayment of a loan for deferred taxes, the state treasurer shall issue a release of the deferred tax lien, which release shall be given or sent to the person making payment. Copies of the release shall be sent to the treasurer and the assessor.

(4) All interest received in payment for a loan for deferred taxes shall be credited to the general fund by the state treasurer.

Source: L. 78: Entire article added, p. 474, § 1, effective February 28, 1979. **L. 2002:** Entire section amended, p. 638, § 3, effective July 1.

39-3.5-108. Notice to taxpayer regarding duty to claim deferral annually. At the time the treasurer sends the annual real property tax notice to any taxpayer who has claimed a deferral of property taxes in the previous calendar year, he shall enclose a deferral notice. The deferral notice shall be substantially in the following form:

To: (name of taxpayer)

If you want to defer the collection of ad valorem property taxes on your homestead for the assessment year ending on December 31, __, you must file a claim for deferral not later than April 1, __, in the office of the county treasurer. Forms for filing such claims are available at the county treasurer's office.

If you fail to file your claim for deferral on or before April 1, __, your real property taxes will be due and payable in accordance with the schedule set out in the enclosed tax notice.

If you change your permanent address at any time during the assessment year ending on December 31, __, you must notify the county assessor promptly.

Source: L. 78: Entire article added, p. 474, § 1, effective February 28, 1979.

39-3.5-109. Failure to receive notices. Failure to receive the notice provided for in this article is not a defense in any proceeding for the collection of taxes or for the foreclosure of a tax lien. The treasurer is not personally liable for failure to give such notices.

Source: L. 78: Entire article added, p. 475, § 1, effective February 28, 1979.

39-3.5-110. Events requiring repayment of loans - notice to state treasurer. (1) All loans for deferred real property taxes, including accrued interest, shall become payable subject to sections 39-3.5-111 and 39-3.5-112 when:

(a) The taxpayer who claimed the tax deferral dies;

(b) The property on which the taxes were deferred is sold or becomes subject to a contract of sale, or title to the property is transferred to someone other than the taxpayer who claimed the tax deferral;

(c) The property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of ill health;

(d) The tax-deferred property no longer meets the requirements of section 39-3.5-103 (1)(c) or (1)(f);

(e) The location of the tax-deferred mobile home has changed either within the county or to another county.

(2) When the assessor or treasurer has reason to believe any of the circumstances enumerated in this section has occurred, he shall promptly notify the state treasurer.

Source: L. 78: Entire article added, p. 475, § 1, effective February 28, 1979. **L. 79:** (1)(d) amended, p. 1413, § 6, effective January 1, 1980. **L. 88:** (1)(d) amended and (1)(e) added, p. 1285, § 15, effective January 1, 1989. **L. 2002:** IP(1) amended, p. 638, § 4, effective July 1.

39-3.5-111. Time for payment - delinquencies. (1) Whenever any of the circumstances listed in section 39-3.5-110 occurs:

(a) No further tax deferrals may be claimed on the property until all loans for unpaid taxes, including previously deferred taxes and interest, have been paid.

(b) All loans for deferred taxes and accrued interest shall be due and payable ninety days after the circumstance occurs, except as provided in subsection (2) of this section and in section 39-3.5-112.

(2) Any provision of this section to the contrary notwithstanding, when the taxpayer dies a loan for deferred taxes and accrued interest shall be due and payable one year after the taxpayer's death.

(3) If a loan for deferred taxes and accrued interest is not paid on the due date, such amounts are delinquent as of that date, and the state treasurer shall foreclose the deferred tax lien.

(4) Foreclosure by the state treasurer of deferred tax liens shall be in the same manner as provided by law for the foreclosure of judgment liens. At the foreclosure sale, the state treasurer or his representative shall bid on behalf of the state of Colorado the amount of the deferred tax lien.

(5) If the owner of the tax-deferred property elects to do so, he or she may convey the property to the state of Colorado in lieu of paying a loan for deferred taxes and accrued interest. Upon completion of such conveyance, all deferred tax liens upon the property shall be extinguished, and all liability for payment of a loan for deferred taxes and accrued interest shall be released.

(6) The lien for deferred taxes shall be subject to and may be extinguished in a proper foreclosure of a mortgage or deed of trust recorded prior to the date of recording of the certificate of tax deferral. In any such foreclosure, any notice that is required to be sent to the state by reason of the state's holding of a lien for deferred taxes shall be sent to the state treasurer. All other procedural matters for such foreclosure, including notice and time limits, shall be as provided in the law pursuant to which the foreclosure is brought.

(7) Whenever the state forecloses a lien for deferred taxes, the interest in the property obtained thereby shall be subject to foreclosure proceedings by the holder of a mortgage or deed of trust recorded prior to the date of recording of the certificate of tax deferral.

Source: L. 78: Entire article added, p. 475, § 1, effective February 28, 1979. **L. 79:** (4) amended and (6) and (7) added, p 1666, § 139, effective July 19; (1)(b) amended and (5) added, p. 1413, § 7, effective January 1, 1980. **L. 2002:** (1), (2), (3), and (5) amended, p. 638, § 5, effective July 1.

39-3.5-112. Election by spouse to continue tax deferral. (1) Notwithstanding the provisions of section 39-3.5-110, when one of the circumstances listed in section 39-3.5-110 (1)(a) or (1)(c) occurs, the spouse of the taxpayer may elect to continue the property in its tax-deferred status if:

(a) The spouse of the taxpayer is or will be sixty years of age or older when the circumstance occurs; and

(b) The property is the homestead of the spouse of the taxpayer and meets the requirements of section 39-3.5-103 (1)(b) and (1)(c).

(1.5) (a) Notwithstanding the provisions of section 39-3.5-110 (1)(a), when a taxpayer who claimed a tax deferral pursuant to this article 3.5 dies, the loan for deferred real property taxes, including accrued interest, shall not become payable if:

(I) The taxpayer was a person called into military service or was a person eligible for deferral under section 39-3.5-102 (1)(c);

(II) The taxpayer is survived by a spouse; and

(III) The property is the homestead of the surviving spouse and meets the requirements of section 39-3.5-103 (1)(b) and (1)(c).

(b) If paragraph (a) of this subsection (1.5) applies, a loan for deferred real property taxes, including accrued interest, shall become payable when the spouse of the taxpayer dies, in addition to the events set forth in section 39-3.5-110.

(2) The election granted under subsection (1) of this section shall be filed in the same manner as a claim for deferral is filed under section 39-3.5-102, not later than ninety days from the date the circumstance occurs. Thereafter, the property shall continue to be treated as tax-deferred property, and the county treasurer and state treasurer shall withdraw any action taken under section 39-3.5-111. When the property has been continued in its tax-deferred status by the spouse of the taxpayer, the spouse may continue the property in its tax-deferred status in subsequent years by filing a claim, as provided in section 39-3.5-104, annually if the property continues to be eligible for tax-deferred status.

Source: L. 78: Entire article added, p. 475, § 1, effective February 28, 1979. **L. 79:** IP(1) and (2) amended, p. 1414, § 8, effective January 1, 1980. **L. 2005:** (1.5) added, p. 878, § 3, effective June 1. **L. 2021:** IP(1.5)(a) and (1.5)(a)(I) amended, (SB 21-293), ch. 301, p. 1810, § 8, effective June 23.

39-3.5-113. Voluntary repayment of loans for deferred tax. (1) Subject to subsection (2) of this section, all or part of a loan for deferred taxes and accrued interest may, at any time, be paid by the taxpayer, his or her spouse, guardian, conservator, attorney-in-fact, personal representative, next of kin, heir-at-law, or child, or any person having or claiming a legal or equitable interest in the property. If the deferred tax lien is paid, in whole or in part, by a mortgagee or the beneficiary of a deed of trust or seller under contract, the amount paid may be

added to the unpaid balance of the mortgage or deed of trust but shall be added to the last payment due under said mortgage or deed of trust or contract, without amortization.

(2) Any payment made under this section shall be applied first to accrued interest and then to a loan for deferred taxes. Such payment does not affect the deferred tax status of the property. Voluntary payment does not give the person paying the taxes any interest in the property.

Source: L. 78: Entire article added, p. 476, § 1, effective February 28, 1979. **L. 2002:** Entire section amended, p. 639, § 6, effective July 1.

39-3.5-114. Deferred tax certificates not to be included in reserve or surplus. (Repealed)

Source: L. 78: Entire article added, p. 476, § 1, effective February 28, 1979. **L. 2002:** Entire section repealed, p. 639, § 7, effective July 1.

39-3.5-115. Limitations on effect of article. Nothing in this article is intended to or shall be construed to prevent the collection, by foreclosure or otherwise, of personal property or other taxes which become a lien against tax-deferred property.

Source: L. 78: Entire article added, p. 476, § 1, effective February 28, 1979.

39-3.5-116. Deed or contract clauses preventing application for deferral prohibited - clauses void. (Repealed)

Source: L. 78: Entire article added, p. 476, § 1, effective February 28, 1979. **L. 79:** Entire section repealed, p. 1414, § 11, effective January 1, 1980.

39-3.5-117. Report. (Repealed)

Source: L. 78: Entire article added, p. 477, § 1, effective February 28, 1979. **L. 79:** Entire section amended, p. 1414, § 9, effective January 1, 1980. **L. 88:** Entire section amended, p. 1308, § 2, effective May 29. **L. 92:** Entire section amended, p. 2182, § 53, effective June 2. **L. 2002:** Entire section repealed, p. 862, § 4, effective August 7.

39-3.5-118. Emergency property tax deferral for depositors of troubled industrial banks. (Repealed)

Source: L. 88: Entire section added, p. 1307, § 1, effective May 29.

Editor's note: Subsection (7) provided for the repeal of this section, effective June 30, 1990. (See L. 88, p. 1307.)

39-3.5-119. Release of information identifying individuals claiming deferral. (1) Notwithstanding the provisions of part 2 of article 72 of title 24, C.R.S., or any other provision

of law to the contrary, county treasurers and the state treasurer shall deny requests from individuals, corporations, or other private entities to inspect or produce the names, addresses, phone numbers, social security numbers, or other information identifying individuals who claim deferrals pursuant to this article.

(2) Nothing in this section shall be construed to prohibit individuals from examining records recorded in county records by the county clerk and recorder nor shall it be construed to prohibit the disclosure of information:

(a) Required in connection with granting or denying a claim for deferral;

(b) Required in connection with an administrative, judicial, or other legal proceeding;

(c) Required in connection with the conveyance, sale, or encumbrance of a specific property;

(d) When the information is contained in a statistical compilation or other informational summary that does not disclose individual identifying information; or

(e) When the individual claiming the exemption has agreed to the disclosure.

Source: L. 2001: Entire section added, p. 296, § 1, effective August 8.

39-3.5-120. Expansion of deferral program - consultation - repeal. (1) The governor's office, in consultation with the state treasurer, shall commission a study of the property tax deferral program created in this article 3.5 and make recommendations for possible changes to the program to the general assembly by January 1, 2022. The study shall explore best practices to structure and administer a low-interest loan program to assist qualifying homeowners in paying annual property taxes on their principal residence. The study shall include, but not be limited to, estimated participation rates, cash-flow analysis, estimated average loan size, estimated loan duration and whether duration should be limited, estimated secured debt for primary residences, income-based eligibility alternatives, a market analysis for the state to securitize the debt, an estimate of the impact an expanded program will have on the state's annual budget, and projected costs of implementation, including costs for technology and staff, for the state treasurer and county treasurers.

(2) This section is repealed, effective July 1, 2022.

Source: L. 2021: Entire section added, (SB 21-293), ch. 301, p. 1810, § 9, effective June 23.

ARTICLE 3.7

Property Tax Work-off Program for the Elderly

39-3.7-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Homestead" means the owner-occupied residence of the taxpayer and includes owner-occupied units in a condominium, townhouse, or similar structure.

(1.5) "Person with a disability" means any person with a physical impairment or an intellectual and developmental disability as defined in section 25.5-10-202, C.R.S.

(2) "Property tax work-off program" means any program established pursuant to the provisions of this article.

(3) "Real property taxes" means all ad valorem taxes levied on a homestead, including special assessments and all other charges which are recoverable, by law, at the annual real estate tax sale.

(4) "Taxing entity" means any county, city and county, city, town, school district, or special district within the state of Colorado.

Source: L. 91: Entire article added, p. 1995, § 1, effective April 11. **L. 2003:** (1.5) added, p. 841, § 1, effective August 6. **L. 2013:** (1.5) amended, (HB 13-1314), ch. 323, p. 1813, § 54, effective March 1, 2014.

39-3.7-102. Property tax work-off program - creation - terms. (1) Any taxing entity that levies and collects real property taxes may establish a property tax work-off program in accordance with this article 3.7 that allows any taxpayer who is sixty years of age or older, is a first responder with a permanent occupational disability as defined in section 33-4-104.5 (2), or who is otherwise a person with a disability to perform work for the taxing entity in lieu of the payment of any real property taxes, or any portion thereof, due and owing on the homestead of such taxpayer for any given property tax year.

(2) In order to qualify for participation in any property tax work-off program created pursuant to the provisions of this article, the following requirements shall be satisfied at the time the application is filed and so long thereafter as the taxpayer may participate in such property tax work-off program:

(a) The property on which the property taxes are due and owing is the homestead of the taxpayer making application.

(b) The taxpayer making application must, singly or jointly with another person residing in the homestead, own the fee simple estate or be purchasing the fee simple estate under a recorded instrument of sale; except that nonresidence of the joint owner in the homestead because of ill health of the joint owner shall not prevent the taxpayer from meeting the requirements of this paragraph (b).

(c) The property on which the property taxes are due and owing is not income-producing.

(3) The number of hours of work to be performed by a taxpayer pursuant to any property tax work-off program shall be based upon the calculation of the amount of property taxes, or portion thereof, to be worked off divided by the minimum wage as set by federal law.

(4) A property tax work-off program shall be created upon the adoption of a resolution or ordinance, whichever is appropriate, by the governing body of such taxing entity. Such resolution or ordinance shall be in accordance with the provisions of this article and shall include, but shall not be limited to, the following: Procedures for application for participation in such property tax work-off program; the maximum number of taxpayers allowed to participate in such property tax work-off program; procedures for verification of work performed; procedures for the issuance of checks to taxpayers for the amount of property tax worked off by such taxpayers pursuant to such property tax work-off program; and such other provisions which such taxing entity deems reasonable and necessary for the implementation and operation of such property tax work-off program.

(4.5) For each property tax year in which a taxpayer participates in a property tax work-off program pursuant to the provisions of this section, the taxing entity which has established

such program shall issue a check or checks to such taxpayer which shall be made payable only to the appropriate county treasurer. The taxpayer shall be responsible for the delivery of the check or checks to the county treasurer in order for such amount to be credited to the property tax which is due and owing on the homestead of the taxpayer for such property tax year.

(5) Any taxing entity which establishes a property tax work-off program pursuant to the provisions of this article shall make information regarding such program available to the taxpayers of the taxing entity.

(6) Any taxpayer who is a first responder with a permanent occupational disability as defined in section 33-4-104.5 (2) or who is otherwise a person with a disability, and who applies to participate in a property tax work-off program pursuant to this article 3.7 shall, upon application, submit either a signed and dated letter from the fire and police pension association verifying that the taxpayer is a first responder with a permanent occupational disability or a signed and dated letter from a Colorado licensed health-care professional verifying that the taxpayer is a person with a disability. Any taxing entity that establishes a property tax work-off program pursuant to this section has the authority to further define the term "person with a disability" for purposes of determining eligibility for the property tax work-off program. The definition may restrict, but must not expand, the class of individuals who are eligible to participate in the property tax work-off program pursuant to this section.

Source: L. 91: Entire article added, p. 1995, § 1, effective April 11. **L. 92:** (4) amended and (4.5) added, p. 2242, § 1, effective March 16. **L. 2003:** (1) amended and (6) added, p. 841, § 2, effective August 6. **L. 2019:** (1) and (6) amended, (HB 19-1080), ch. 222, p. 2251, § 3, effective August 2.

ARTICLE 3.9

Optional Nongaming Property Tax Deferral Plan

39-3.9-101 to 39-3.9-106. (Repealed)

Editor's note: (1) This article was added in 1993 and was not amended prior to its repeal in 1996. For the text of this article prior to 1996, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

(2) Section 39-3.9-106 provided for the repeal of this article, effective December 31, 1996. (See L. 93, p. 346.)

Valuation and Taxation

ARTICLE 4

Valuation of Public Utilities

Editor's note: This article was repealed and reenacted in 1964. For historical information concerning the repeal and reenactment, see the editor's note before the article 1 heading.

39-4-101. Definitions. As used in this article 4, unless the context otherwise requires:

(1) "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation or flight through the air and designed to carry at least one person.

(2) "Airline company" means any operator who engages in the carriage by aircraft of persons or property as a common carrier for compensation or hire, or the carriage of mail, or any aircraft operator who operates regularly between two or more points and publishes a flight schedule. "Airline company" shall not include operators whose aircraft are all certified for a gross takeoff weight of twelve thousand five hundred pounds or less and who do not engage in scheduled or mail carriage service.

(2.3) "Biomass energy facility" means a new facility first placed in production on or after January 1, 2010, that uses real and personal property, including leaseholds and easements, to generate and deliver to the interconnection meter any source of electrical or mechanical energy by combusting only biomass or biosolids derived from the treatment of wastewater and that is not primarily designed to supply electricity for consumption on site.

(2.4) "Clean energy resource" has the same meaning as set forth in section 40-2-125.5 (2)(b).

(2.5) Repealed.

(2.6) "Energy storage system" means commercially available technology that is capable of retaining electricity, storing the energy for a period of time, and delivering the electricity after storage by chemical, thermal, mechanical, or other means. "Energy storage system" does not include a solar energy facility, as defined in subsection (3.5) of this section, or a wind energy facility, as defined in subsection (4) of this section.

(2.7) "Geothermal energy facility" means a new facility first placed in production on or after January 1, 2010, that uses real and personal property, including but not limited to leaseholds and easements, to generate and deliver to the interconnection meter any source of electrical or mechanical energy by harnessing the heat energy of groundwater or the ground and that is not primarily designed to supply electricity for consumption on site.

(3) (a) "Public utility" means, for property tax years commencing on or after January 1, 1987, every sole proprietorship, firm, limited liability company, partnership, association, company, or corporation, and the trustees or receivers thereof, whether elected or appointed, that does business in this state as a railroad company, airline company, electric company, small or low impact hydroelectric energy facility, geothermal energy facility, biomass energy facility, wind energy facility, solar energy facility, energy storage system, clean energy resource, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company.

(b) On and after January 1, 2010, for purposes of this article 4, "public utility" does not include any affiliate or subsidiary of a sole proprietorship, firm, limited liability company, partnership, association, company, or corporation of any type of company described in subsection (3)(a) of this section that is not doing business in the state primarily as a railroad company, airline company, electric company, small or low impact hydroelectric energy facility,

geothermal energy facility, biomass energy facility, wind energy facility, solar energy facility, energy storage system, clean energy resource, rural electric company, telephone company, telegraph company, gas company, gas pipeline carrier company, domestic water company selling at retail except nonprofit domestic water companies, pipeline company, coal slurry pipeline, or private car line company. Valuation and taxation of any such affiliate or subsidiary of a public utility as defined in subsection (3)(a) of this section shall be assessed pursuant to article 5 of this title 39.

(3.3) (a) "Small or low impact hydroelectric energy facility" means a new facility first placed in production on or after January 1, 2010, that uses real and personal property, including but not limited to leaseholds and easements, to generate and deliver to the interconnection meter any source of electrical or mechanical energy by harnessing the kinetic energy of water, that is not primarily designed to supply electricity for consumption on site, and that is:

(I) A new facility that is a small facility that has a nameplate rating of ten megawatts or less; or

(II) A new facility that has a nameplate rating of more than ten megawatts and that:

(A) Is an addition to water infrastructure such as a reservoir, a ditch, or a pipeline that existed before January 1, 2010;

(B) Does not result in any change in the quantity or timing of diversions or releases for purposes of peak power generation;

(C) Includes measures to prevent fish mortality in facilities on on-stream reservoirs and natural waterways; and

(D) Does not cause any violation of state water quality standards when operated; or

(III) A new facility that has a nameplate rating of more than ten megawatts and that:

(A) Is placed into production as part of new water infrastructure such as a reservoir, a ditch, or a pipeline constructed on or after January 1, 2010, and operated for primary beneficial uses of water other than solely for production of electricity;

(B) Includes measures to prevent fish mortality in facilities on reservoirs and natural waterways; and

(C) Does not cause any violation of state water quality standards when operated.

(b) For purposes of this subsection (3.3), "new facility" includes a combined facility that is a combination of a facility placed in production before January 1, 2010, that uses real and personal property to generate and deliver to the interconnection meter any source of electric or mechanical energy by harnessing the kinetic energy of water and that is not primarily designed to supply energy for consumption on site and an addition or energy efficiency improvement to the facility first placed in production on or after January 1, 2010, if the addition or efficiency improvement increases the electrical or mechanical energy-producing capacity of the combined facility by at least twenty-five percent over the capacity of the facility placed in production before January 1, 2010, alone.

(3.5) "Solar energy facility" means a new facility first placed in production on or after January 1, 2009, that uses real and personal property, including but not limited to one or more solar energy devices, as defined in section 38-32.5-100.3 (2), leaseholds, and easements, to generate and deliver to the interconnection meter any source of electrical, thermal, or mechanical energy in excess of two megawatts by harnessing the radiant energy of the sun, including any connected device for which the primary purpose is to store energy, and that is not primarily designed to supply electricity for consumption on site.

(4) "Wind energy facility" means a new facility first placed in production on or after January 1, 2006, that uses property, real and personal, including one or more wind turbines, leaseholds, and easements, to generate and deliver to the interconnection meter any source of electrical or mechanical energy in excess of two megawatts by harnessing the kinetic energy of the wind, including any connected device for which the primary purpose is to store energy.

Source: L. 64: R&RE, p. 688, § 1. **C.R.S. 1963:** § 137-4-1. **L. 76:** Entire section amended, p. 768, § 1, effective April 26; entire section amended, p. 759, § 16, effective July 1, 1977. **L. 81:** (2.5) added and (3) amended, p. 1854, §§ 3, 4, effective January 1, 1982; (3) amended, p. 1847, § 1, effective January 1, 1982. **L. 82:** (2.5) amended, p. 628, § 41, effective April 2. **L. 83:** (2.5) and (3) amended, p. 1496, § 3, effective April 28. **L. 84:** (2.5) and (3) amended, p. 989, § 2, effective February 23; (2.5) and (3) amended, p. 997, § 2, effective May 22. **L. 90:** (3) amended, p. 450, § 27, effective April 18. **L. 2000:** (3) amended, p. 1738, § 2, effective June 1. **L. 2006:** (3) amended and (4) added, p. 889, § 1, effective May 9. **L. 2008:** (4) amended, p. 1319, § 2, effective May 27. **L. 2009:** (3) amended and (3.5) added, (SB 09-177), ch. 186, p. 812, § 1, effective April 22. **L. 2010:** (3) amended and (3.3) added, (SB 10-019), ch. 382, p. 1784, § 1, effective June 8; (2.3) added and (3) amended, (SB 10-177), ch. 392, p. 1862, § 3, effective August 11; (2.4) added and (3) amended, (SB 10-174), ch. 189, p. 813, § 8, effective August 11. **L. 2021:** IP, (2.4), (3), (3.5), and (4) amended and (2.6) and (2.7) added, (SB 21-020), ch. 51, p. 215, § 1, effective September 7.

Editor's note: (1) Subsection (2.5) provided for the repeal of subsection (2.5), effective January 1, 1987. (See L. 84, p. 989.)

(2) Amendments to this section by House Bill 76-1235 and House Bill 76-1025 were harmonized. Amendments to subsection (3) by House Bill 81-1309 and Senate Bill 81-025 were harmonized. Amendments to subsections (2.5) and (3) by House Bill 84-1051 and Senate Bill 84-214 were harmonized. Amendments to subsection (3) by Senate Bill 10-019, Senate Bill 10-174, and Senate Bill 10-177 were harmonized.

Cross references: For the legislative intent contained in the 2008 act amending subsection (4), see section 9 of chapter 302, Session Laws of Colorado 2008.

39-4-102. Valuation of public utilities - legislative declaration - definition. (1) The administrator shall determine the actual value of the operating property and plant of each public utility as a unit, giving consideration to the following factors and assigning such weight to each of such factors as in the administrator's judgment will secure a just value of such public utility as a unit:

(a) The tangible property comprising its plant, whether the same is situated within this state or both within and without this state, exclusive of any tangible property situated without this state which is not directly connected with the business in which such public utility is engaged within this state;

(b) Its intangibles, such as special privileges, franchises, contract rights and obligations, and rights-of-way; except that licenses granted by the federal communications commission to a wireless carrier, as defined in section 29-11-101, C.R.S., shall not be considered, nor shall the

value of such licenses be reflected, in the administrator's valuation of the carrier's tangible property;

(c) Its gross and net operating revenues during a reasonable period of time not to exceed the most recent five-year period, capitalized at indicative rates;

(d) The average market value of its outstanding securities during the preceding calendar year, if such market value is determinable;

(e) (I) When determining the actual value of a renewable energy facility that primarily produces more than two megawatts of alternating current electricity, the administrator shall:

(A) Consider the additional incremental cost per kilowatt of the construction of the renewable energy facility, taking into account the nameplate capacity of any energy storage system in addition to generation capacity, over that of the construction cost of a comparable nonrenewable energy facility, inclusive of the cost of all property required to generate and deliver energy to the interconnection meter, that primarily produces alternating current electricity to be an investment cost and shall not include the additional incremental cost in the valuation of the facility; and

(B) Not add value to a renewable energy facility for any renewable energy credits created by the production of alternating current electricity.

(II) For purposes of this paragraph (e), "renewable energy" has the meaning provided in section 40-1-102 (11), C.R.S., but shall not include energy generated from a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility.

(III) (A) For purposes of determining the actual value of a renewable energy facility as specified in subparagraph (I) of this paragraph (e), an owner or operator of a facility shall provide a copy of the facility's current power purchase agreement to the administrator by April 1 of each assessment year as an attachment to the statement required as specified in section 39-4-103 (1); except that, if a copy of the current power purchase agreement was previously provided either by the owner or operator or by the purchaser of power and there is no material change in the facility's current power purchase agreement, the owner or operator of a facility shall not be required to provide a copy of the agreement.

(B) If the owner or operator of a facility does not provide a copy of the facility's current power purchase agreement as specified in sub-subparagraph (A) of this subparagraph (III), the administrator shall have the authority to request a copy of the current power purchase agreement from the purchaser of power generated at the facility; except that, if a copy of the current power purchase agreement was previously provided either by the owner or operator or by the purchaser of power and there is no material change in the facility's current power purchase agreement, the purchaser of power shall not be required to provide a copy of the agreement.

(C) All power purchase agreements provided to the administrator pursuant to this subparagraph (III) shall be considered private documents and shall be available only to the administrator and the employees of the division of property taxation in the department of local affairs.

(1.5) The administrator shall determine the actual value of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility as follows:

(a) The general assembly hereby declares that initial consideration by the administrator of the cost approach and market approach to the appraisal of a wind energy facility or a solar

energy facility results in valuations that are neither uniform nor just and equal because of wide variations in the production of energy from wind turbines and solar energy devices, as defined in section 38-32.5-100.3 (2), because of the uncertainty of wind and sunlight available for energy production, and because constructing a wind energy facility or a solar energy facility is significantly more expensive than constructing any other utility production facility. The general assembly further declares that it is also appropriate to initially value small or low impact hydroelectric energy facilities, geothermal energy facilities, and biomass energy facilities, which also have high construction costs relative to their ongoing operational costs, using the income approach. Therefore, in the absence of preponderant evidence shown by the administrator that the use of the cost approach and market approach results in uniform and just and equal valuation, a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility shall be initially valued based solely upon the income approach.

(b) (I) For a property tax year that a tax factor applies, the actual value of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility is an amount equal to a tax factor times the selling price at the interconnection meter. For a property tax year that a tax factor does not apply, the administrator shall determine the actual value of the facility giving appropriate consideration to the cost, income, and market approaches; except that the actual value shall not exceed the depreciated value floor calculated using the cost basis method of taxation as determined by the administrator for a renewable energy facility pursuant to subsection (1)(e) of this section.

(II) As used in this article, "interconnection meter" means the meter located at the point of delivery of energy to the purchaser.

(III) As used in this paragraph (b), "selling price at the interconnection meter" means the gross taxable revenues realized by the taxpayer from the sale of energy at the interconnection meter.

(IV) As used in this subsection (1.5)(b), "tax factor" means a factor annually established by the administrator. For a facility that begins generating energy before January 1, 2021, the tax factor is a number that when applied to the selling price at the interconnection meter results in approximately the same tax revenue over a twenty-year period on a nominal dollar basis that would have been collected using the cost basis method of taxation as determined by the administrator for a renewable energy facility pursuant to subsection (1)(e) of this section. For a facility that begins generating energy on or after January 1, 2021, the tax factor is a number that, when applied to the selling price at the interconnection meter, results in approximately the same tax revenue over a thirty-year period on a nominal dollar basis that would have been collected using the cost basis method of taxation as determined by the administrator for a renewable energy facility pursuant to subsection (1)(e) of this section. After the first twenty or thirty years of a facility's life, as applicable, a tax factor is not applied. For a renewable energy facility that begins generating energy before January 1, 2012, the administrator shall include only the cost of all property required to generate and deliver renewable energy to the interconnection meter that does not exceed the cost of property required to generate nonrenewable energy. For a renewable energy facility that begins generating energy on or after January 1, 2012, the administrator shall include only the cost of all property required to generate, store, and deliver renewable energy to the interconnection meter that does not exceed the cost of property required to generate and deliver nonrenewable energy to the interconnection meter.

(V) For purposes of calculating the tax factor as required in subparagraph (IV) of this paragraph (b), an owner or operator of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility shall provide a copy of the small or low impact hydroelectric energy facility's, geothermal energy facility's, biomass energy facility's, wind energy facility's, or solar energy facility's current power purchase agreement to the administrator by April 1 of each assessment year. The administrator shall also have the authority to request a copy of the current power purchase agreement from the purchaser of power generated at a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility. All agreements provided to the administrator pursuant to this subparagraph (V) shall be considered private documents and shall be available only to the administrator and the employees of the division of property taxation in the department of local affairs.

(c) The location of a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility on real property shall not affect the classification of that real property for purposes of determining the actual value of that real property as provided in section 39-1-103.

(d) Pursuant to section 39-3-118.5, no actual value for any personal property used in a small or low impact hydroelectric energy facility, a geothermal energy facility, a biomass energy facility, a wind energy facility, or a solar energy facility shall be assigned until the personal property is first put into use by the facility. If any item of personal property is used in the facility and is subsequently taken out of service so that no small or low impact hydroelectric energy, geothermal energy, biomass energy, wind energy, or solar energy is produced from that facility for the preceding calendar year, no actual value shall be assigned to that item of more than five percent of the installed cost of the item for that assessment year.

(e) The administrator shall determine the actual value of an energy storage system or clean energy resource in a manner similar to the method used for a small or low impact hydroelectric energy facility, a wind energy facility, a geothermal energy facility, a biomass energy facility, or a solar energy facility under subsection (1)(e) of this section and this subsection (1.5).

(2) If, in the judgment of the administrator, the books and records of any public utility accurately reflect its tangible property, its intangibles, and its earnings within this state during the most recent five-year period, the administrator may determine from such books and records the actual value of its property and plant within this state and need not determine the entire value of its property and plant both within and without this state.

(3) (a) For property tax years 1982 through 1986, there shall be applied to the actual value of each public utility an equalization factor to adjust the actual value for the current year of assessment as determined by the administrator pursuant to subsections (1) and (2) of this section to the public utility's level of value in 1981.

(b) For property tax years commencing on or after January 1, 1987, there shall be applied to the actual value of each public utility an equalization factor to adjust the actual value for the current year of assessment as determined by the administrator pursuant to subsections (1) and (2) of this section to the public utility's level of value in the appropriate year that is prescribed in section 39-1-104 (10.2) and that is used to determine the actual value of properties that are subject to said applicable subsection.

(c) Appraisal procedures, instructions, and factors utilized by the administrator in carrying out the provisions of this section shall be subject to legislative review, the same as rules and regulations, pursuant to section 24-4-103 (8)(d), C.R.S.

(d) The administrator shall certify to the public utility any difference in valuation resulting from the application of this section. Said certification shall be part of the evidence presented in determining rate structures by any applicable rate-setting body.

Source: L. 64: R&RE, p. 688, § 1. **C.R.S. 1963:** § 137-4-2. **L. 67:** p. 948, § 12. **L. 70:** p. 382, § 15. **L. 81:** (3) added, p. 1847, § 2, effective January 1, 1982. **L. 83:** (3)(a) and (3)(b) amended, p. 1496, § 4, effective April 28. **L. 84:** (3)(a) and (3)(b) amended, p. 989, § 3, effective February 23. **L. 91:** (3)(b) amended, p. 2005, § 4, effective June 6. **L. 95:** (3)(b) amended, p. 8, § 3, effective March 9. **L. 98:** (1)(b) amended, p. 1267, § 1, effective June 1. **L. 2001:** IP(1) amended and (1)(e) added, p. 1523, § 1, effective August 8. **L. 2004:** (1)(b) amended, p. 1208, § 87, effective August 4. **L. 2006:** (1)(e) amended and (1.5) added, p. 890, § 2, effective May 9. **L. 2008:** (1)(e) and (1.5)(b)(V) amended, p. 1319, § 3, effective May 27; (1)(b) amended, p. 685, § 5, effective August 5. **L. 2009:** (1)(e)(II), IP(1.5), (1.5)(a), (1.5)(b)(I), (1.5)(b)(IV), (1.5)(b)(V), (1.5)(c), and (1.5)(d) amended, (SB 09-177), ch. 186, p. 813, § 2, effective April 22. **L. 2010:** (1)(e)(II), IP(1.5), (1.5)(a), (1.5)(b)(I), (1.5)(b)(V), (1.5)(c), and (1.5)(d) amended, (SB 10-019), ch. 382, p. 1786, § 2, effective June 8; (1)(e)(I)(A) and (1.5)(b)(IV) amended, (HB 10-1431), ch. 372, p. 1743, § 1, effective August 11; (1)(e)(II), IP(1.5), (1.5)(a), (1.5)(b)(I), (1.5)(b)(V), (1.5)(c), and (1.5)(d) amended, (SB 10-174), ch. 189, p. 814, § 9, effective August 11; (1)(e)(II), IP(1.5), (1.5)(a), (1.5)(b)(I), (1.5)(b)(V), (1.5)(c), and (1.5)(d) amended, (SB 10-177), ch. 392, p. 1862, § 4, effective August 11. **L. 2021:** (1)(e)(I)(A), (1.5)(a), (1.5)(b)(I), and (1.5)(b)(IV) amended and (1.5)(e) added, (SB 21-020), ch. 51, p. 216, § 2, effective September 7.

Editor's note: Amendments to subsection (1)(e)(II), the introductory portion to subsection (1.5), and subsections (1.5)(a), (1.5)(b)(I), (1.5)(b)(V), (1.5)(c), and (1.5)(d) by Senate Bill 10-019, Senate Bill 10-174, and Senate Bill 10-177 were harmonized.

Cross references: For the legislative intent contained in the 2008 act amending subsections (1)(e) and (1.5)(b)(V), see section 9 of chapter 302, Session Laws of Colorado 2008.

39-4-103. Schedules of property - confidential records - late filing penalties. (1) (a) Except as otherwise provided in this paragraph (a), no later than April 1 of each year, each public utility doing business in this state shall file with the administrator, on a form provided by the administrator, a statement, signed by an officer of such public utility under the penalties of perjury in the second degree, containing such information concerning itself and all of its property, wherever situated, as the administrator may reasonably require for the purpose of determining the actual value of such public utility in this state and for apportioning the valuation for assessment of such public utility among the several counties of this state. Upon good cause shown, the administrator may grant an extension for filing such statement to any public utility. Any extension granted pursuant to this paragraph (a) shall be for a reasonable amount of time as determined by the administrator.

(b) Such statement shall include a specific identification of each and every item of property owned, leased, or used which is not included in the rendition of the operating property and plant and the county in which each item is located.

(1.5) (a) If a public utility fails to complete a statement of property and legally postmark it for return by April 1, the administrator shall impose on such public utility a late filing penalty in the amount of one hundred dollars for each calendar day the statement of property remains delinquent; except that the late filing penalty shall not exceed three thousand dollars. If, by June 1, the public utility continues to be delinquent in filing a statement of property, the administrator shall, in addition to imposing a late filing penalty, determine the actual value of such utility on the basis of the best information available. All late filing penalties shall be credited to the general fund.

(b) If any public utility fails to file a completed statement of property, or includes in a filed statement of property any information concerning the public utility property which is false, erroneous, or misleading, or fails to include in the statement of property any taxable property owned by the public utility, then the administrator may determine the actual value of such taxable property on the basis of the best information available.

(c) If a public utility fails to file a statement of property and does not file a petition or complaint pursuant to section 39-4-108 regarding the actual value of its taxable property as determined on the basis of the best information available pursuant to this subsection (1.5), the public utility shall be deemed to have waived any right to file an abatement or refund petition regarding such actual value pursuant to section 39-10-114.

(2) All such statements filed with the administrator shall be considered private documents and shall be available only to the administrator, the employees of the division of property taxation, assessors, and county treasurers.

Source: L. 64: R&RE, p. 689, § 1. **C.R.S. 1963:** § 137-4-3. **L. 70:** p. 382, § 16. **L. 72:** p. 569, § 50. **L. 76:** (1) amended, p. 759, § 17, effective July 1, 1977. **L. 87:** (1.5) added, p. 1404, § 1, effective January 1, 1988. **L. 89:** (1)(a) amended, p. 1465, § 29, effective January 1, 1990. **L. 90:** (1.5)(a) amended, p. 1696, § 17, effective June 9. **L. 93:** (1.5)(a) amended, p. 1687, § 2, effective June 6. **L. 96:** (1.5)(c) added, p. 650, § 3, effective May 1. **L. 2020:** (2) amended, (HB 20-1077), ch. 80, p. 325, § 8, effective September 14.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-4-104. Inspection of records of utility. The division of property taxation, through the administrator, and its employees, shall have the right at any time, upon demand, to inspect the books, accounts, and records of any public utility doing business in this state for the purpose of verifying the information contained in its filed statement and to examine under oath any officer, employee, or agent of such public utility. Any person making such demand upon a public utility on behalf of the administrator shall produce and exhibit his authority to make such inspection or examination.

Source: L. 64: R&RE, p. 689, § 1. **C.R.S. 1963:** § 137-4-4. **L. 70:** p. 382, § 17.

39-4-105. Production of records. By order or subpoena, the administrator may require the production of any books, accounts, or records of any public utility doing business in this state, or verified copies of the same, for examination, and any public utility failing or refusing to comply with any such order or subpoena shall forfeit and pay to the state the sum of one hundred dollars for each day it so fails or refuses.

Source: L. 64: R&RE, p. 690, § 1. **C.R.S. 1963:** § 137-4-5. **L. 70:** p. 383, § 18.

39-4-106. Valuation of utilities - apportionment.

(1) Repealed.

(2) In the specific case of a telegraph company, the administrator shall:

(a) Determine, as of the last day of December of each year, the actual value of such company as a unit, or of its property and plant within this state, in the manner provided in section 39-4-102;

(b) Allocate to this state, if the actual value of such company is determined as a unit, that proportion of such actual value as in his judgment accurately represents the value of the property and plant of such company within this state, utilizing commonly recognized methods of allocation as in his judgment are just and equitable;

(c) Compute the valuation for assessment of such company in this state as provided in section 39-1-104;

(d) Apportion the valuation for assessment of such company in this state among the several counties of this state in such proportion as in his judgment will fairly represent the valuation for assessment within each such county, utilizing commonly recognized methods of apportioning as in his judgment are just and equitable.

(3) In the specific case of a telephone company, the administrator shall:

(a) Determine, as of the last day of December of each year, the actual value of such company as a unit, or of its property and plant within this state, in the manner provided in section 39-4-102;

(b) Allocate to this state, if the actual value of such company is determined as a unit, that proportion of such actual value as in his judgment accurately represents the value of the property and plant of such company within this state, utilizing commonly recognized methods of allocation as in his judgment are just and equitable;

(c) Compute the valuation for assessment of such company in this state as provided in section 39-1-104;

(d) Apportion the valuation for assessment of such company in this state among the several counties of this state in such proportion as in his judgment will fairly represent the valuation for assessment within each such county, utilizing commonly recognized methods of apportioning as in his judgment are just and equitable.

(4) Repealed.

(5) In the specific case of a pipeline company engaged in the transportation of gas, oil, or petroleum products or coal slurry or other coal products in pipelines through or in this state, the administrator shall:

(a) Determine, as of the last day of December of each year, the actual value of the property of such company within this state, either in the manner provided in section 39-4-102 or, with respect to its pipelines, on a diameter per inch per mile basis and its land, improvements,

pump and compressor stations, and miscellaneous equipment, wherever situated, being valued separately in the same manner as all other real and personal property;

(b) Compute the valuation for assessment of such company in this state as provided in section 39-1-104;

(c) Apportion the valuation for assessment of such company in this state among the several counties of the state in such proportion as in his judgment will fairly represent the valuation for assessment within each such county, utilizing commonly recognized methods of apportioning as in his judgment shall be just and equitable.

(6) The administrator shall determine the actual value of all other public utilities doing business in this state in the manner provided in section 39-4-102 and shall apportion the valuation for assessment thereof, computed as provided in section 39-1-104, among the several counties of this state in which property of such public utilities is located in such proportion as in his judgment will fairly represent the valuation for assessment within each such county, utilizing commonly recognized methods of apportioning as in his judgment are just and equitable.

(7) (a) In the specific case of a railroad company, the administrator shall:

(I) Determine, as of the last day of December of each year, the actual value of such company as a unit or the actual value of its property and plant within this state, in the manner provided in section 39-4-102;

(II) Ascertain the total mileage of all railroad track of such company, wherever situated, if the actual value of such company is determined as a unit;

(III) Ascertain the total mileage of all railroad track of such company situated within this state and in the several counties thereof;

(IV) Ascertain the total mileage of all railroad main track of such company situated within this state and in the several counties thereof;

(V) Allocate to this state, if the actual value of such company is determined as a unit, that proportion of such actual value that the total mileage of all railroad track of such company situated within this state bears to the total mileage of all railroad track of such company, wherever situated;

(VI) Compute the valuation for assessment of such company in this state as provided in section 39-1-104;

(VII) Apportion the valuation for assessment of such company within this state among the several counties of this state in the proportion that the actual mileage of railroad main track within each such county bears to the total mileage of all railroad main track of such company within this state.

(b) This subsection (7) is effective January 1, 1987.

(8) (a) In the case of cars owned by a sleeping car company, a railroad express company, or a private car line company, the administrator shall:

(I) Ascertain the total railroad track miles made by all such cars within this state and in the several counties thereof during the preceding calendar year;

(II) Determine the actual value of all such cars, using commonly recognized methods of valuation;

(III) Compute the valuation for assessment of all such cars as provided in section 39-1-104;

(IV) Apportion the valuation for assessment of all such cars among the several counties of the state in such proportion as in his judgment will fairly represent the valuation for assessment within each such county.

(b) This subsection (8) is effective January 1, 1987.

Source: L. 64: R&RE, p. 690, § 1. **C.R.S. 1963:** § 137-4-6. **L. 70:** p. 383, § 19. **L. 76:** IP(5) amended, p. 768, § 2, effective April 26. **L. 81:** (1) and (4) repealed, p. 1855, § 7, effective January 1, 1982; (7) and (8) added, p. 1854, § 5, effective January 1, 1987. **L. 83:** (7)(b) and (8)(b) amended, p. 1497, § 5, effective April 28. **L. 84:** (7)(b) and (8)(b) amended, p. 990, § 4, effective February 23.

39-4-107. Statement of valuation to counties. No later than July 1 in each year, the administrator shall advise both the assessor of each county wherein property of a public utility is located and the public utility itself of the valuation of such public utility in such county, and such amount shall be entered on the tax roll of such county by the assessor in the same manner as though determined by the assessor.

Source: L. 64: R&RE, p. 692, § 1. **C.R.S. 1963:** § 137-4-7. **L. 70:** p. 384, § 20. **L. 89:** Entire section amended, p. 1465, § 30, effective June 7. **L. 93:** Entire section amended, p. 1687, § 3, effective June 6. **L. 96:** Entire section amended, p. 719, § 3, effective May 22.

39-4-108. Complaint - hearing - decision. (1) Any public utility, being of the opinion that the actual value of its property and plant as determined by the administrator is illegal, erroneous, or not uniform with the actual value of like property similarly situated, as determined by the administrator, may, no later than July 15, file a petition or complaint with the administrator, setting forth such illegality, error, or lack of uniformity.

(2) Any assessor or board of county commissioners, being of the opinion that the actual value of the property and plant of any public utility as determined by the administrator is illegal, erroneous, or not uniform with the actual value of like property similarly situated, as determined by the administrator, or that the amount of valuation of any public utility has not been correctly apportioned among the counties entitled thereto may, no later than July 15, file a petition or complaint with the administrator setting forth such illegality, error, lack of uniformity, or incorrect apportionment.

(3) Upon the filing of any petition or complaint provided for in this section, the administrator shall cause notice of such filing to be given to the assessor and the board of county commissioners of any county directly affected and to any public utility directly affected, as may appear from such petition or complaint. Such notice shall be mailed at least five days prior to the meeting with the administrator at which such petition or complaint will be heard.

(4) The administrator shall, on the first working day after notices of valuation are mailed and on succeeding days if necessary, hear all such petitions and complaints. In case there are several petitions or complaints filed involving like questions, the same may be consolidated for the purpose of hearing and determination. The administrator shall hear all evidence presented and listen to arguments touching upon the matters concerning which the petition or complaint was filed. He shall have power to subpoena and compel the attendance of witnesses and to require the production of any books or records deemed necessary to arrive at a proper

determination of the matter. Upon good cause, any hearing may be adjourned from time to time, but in no event beyond July 27. Hearings conducted under this section shall be informal, and a verbatim record need not be made, as required under section 24-4-105 (13), C.R.S.

(5) The administrator shall render his decision upon any petition or complaint, in writing, no later than August 1 and shall transmit a copy thereof to all parties affected.

(6) If the administrator grants the petition, in whole or in part, the administrator shall make the appropriate corrections or changes in the valuation of such public utility, or in the apportionment thereof, and shall certify the same to the assessor of the county affected thereby. Such decision shall control all proceedings thereafter, the same as though originally certified by the administrator.

(7) If the administrator denies the petition, in whole or in part, all costs and expenses incurred in conducting the hearing shall be chargeable to the petitioner and shall be enforceable and collectible as in the case of other claims and demands.

(8) Further proceedings brought by a party adversely affected by the administrator's decision shall be before the board of assessment appeals under the provisions of section 39-2-125 or before the Denver district court for a trial de novo with no presumption in favor of any pending valuation, and no judicial review shall be available to any party under the provisions of section 39-4-109 until the board or the district court has rendered its decision.

Source: L. 64: R&RE, p. 692, § 1. **C.R.S. 1963:** § 137-4-8. **L. 70:** p. 384, § 21. **L. 89:** (1), (2), (4), and (5) amended, p. 1465, § 31, effective June 7. **L. 93:** (1), (2), (4), and (5) amended, p. 1688, § 4, effective June 6. **L. 96:** (2), (6), and (8) amended, p. 720, § 4, effective May 22. **L. 2000:** (8) amended, p. 1739, § 3, effective June 1.

39-4-109. Judicial review. (1) Any petitioner or any other public utility, assessor, or board of county commissioners adversely affected or the administrator may appeal any decision of the board of assessment appeals or the district court denying a petition in whole or in part to the court of appeals. No new or additional evidence may be introduced in the court of appeals unless such other public utility, assessor, or board of county commissioners adversely affected has had no opportunity to present such evidence at the hearing before the board of assessment appeals or at the trial in the district court; otherwise, the cause shall be heard on the record of the board of assessment appeals or the district court, which shall be certified by it to the court in which the appeal was taken. Whenever any new or additional evidence is introduced, the court, in its discretion, may remand the case to the board of assessment appeals or the district court for rehearing.

(2) An appeal may be taken to the court of appeals according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S., after the decision of the board of assessment appeals or the district court is issued, but, if the appeal is taken by the public utility actually owning the property involved in the petition to the board of assessment appeals or the district court, such public utility shall pay the full amount of all taxes levied upon the valuation for assessment of its property and plant to the treasurer of the county in which the same is located prior to taking its appeal.

(3) If, upon appeal to the court of appeals, the petitioner is sustained, in whole or in part, then, upon presentation to the treasurer to whom the taxes were paid of a certified copy of the order modifying the valuation for assessment of its property and plant, the treasurer shall

forthwith make the appropriate refund of taxes, together with refund interest at the same rate as delinquent interest as specified in section 39-10-104.5, and the petitioner shall also be entitled to a refund of costs incurred in the hearing before the board of assessment appeals or the trial in the district court and in the appeal to the court or such portion thereof as the court may decree; but, if judgment is for the board of assessment appeals, then the board of assessment appeals shall receive its costs from the appellant. Such refund interest shall only accrue from the date on which payment of taxes was received by the treasurer from the petitioner.

Source: L. 64: R&RE, p. 694, § 1. **C.R.S. 1963:** § 137-4-9. **L. 70:** p. 385, § 22. **L. 83:** (1) and (2) amended, p. 2086, § 3, effective October 13. **L. 90:** Entire section amended, p. 1690, § 7, effective June 9. **L. 92:** (3) amended, p. 2224, § 6, effective April 9; (3) amended, p. 2185, § 66, effective June 2. **L. 93:** (3) amended, p. 305, § 5, effective April 7. **L. 2000:** Entire section amended, p. 1739, § 4, effective June 1.

Cross references: For the legislative declaration contained in the 2000 act amending this section, see section 1 of chapter 358, Session Laws of Colorado 2000.

39-4-110. Certification and assessment of pollution control property. (Repealed)

Source: L. 78: Entire section added, p. 468, § 2, effective July 1. **L. 79:** (3) added, p. 1456, § 4, effective June 22. **L. 81:** (3) R&RE, p. 1872, § 5, effective June 29. **L. 88:** Entire section repealed, p. 1275, § 14, effective May 29, 1988.

ARTICLE 4.1

Valuation and Assessment of Rail Transportation Property

39-4.1-101 to 39-4.1-110. (Repealed)

Editor's note: (1) This article was added in 1981. For amendments to this article prior to its repeal in 1987, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

(2) Section 39-4.1-110 provided for the repeal of this article, effective January 1, 1987. (See L. 84, p. 990.)

ARTICLE 5

Valuation and Taxation

PART 1

REAL AND PERSONAL PROPERTY

Editor's note: This part 1 was repealed and reenacted in 1964. For historical information concerning the repeal and reenactment, see the editor's note before the article 1 heading.

39-5-101. Duties of assessor. The assessor shall list all taxable real and personal property located within his county on the assessment date, other than that comprising the property and plant of public utilities.

Source: L. 64: R&RE, p. 694, § 1. **C.R.S. 1963:** § 137-5-1. **L. 73:** p. 237, § 19. **L. 75:** Entire section amended, p. 1467, § 12, effective July 18. **L. 81:** Entire section amended, p. 1855, § 6, effective January 1, 1982. **L. 94:** Entire section amended, p. 1646, § 80, effective July 1.

39-5-102. When schedules required - nonresident owners listed. (1) Ownership of real property shall be ascertained by the assessor from the records of the county clerk and recorder, and owners of real property shall not be required to file schedules listing the same; but any person having or claiming to have an undivided interest in any real property, or any inchoate, possessory, or equitable interest therein, or any other estate less than the fee, or any lien on any real property may file a schedule with the assessor, specifying such interest.

(2) When the ownership of any real or personal property cannot be ascertained by the assessor after due diligence, he may list such property under the legend "owner unknown".

(3) The assessor shall furnish annually by the first day of June to the executive director of the department of revenue a list of the names and addresses of all nonresidents of the state as shown by the assessor's records as of the previous assessment date to have owned real or personal property within the county.

Source: L. 64: R&RE, p. 695, § 1. **C.R.S. 1963:** § 137-5-2. **L. 69:** p. 1132, § 1.

39-5-103. Property described. In listing tracts or parcels of real property, the assessor shall identify the same by section, or part of a section, township, and range, and, if such part of a section is not a legal subdivision, then by some other description sufficient to identify the same. In listing town or city lots, he shall describe the same by number of lot and block, or otherwise, in accordance with the system of numbering or describing used by the town or city in which said lots are located.

Source: L. 64: R&RE, p. 695, § 1. **C.R.S. 1963:** § 137-5-3.

39-5-103.5. Maps of parcels of land in the county. (1) Prior to January 1, 1981, each assessor shall prepare and maintain full, accurate, and complete maps showing the parcels of land in his county. The maps shall include a master county index map, together with applicable township, section, and quarter-section maps, depending on density. Guidelines shall be established by the administrator to produce uniformity throughout the state. The guidelines shall include the definition of a parcel, the development of a parcel numbering system, map size, map scale, and suggestions for minimum information to be plotted.

(2) In fulfilling the duty imposed upon him by subsection (1) of this section, the assessor may employ other mapping resources or maps available to him.

Source: L. 76: Entire section added, p. 770, § 1, effective July 1.

39-5-104. Valuation of property. Each tract or parcel of land and each town or city lot shall be separately appraised and valued, except when two or more adjoining tracts, parcels, or lots are owned by the same person, in which case the same may be appraised and valued either separately or collectively. When a single structure, used for a single purpose, is located on more than one town or city lot, the entire land area shall be appraised and valued as a single property.

Source: L. 64: R&RE, p. 695, § 1. **C.R.S. 1963:** § 137-5-4.

39-5-104.5. Valuation of personal property. (1) On and after January 1, 1996, personal property shall be valued as of the assessment date, and the tax shall apply for the full assessment year without regard to any destruction, conveyance, relocation, or change in tax status occurring after the assessment date. The owner of taxable personal property on the assessment date shall be responsible for the property tax assessed for the full property tax year without proration.

(2) Repealed.

Source: L. 96: Entire section added, p. 45, § 5, effective March 20. **L. 2020:** (2) repealed, (HB 20-1077), ch. 80, p. 325, § 9, effective September 14.

Cross references: For the legislative declaration contained in the 1996 act enacting this section, see section 1 of chapter 16, Session Laws of Colorado 1996.

39-5-104.7. Valuation of real and personal property that produces alternating current electricity from a renewable energy source. (1) (a) Except as provided in paragraph (b) of this subsection (1), on and after January 1, 2008, all real and personal property used to produce two megawatts or less of alternating current electricity from a renewable energy source shall be valued by the assessor in the county where the property is located in accordance with valuation procedures developed by the administrator.

(b) The valuation requirements specified in paragraph (a) of this subsection (1) shall not apply to small or low impact hydroelectric energy facilities, geothermal energy facilities, biomass energy facilities, solar energy facilities, or wind energy facilities, as those terms are defined in section 39-4-101.

(2) In developing the valuation procedures specified in subsection (1)(a) of this section:

(a) Except as set forth in subsection (2)(b) of this section, the administrator shall utilize the procedures adopted for determining the actual value of a renewable energy facility as specified in section 39-4-102 (1)(e); and

(b) For a facility that would qualify as a solar energy facility as defined in section 39-4-101 (3.5) but it generates and delivers less than two megawatts of energy, the administrator shall utilize the procedures for determining the actual value of a solar energy facility as specified in section 39-4-102 (1.5) for property tax years commencing on or after January 1, 2021.

(3) A taxpayer shall notify the taxpayer's county assessor when the taxpayer installs real and personal property used to produce two megawatts or less of alternating current electricity from a renewable energy source; except that, if the taxpayer obtains a building permit under the

jurisdiction of a local government for the installation, the notification required in this subsection (3) shall not be necessary.

Source: L. 2008: Entire section added, p. 1318, § 1, effective May 27. **L. 2009:** (1)(b) amended, (SB 09-177), ch. 186, p. 814, § 3, effective April 22. **L. 2010:** (1)(b) amended, (SB 10-019), ch. 382, p. 1787, § 3, effective June 8; (1)(b) amended, (SB 10-174), ch. 189, p. 815, § 10, effective August 11; (1)(b) amended, (SB 10-177), ch. 392, p. 1864, § 5, effective August 11. **L. 2021:** (2) amended, (SB 21-020), ch. 51, p. 218, § 3, effective September 7.

Editor's note: Amendments to subsection (1)(b) by Senate Bill 10-019, Senate Bill 10-174, and Senate Bill 10-177 were harmonized.

Cross references: For the legislative intent contained in the 2008 act enacting this section, see section 9 of chapter 302, Session Laws of Colorado 2008.

39-5-105. Improvements - water rights - valuation. (1) Improvements shall be appraised and valued separately from land, except improvements other than buildings on land which is used solely and exclusively for agricultural purposes, in which case the land, water rights, and improvements other than buildings shall be appraised and valued as a unit.

(1.1) (a) (I) Water rights, together with any dam, ditch, canal, flume, reservoir, bypass, pipeline, conduit, well, pump, or other associated structure or device as defined in article 92 of title 37, C.R.S., being used to produce water or held to produce or exchange water to support uses of any item of real property specified in section 39-1-102 (14), other than for agricultural purposes, shall not be appraised and valued separately but shall be appraised and valued with the item of real property served as a unit.

(II) For purposes of this section, valuing the water rights and the item of real property served by the water rights "as a unit" means that any increase in value of the property served with water made available directly, or by exchange, by the use of any dam, ditch, pipeline, canal, flume, reservoir, bypass, conduit, well, pump, or other associated structure or device, as defined in article 92 of title 37, C.R.S., shall be included in the valuation of the real property served by the water rights.

(b) The general assembly finds and declares that the value of water rights, and any dam, ditch, pipeline, canal, flume, reservoir, bypass, conduit, well, pump, or other associated structure or device, as defined in article 92 of title 37, C.R.S., used or held to produce or exchange water, for taxation purposes, should be recognized as a contribution to the value of all of the interests in the entire property served thereby and that the separate valuation of such water rights could result in double taxation. The provision of this subsection (1.1) shall not be construed to exempt any water rights from taxation but shall be construed as setting forth procedures for the valuation thereof.

(2) and (3) Repealed.

Source: L. 64: R&RE, p. 695, § 1. **C.R.S. 1963:** § 137-5-5. **L. 75:** Entire section amended, p. 1474, § 2, effective July 1. **L. 76:** Entire section amended, p. 771, § 1, effective May 26; (1) amended, p. 760, § 18, effective January 1, 1977. **L. 77:** (3) added, p. 1753, § 1, effective June 19. **L. 79:** (1) amended, p. 1404, § 2, effective July 1. **L. 83:** (1.1) added, p. 1503,

§ 1, effective May 25. **L. 87:** (2) and (3) repealed, p. 1304, § 1, effective May 20. **L. 96:** (1.1) amended, p. 468, § 1, effective April 23.

Cross references: For manner of determination of actual value of agricultural lands, see § 39-1-103 (5).

39-5-106. Purchase of state land. The equity in land purchased from the state under contract shall, during the term of such contract, be appraised and valued in the same manner as though held in fee by the purchaser, and any improvements on such land shall be appraised and valued in the same manner as other improvements.

Source: L. 64: R&RE, p. 695, § 1. **C.R.S. 1963:** § 137-5-6.

39-5-107. Personal property schedule. (1) All taxable personal property shall be listed on a form of schedule approved by the administrator and prepared and furnished by the assessor. Such schedule shall be so designed as to show the owner's name, address, social security number or federal employer identification number, and the location and general description of the owner's taxable personal property, divided into the various subclasses, and shall provide sufficient space for the furnishing of such information, derived from the books of account, records, or Colorado income tax returns of the owner of such property, as may be required by the assessor to determine the actual value of such property.

(2) There shall be subjoined to such schedule the following declaration:

"I declare, under the penalty of perjury in the second degree, that this schedule, together with any accompanying exhibits or statements, has been examined by me and to the best of my knowledge, information, and belief sets forth a full and complete list of all taxable personal property owned by me, or in my possession, or under my control, located in .... county, Colorado, on the assessment date of this year; that such property has been reasonably described and its value fairly represented; and that no attempt has been made to mislead the assessor as to its age, quality, quantity, or value.

.... Owner

.... Date
.... Agent"

Source: L. 64: R&RE, p. 695, § 1. **C.R.S. 1963:** § 137-5-7. **L. 72:** p. 569, § 51. **L. 73:** p. 238, § 20. **L. 75:** (1) amended, p. 1468, § 13, effective July 18. **L. 84:** (1) amended, p. 984, § 2, effective May 8. **L. 89:** (1) amended, p. 1483, § 7, effective April 23. **L. 96:** (1) amended, p. 46, § 4, effective March 20. **L. 99:** (1) amended, p. 276, § 1, effective August 4.

Cross references: (1) For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

(2) For the legislative declaration contained in the 1996 act amending this section, see section 1 of chapter 16, Session Laws of Colorado 1996.

39-5-108. Schedule sent to taxpayer - return. As soon after the assessment date as may be practicable, the assessor shall mail or deliver one copy of the personal property schedule to the place of business or to the residence of each person known or believed to own taxable personal property located in the county, or to the agent of such person. Such person or his or her agent shall list in such schedule all taxable personal property owned by him or her, or in his or her possession, or under his or her control located in said county on the assessment date, attaching such exhibits or statements thereto as may be necessary, and shall sign and return the original copy thereof to the assessor no later than the April 15 next following. Exhibits and statements attached to the personal property schedule shall be deemed sufficient for the purposes of the schedule if such exhibits or statements clearly list the property, the cost of the property, and the date the property was acquired.

Source: L. 64: R&RE, p. 696, § 1. **C.R.S. 1963:** § 137-5-8. **L. 67:** pp. 948, 952, §§ 13, 26. **L. 79:** Entire section amended, p. 1416, § 1, effective June 21. **L. 81:** Entire section amended, p. 1831, § 5, effective June 12. **L. 2000:** Entire section amended, p. 751, § 3, effective May 23. **L. 2008:** Entire section amended, p. 948, § 2, effective August 5.

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 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 12-10-201 (6)(a), a property management company, a lodging company, an internet website 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.

Source: L. 2009: Entire section added, (HB 09-1110), ch. 162, p. 698, § 1, effective August 5. **L. 2019:** (3) amended, (HB 19-1172), ch. 136, p. 1728, § 251, effective October 1.

39-5-109. Inventory schedules - valuation. (Repealed)

Source: L. 64: R&RE, p. 697, § 1. **C.R.S. 1963:** § 137-5-9. **L. 65:** p. 1096, § 3. **L. 67:** p. 801, § 1. **L. 73:** p. 1439, § 1. **L. 75:** (5)(b) amended, p. 225, § 86, effective July 16. **L. 76:** (6)(b) amended p. 760, § 19, effective January 1, 1977. **L. 83:** Entire section repealed, p. 1485, § 11, effective April 22.

39-5-110. Property brought into state after assessment date - removal before next assessment date. (1) Whenever any taxable personal property is brought from outside the state into any county of the state at any time after the assessment date in any year, the owner shall list the property on the personal property schedule sent to the taxpayer pursuant to section 39-5-108.

(2) If any taxable personal property located in the state on the assessment date or brought into the state at any time after the assessment date is removed from the state before the next following assessment date, the owner of the property shall not be relieved of any tax

obligation with respect to the property as a result of the transfer of the property for the property tax year in which the transfer occurred.

(3) Repealed.

(4) Notwithstanding any other provision of this section, oil and gas drilling rigs shall be valued pursuant to section 39-5-113.3.

Source: L. 64: R&RE, p. 698, § 1. **C.R.S. 1963:** § 137-5-10. **L. 67:** p. 949, § 14. **L. 83:** (3) repealed, p. 1485, § 11, effective April 22. **L. 87:** (2) amended, p. 1412, § 1, effective April 23. **L. 96:** (1) and (2) amended, p. 47, § 6, effective March 20; (4) added, p. 1200, § 5, effective June 1.

Cross references: (1) For the assessment date, see § 39-1-105.

(2) For the legislative declaration contained in the 1996 act amending subsections (1) and (2), see section 1 of chapter 16, Session Laws of Colorado 1996.

39-5-111. Livestock, agricultural products - not valued, when. (Repealed)

Source: L. 64: R&RE, p. 699, § 1. **C.R.S. 1963:** § 137-5-11. **L. 75:** (2) amended and (3) added, p. 1476, § 1, effective April 9. **L. 76:** (2) amended, p. 760, § 20, effective January 1, 1977. **L. 83:** Entire section repealed, p. 1485, § 11, effective April 22.

39-5-112. Livestock - apportionment of value. (Repealed)

Source: L. 64: R&RE, p. 699, § 1. **C.R.S. 1963:** § 137-5-12. **L. 67:** p. 949, § 15. **L. 76:** Entire section repealed, p. 765, § 33, effective January 1, 1977.

39-5-113. Movable equipment - apportionment of value. (1) Any person owning any portable or movable equipment which is apt to be located or maintained in two or more counties of the state during any calendar year shall indicate in a statement accompanying his personal property schedule the kind and description and a serial number, if available, of such equipment, the counties in which such equipment is apt to be located or maintained, and the estimated period of time during the calendar year in which such equipment is apt to be so located and maintained.

(2) The assessor of the county in which such equipment is located on the assessment date shall determine its value and shall apportion such value between the counties affected and the school districts thereof, in the proportion that the periods of time during which such equipment may be located or maintained in such counties bear to the full calendar year. He shall furnish a copy of such valuation and apportionment to the owner of such equipment or to his agent and shall also transmit a copy thereof to the assessor of each county affected as his authority to list the apportioned value of such equipment on the assessment roll of his county. For purposes of making such apportionment, the valuation of the portable or movable equipment made by the assessor of the county of original assessment shall be used by all county assessors involved.

(3) If, subsequent to the making of such apportionment of value, any such equipment is removed to a county not initially included in such apportionment or if any such equipment is located or maintained in any county for a period of time different from that used in the initial apportionment, then an amended apportionment of value shall be requested by the assessor of

any county so affected. Such assessor shall furnish a copy of such requested amended apportionment to the owner of such equipment or to his agent and shall also transmit a copy thereof to the assessor of each county affected, as his authority to list such reapportioned value on the assessment roll of his county. Failure of a county assessor to request such an amended apportionment shall permit the original apportionment of value to stand, and no other county assessor shall assess such equipment as is listed in the original apportionment for any period during the year of the original assessment. If such amended apportionment of value is received by any assessor after he has filed his annual abstract of assessment with the administrator, then either an abatement or an additional assessment shall be made, as the case may be.

(4) Repealed.

Source: L. 64: R&RE, p. 700, § 1. **C.R.S. 1963:** § 137-5-13. **L. 65:** p. 1099, § 1. **L. 76:** (4) repealed, p. 765, § 33, effective January 1, 1977. **L. 90:** (2) amended, p. 1696, § 18, effective June 9.

39-5-113.3. Oil and gas drilling rigs - apportionment of value. (1) As soon after the assessment date as may be practicable, the assessor shall determine those oil or gas drilling rigs that were operating, stored, or maintained in the county during the preceding calendar year and shall mail or deliver two copies of a declaration to the place of business or drilling operation or to the residence of each person known or believed to own such rigs, or to the agent of such person. Such person or his agent shall list in such declaration all oil or gas drilling rigs owned by him, or in his possession, or under his control that were located in said county during the previous calendar year, attaching thereto the drilling logs of the respective rigs showing their various locations and corresponding dates. In addition, such person or his agent shall provide to the assessor of the first county in Colorado listed on each rig's log an inventory of that rig's equipment sufficient to determine a valuation for assessment. The original copy of the declaration shall be signed and returned to the assessor no later than the April 15 next following.

(2) The assessor, upon receiving such inventory and notification that his county was the first location of the rig in Colorado, shall determine its value and shall apportion such value between the counties in which the drilling rig was located during the preceding year and the districts thereof, in the proportion that the periods of time during which such equipment was located or maintained in such counties bear to the full calendar year. On or before June 15, the assessor shall furnish a copy of such valuation and apportionment to the owner of such equipment or to his agent and shall also transmit a copy thereof to the assessor of each county affected, together with a copy of the drilling log for that rig. For purposes of making such apportionment, the valuation of the oil or gas drilling rig made by the assessor of the first Colorado county on the log shall be used by all county assessors involved. In the subsequent counties, the assessor shall accept the returned declaration with the rig's name and location data as a proper filing.

(3) The values so apportioned shall be included in the affected counties' abstracts of assessment filed pursuant to section 39-5-123.

(4) This section shall apply to the apportionment of value of oil or gas drilling rigs and not the provisions of section 39-5-113.

(5) For purposes of this section "oil and gas drilling rigs" shall be defined by the property tax administrator pursuant to section 39-2-109 (1)(e), which definitions shall be uniform and consistent throughout the state.

Source: L. 86: Entire section added, p. 1107, § 1, effective January 1, 1987. **L. 88:** (2) amended, p. 1297, § 4, effective April 29. **L. 90:** (2) amended, p. 1696, § 19, effective June 9.

39-5-113.5. Works of art - apportionment of value. (1) Any persons owning any works of art which are apt to be displayed in any county of the state during any calendar year shall indicate in a statement accompanying their personal property schedule the kind and description of such works of art and the estimated period of time during the calendar year in which such works of art are to be so displayed and shall provide to the assessor proof of exemption pursuant to the provisions of sections 39-3-123 and 39-26-102 (2.5). Failure to file a statement results in forfeiture of a claim for exemption in that calendar year.

(2) The assessor of the county in which such works of art are displayed shall determine its value in the proportion that the periods of time during which such works of art may be displayed bear to the full calendar year. He shall furnish a copy of such valuation to the owner of such works of art or to his agent.

Source: L. 84: Entire section added, p. 999, § 2, effective January 1. **L. 89:** (1) amended, p. 1484, § 8, effective April 23. **L. 90:** (2) amended, p. 1697, § 20, effective June 9.

39-5-114. Unclassified property shown on schedule. If any person owns, holds, or controls any kind or character of taxable personal property which is not specifically classified on the personal property schedule, he shall note such property therein, and such notation shall be held to be a sufficient description thereof for purposes of valuing the same, without further enumeration or description; but if the assessor so requests, such person shall disclose of what said property consists and its uses in detail.

Source: L. 64: R&RE, p. 702, § 1. **C.R.S. 1963:** § 137-5-14.

39-5-115. Taxpayer to furnish information - affidavit on mineral leases. (1) At any time prior or subsequent to April 15 of each year, the assessor may request any person known or believed to own taxable property located in his county to furnish such information or to make available for examination such records as may be required by him to determine the actual value of such property.

(2) Within ten days after the execution of a mineral lease, a lessor shall file with the assessor an affidavit stating the annual net rental payable under such lease for the purposes of determining the actual value of such mineral interest where the income approach to appraisal is utilized by the assessor. Such affidavit shall constitute a private document and shall be available on a confidential basis as provided in section 39-5-120.

Source: L. 64: R&RE, pp. 315, 702, §§ 294, 1. **C.R.S. 1963:** § 137-5-15. **L. 75:** Entire section amended, p. 226, § 87, effective July 16. **L. 79:** Entire section amended, p. 1416, § 2,

effective June 21. **L. 81:** Entire section amended, p. 1832, § 6, effective June 12. **L. 85:** Entire section amended, p. 1213, § 11, effective May 9.

39-5-116. Failure to file schedule - failure to fully and completely disclose. (1) If any person owning taxable personal property to whom one or more personal property schedules have been mailed, or upon whom the assessor or his deputy has called and left one or more schedules, fails to complete and return the same to the assessor by the April 15 next following, unless by such date such person has requested an extension of filing time as provided for in this section, the assessor shall impose a late filing penalty in the amount of fifty dollars or, if a lesser amount, fifteen percent of the amount of tax due on the valuation for assessment determined for the personal property for which any delinquent schedule or schedules are required to be filed. Any person who is unable to properly complete and file one or more of such schedules by April 15 may request an extension of time for filing, for a period of either ten or twenty days, which request shall be in writing and shall be accompanied by payment of an extension fee in the amount of two dollars per day of extension requested. A single request for extension shall be sufficient to extend the filing date for all such schedules which a person is required to file in a single county. Any person who fails to file one or more schedules by the end of the extension time requested shall be subject to a late filing penalty as though no extension had been requested. Further, if any person fails to complete and file one or more schedules by April 15 or, if an extension is requested, by the end of the requested extension, then the assessor may determine the actual value of such person's taxable personal property on the basis of the best information available to and obtainable by him and shall promptly notify such person or his agent of such valuation. Extension fees and late filing penalties shall be fees of the assessor's office. Penalties, if unpaid, shall be certified to the treasurer for collection with taxes levied upon the person's property.

(2) (a) If any person owning taxable personal property to whom two successive personal property schedules have been mailed or upon whom the assessor or his deputy has called and left one or more schedules fails to make a full and complete disclosure of his personal property for assessment purposes, the assessor, after notifying the person of his failure to make such a full and complete disclosure and allowing such person ten days from the date of notification to comply, shall, upon discovery, determine the actual value of such person's taxable property on the basis of the best information available to and obtainable by him and shall promptly notify such person or his agent of such valuation. The assessor shall impose a penalty in an amount of up to twenty-five percent of the valuation for assessment determined for the omitted personal property. Penalties, if unpaid, shall be certified to the treasurer for collection with taxes levied upon the person's personal property. A person fails to make a full and complete disclosure of his personal property pursuant to this paragraph (a) if he includes in a filed schedule any information concerning his property which is false, erroneous, or misleading or fails to include in a schedule any taxable property owned by him.

(b) Any person who makes full and complete disclosure on the first personal property schedules issued to him on or after August 1, 1987, shall not be assessed a penalty for property previously omitted from the assessment rolls under this article.

(c) Any person subject to paragraph (a) of this subsection (2) shall have the right to pursue the administrative remedies available to taxpayers under this title, dependent upon the basis of his claim.

Source: L. 64: R&RE, p. 702, § 1. **C.R.S. 1963:** § 137-5-16. **L. 76:** p. 761, § 21. **L. 79:** p. 1416, § 3. **L. 80:** p. 498, § 2. **L. 81:** p. 1832, § 7. **L. 82:** p. 549, § 14. **L. 87:** Entire section amended, p. 1414, § 1, effective August 1. **L. 88:** (2)(a) amended, p. 1273, § 8, effective August 1.

39-5-117. Property improvements destroyed after assessment date. Whenever any improvements are destroyed or demolished subsequent to the assessment date in any year, it is the duty of the owner thereof or the owner's agent to promptly notify the assessor of such destruction or demolition and the date upon which the same occurred. In all such cases, such improvements shall be valued by the assessor at the proportion of its valuation for the full calendar year that the period of time in such year prior to its destruction or demolition bears to the full calendar year. Failure of the owner thereof or of the owner's agent to so notify the assessor prior to the date taxes are levied shall be considered a waiver, and no proportionate valuation by the assessor shall then be required.

Source: L. 64: R&RE, p. 702, § 1. **C.R.S. 1963:** § 137-5-17. **L. 96:** Entire section amended, p. 47, § 7, effective March 20.

Cross references: (1) For the assessment date, see § 39-1-105.

(2) For the legislative declaration contained in the 1996 act amending this section, see section 1 of chapter 16, Session Laws of Colorado 1996.

39-5-118. Failure to receive schedule - validity of valuation. No determination of the actual value of any taxable personal property made by the assessor shall be rendered invalid by reason of his failure to secure or receive the personal property schedule required to be completed and returned to him prior to his determination of such value.

Source: L. 64: R&RE, p. 702, § 1. **C.R.S. 1963:** § 137-5-18.

39-5-119. Refusal to answer - court order. Whenever any person refuses to be interviewed by the assessor or his deputy or refuses to answer any pertinent questions relative to taxable property owned by him, or in his possession, or under his control, then, in the discretion of the district court having jurisdiction in the county and upon affidavit of the assessor or his deputy showing such refusal to be interviewed or to answer such questions, such person shall be cited before such court and shall be required by the court then and there to submit to such interview and to answer such questions. All costs of such proceedings shall be assessed by the court against such person, and judgment and execution shall be entered therefor as in other civil cases.

Source: L. 64: R&RE, p. 703, § 1. **C.R.S. 1963:** § 137-5-19. **L. 67:** p. 949, § 16.

39-5-120. Tax schedules endorsed and filed - availability for inspection. All personal property schedules and exhibits or statements attached thereto returned to or secured by the assessor shall be endorsed with the name of the person whose taxable personal property is listed therein and shall be filed in either alphabetical or numerical order and retained for a period of six

years, after which time they may be destroyed. Such schedules and accompanying exhibits or statements shall be considered private documents and shall be available on a confidential basis only to the assessor and the employees of his office, the treasurer and the employees of his office, the annual study contractor hired pursuant to section 39-1-104 (16) and his employees, the executive director of the department of revenue and the employees of his office, the administrator and the employees of his office, and the person whose taxable personal property is listed therein. Such exhibits or statements shall be available on a confidential basis to the board and the county board of equalization when information contained in such documents is pertinent to an appeal or protest.

Source: L. 64: R&RE, p. 703, § 1. **C.R.S. 1963:** § 137-5-20. **L. 70:** p. 389, § 1. **L. 75:** Entire section amended, p. 226, § 88, effective July 16. **L. 76:** Entire section amended, p. 761, § 22, effective January 1, 1977. **L. 87:** Entire section amended, p. 1417, § 2, effective March 13.

39-5-121. Notice of valuation - legislative declaration - repeal. (1) (a) (I) No later than May 1 in each year, the assessor shall mail to each person who owns land or improvements a notice setting forth the valuation of such land or improvements. For agricultural property, the notice must separately state the actual value of such land or improvements in the previous year, the actual value in the current year, and the amount of any adjustment in actual value. For all other property, the notice must state the total actual value of such land and improvements together in the previous year, the total actual value in the current year, and the amount of any adjustment in total actual value. The notice must not state the valuation for assessment of such land or improvements or combination of land and improvements. Based upon the classification of such taxable property, the notice must also set forth the appropriate ratio of valuation for assessment to be applied to said actual value prior to the calculation of property taxes for the current year and that any change or adjustment of the ratio of valuation for assessment must not constitute grounds for the protest or abatement of taxes. With the approval of the board of county commissioners, the assessor may include in the notice an estimate of the taxes owed for the current property tax year. If such estimate is included, the notice must clearly state that the tax amount is merely an estimate based upon the best available information. The notice must state, in bold-faced type, that the taxpayer has the right to protest any adjustment in valuation but not the estimate of taxes if such an estimate is included in the notice, the classification of the property that determines the assessment percentage to be applied, and the dates and places at which the assessor will hear such protest. The notice must also set forth the following: That, to preserve the taxpayer's right to protest, the taxpayer shall notify the assessor either in writing or in person of the taxpayer's objection and protest; that such notice must be delivered, postmarked, or given in person no later than June 1; and that, after such date, the taxpayer's right to object and protest the adjustment in valuation is lost. The notice must be mailed together with a form that, if completed by the taxpayer, allows the taxpayer to explain the basis for the taxpayer's valuation of the property. Such form may be completed by the taxpayer to initiate an appeal of the assessor's valuation. However, in accordance with section 39-5-122 (2), completion of this form does not constitute the exclusive means of appealing the assessor's valuation. For the years that intervene between changes in the level of value, if the difference between the actual value of such land or improvements in the previous year and the actual value of such land or improvements in the intervening year as set forth in such notice constitutes an increase in actual

value of more than seventy-five percent, the assessor shall mail together with the notice an explanation of the reasons for such increase in actual value.

(II) Repealed.

(b) (I) Commencing as provided in subparagraph (II) of this paragraph (b), the notice of valuation for the first year of each reassessment cycle that is mailed to each person who owns land or improvements pursuant to paragraph (a) of this subsection (1) shall include, in addition to the information specified in paragraph (a) of this subsection (1), an itemized listing of the land and improvements and the characteristics that are germane to the value of such land and improvements.

(II) In a county with a population in excess of fifty thousand people, the information specified in subparagraph (I) of this paragraph (b) shall be included in notices of valuation mailed on or after January 1, 2001. In a county with a population of twenty-five thousand people or more but not more than fifty thousand people, the information specified in subparagraph (I) of this paragraph (b) shall be included in notices of valuation mailed on or after January 1, 2003. In a county with a population of less than twenty-five thousand people, the information specified in subparagraph (I) of this paragraph (b) shall be included in notices of valuation mailed on or after January 1, 2005.

(1.2) A notice of valuation included with the tax bill shall fulfill the requirements of subsection (1) of this section. The general assembly hereby finds and declares that the notice procedure set forth in this subsection (1.2) facilitates the efficient and economic operation of local governments, consistent with the expressed purpose of section 20 of article X of the state constitution to reasonably restrain most the growth of government, and still fulfills the purposes of section 20 (8)(c) of said article X in the intervening year of each reassessment cycle when there is no change in value for the property in such year.

(1.5) (a) (I) No later than June 15 each year, the assessor shall mail to each person who owns taxable personal property a notice setting forth the valuation of the personal property. The notice must state the actual value of such personal property in the previous year, the actual value in the current year, and the amount of any adjustment in actual value. The notice must not state the valuation for assessment of the personal property. The notice must also set forth the ratio of valuation for assessment to be applied to said actual value prior to the calculation of property taxes for the current year. With the approval of the board of county commissioners, the assessor may include in the notice an estimate of the taxes owed for the current property tax year. If such an estimate is included, the notice must clearly state that the tax amount is merely an estimate based upon the best available information. The notice must state, in bold-faced type, that the taxpayer has the right to protest any adjustment in valuation but not the estimate of taxes if such an estimate is included in the notice, and the dates and places at which the assessor will hear protests. The notice must also set forth the following: To preserve the taxpayer's right to protest, the taxpayer shall notify the assessor either by mail or in person of the taxpayer's objection and protest; that the notice must be postmarked or physically delivered no later than June 30; and that, after such date, the taxpayer's right to object and protest the adjustment in valuation is lost. The notice must be mailed together with a form that, if completed by the taxpayer, allows the taxpayer to explain the basis for the taxpayer's valuation of the property. The form may be completed by the taxpayer to initiate an appeal of the assessor's valuation. However, in accordance with section 39-5-122 (2), completion of this form does not constitute the exclusive means of appealing the assessor's valuation.

(II) Repealed.

(b) Notwithstanding paragraph (a) of this subsection (1.5), for taxable personal property on oil and gas leaseholds or lands for which the operator has filed the statement required by section 39-7-101 (1), the assessor shall send the notice of valuation only to the operator, who shall accept it. The acceptance of the notice of valuation by the operator shall not be construed as an indication that the operator agrees with the amount of the actual value of the property stated in the notice or as obligating the operator to pay the tax attributable to property in which the operator has no ownership interest. Upon the written request of the county treasurer, the operator shall submit to the treasurer a written statement containing the name and address of each person who has an ownership interest in the property. If the operator fails to submit the statement within thirty days after receiving the request, the operator shall pay a penalty to the treasurer in the amount of one hundred dollars or the amount of tax due on the property, whichever is less.

(1.7) Notwithstanding any other provision of law, a taxpayer may request to receive by electronic transmission the notices of valuation required by subsections (1) and (1.5) of this section. The taxpayer shall submit along with the request an electronic address to which the assessor may send future notices of valuation. The assessor, upon receipt of such request by a taxpayer to receive notices of valuation electronically, may send all future notices of valuation by electronic transmission to the electronic address supplied by the taxpayer; except that, if a taxpayer subsequently requests to cease the electronic transmission of such notices and requests to receive future notices of valuation by mail, the assessor shall comply with the request. Failure of a taxpayer to receive the electronic notice of valuation shall not preclude collection by the treasurer of the amount of taxes due from and payable by the taxpayer.

(1.8) (a) Notwithstanding any other provision of law, the assessor may mail abbreviated notices of valuation on a postcard. The property tax administrator shall approve the form of the abbreviated notice of valuation as required in section 39-2-109 (1)(d).

(b) At a minimum, the postcard must:

(I) Provide an accurate summary of the valuation information required under subsections (1) and (1.5) of this section;

(II) Provide contact information for the assessor's office;

(III) Include a link to the assessor's website where taxpayers can access the long form notice of valuation that includes all of the information required under subsections (1) and (1.5) of this section; and

(IV) State that the taxpayer may request to cease the transmission of the notice of valuation by postcard and may instead request to receive future long form notice of valuation mailed in an envelope.

(c) If the taxpayer would prefer to not use the link to the assessor's website to access the long form notice of valuation, the taxpayer may contact the assessor's office and request a long form notice of valuation be mailed instead.

(d) If a taxpayer makes a request described in subsection (1.8)(b)(IV) of this section, the assessor shall comply.

(e) Failure of a taxpayer to receive the notice of valuation by postcard does not preclude collection by the treasurer of the amount of taxes due from and payable by the taxpayer.

(2) (a) The assessor shall, no later than August 25 of each year, notify each taxing entity subject to the provisions of section 29-1-301, C.R.S., the division of local government, and the department of education of the total valuation for assessment of land and improvements within

the entity and shall also report: The amount of the total valuation for assessment attributable to annexation or inclusion of additional land, and the improvements thereon, and personal property connected therewith, within the taxing entity for the preceding year; the amount attributable to new construction and personal property connected therewith, as defined by the administrator in manuals prepared pursuant to section 39-2-109 (1)(e), within the taxing entity for the preceding year; the amount attributable to increased volume of production for the preceding year by a producing mine if said mine is wholly or partially within the taxing entity and if such increase in volume of production causes an increase in the level of services provided by the taxing entity; and the amount attributable to previously legally exempt federal property that becomes taxable if such property causes an increase in the level of services provided by the taxing entity.

(b) In addition to the information specified in paragraph (a) of this subsection (2), the assessor shall, no later than August 25 of each year, notify each taxing entity except school districts of the total actual value of all real property within the taxing entity and the total actual value of all real property within the taxing entity from construction of taxable real property improvements, minus destruction of similar improvements, and additions to, minus deletions from, taxable real property, in accordance with the manner prescribed by the administrator in manuals prepared pursuant to section 39-2-109 (1)(e).

(3) (a) On or before March 1, 2022, the administrator shall prepare a description of the property tax classes and subclasses set forth in sections 39-1-104 and 39-1-104.2, the ratio of valuation for assessment for the different classes and subclasses, and the property tax years that the various ratios of valuation for assessment apply. The assessor shall either include the description along with a notice of valuation that is required to be sent in the 2022 calendar year under subsection (1) or (1.5) of this section or make it available on the assessor's website.

(b) This subsection (3) is repealed, effective July 1, 2023.

Source: L. 64: R&RE, p. 703, § 1. **C.R.S. 1963:** § 137-5-21. **L. 67:** p. 952, § 26. **L. 76:** Entire section amended, p. 687, § 4, effective July 1; (1) amended, p. 762, § 23, effective January 1, 1977. **L. 81:** (1) amended and (1.5) added, p. 1833, § 8, effective June 12; (2) amended, p. 1395, § 3, effective January 1, 1985. **L. 83:** (2) amended, p. 2073, § 4, effective October 13; (2) amended, p. 2052, § 24, effective October 14; (2) amended, pp. 2074, 2052, §§ 5, 25, effective January 1, 1985. **L. 87:** (2) amended, p. 1188, § 4, effective March 12. **L. 88:** (1) and (1.5) amended, p. 1298, § 5, effective April 29; (1) and (1.5) amended, p. 1285, § 17, effective May 23. **L. 89:** Entire section amended, p. 1453, § 9, effective June 7. **L. 90:** (1) amended, p. 1690, § 8, effective January 1, 1991. **L. 92:** (2) amended, p. 2182, § 54, effective June 2; (1) and (1.5) amended, p. 2207, § 4, effective January 1, 1993. **L. 93:** (2) amended, pp. 1282, 1688, §§ 2, 5, effective June 6. **L. 96:** (1), (1.5), and (2)(a) amended, p. 113, § 1, effective March 25; (1) and (1.5) amended and (1.2) added, p. 720, § 5, effective May 22. **L. 99:** (1) amended, p. 704, § 1, effective May 20. **L. 2002:** (1)(a) amended, p. 41, § 1, effective August 7. **L. 2006:** (1.5) amended, p. 33, § 1, effective March 13. **L. 2008:** (1.5)(a) amended, p. 948, § 3, effective August 5. **L. 2010:** (1.7) added, (HB 10-1117), ch. 195, p. 842, § 2, effective August 11. **L. 2013:** (1)(a) and (1.5)(a) amended, (HB 13-1113), ch. 11, p. 26, § 1, effective March 8. **L. 2020:** (1)(a)(I) and (1.5)(a)(I) amended and (1)(a)(II) and (1.5)(a)(II) repealed, (SB 20-136), ch. 70, p. 290, § 33, effective September 14. **L. 2021:** (1.8) added, (SB 21-019), ch. 14, p. 88, § 2, effective March 21; (1)(a)(I) amended and (3) added, (SB 21-293), ch. 301, p. 1811, § 10, effective June 23.

Editor's note: (1) Amendments to subsection (2) by House Bill 83-1580 and Senate Bill 83-414 were harmonized. Amendments to subsection (2) by Senate Bill 93-255 and House Bill 93-1321 were harmonized. Amendments to subsections (1) and (1.5) by House Bill 96-1131 and House Bill 96-1063 were harmonized.

(2) Section 3 of chapter 14 (SB 21-019), Session Laws of Colorado 2021, provides that the act changing this section applies to notices of valuation required to be mailed no later than May 1, 2021.

Cross references: (1) For the legislative declaration in SB 20-136, see section 1 of chapter 70, Session Laws of Colorado 2020.

(2) For the legislative declaration in SB 21-019, see section 1 of chapter 14, Session Laws of Colorado 2021.

39-5-121.5. Valuation - inspection of data by taxpayers. At the written request of any taxpayer or any agent of such taxpayer and subject to such confidentiality requirements as provided by law, the assessor shall, within seven working days after receipt of said request, make available to the taxpayer or agent the data used by the assessor in determining the actual value of any property owned by such taxpayer. At the assessor's election, the assessor may either mail, fax, or send by electronic transmission to the address, phone number, or electronic address supplied by said taxpayer or agent such data. Such data shall include but shall not be limited to the data derived from the declarations filed pursuant to the provisions of article 14 of this title and confidential data, provided that such confidential data shall be presented in such a manner that the source cannot be identified. Upon receipt of such request, the assessor shall notify the taxpayer or agent of the estimated cost of providing such information, payment of which shall be made prior to providing such information. Upon providing such information, the assessor may include a bill for the reasonable cost above the estimated cost and up to the statutory maximum which shall be due and payable upon receipt by the taxpayer or agent.

Source: L. 89: Entire section added, p. 1466, § 33, effective June 7. **L. 90:** Entire section amended, p. 1700, § 29, effective June 9. **L. 2000:** Entire section amended, p. 1500, § 3, effective August 2.

39-5-122. Taxpayer's remedies to correct errors. (1) (a) On or before May 1 of each year, the assessor shall give public notice in at least one issue of a newspaper published in the assessor's county that, beginning on the first working day after notices of adjusted valuation are mailed to taxpayers, the assessor will sit to hear all objections and protests concerning valuations of taxable real property determined by the assessor for the current year; that, for a taxpayer's objection and protest to be heard, notice must be given to the assessor; and that such notice must be postmarked, delivered, or given in person by June 1. The notice must also state that objections and protests concerning valuations of taxable personal property determined by the assessor for the current year will be heard commencing June 15; that, for a taxpayer's objection and protest to be heard, notice must be given to the assessor; and that such notice must be postmarked or physically delivered by June 30. If there is no such newspaper, then such notice must be conspicuously posted in the offices of the assessor, the treasurer, and the county clerk and recorder and in at least two other public places in the county seat. The assessor shall send news

releases containing such notice to radio stations, television stations, and newspapers of general circulation in the county.

(b) Repealed.

(2) If any person is of the opinion that his or her property has been valued too high, has been twice valued, or is exempt by law from taxation or that property has been erroneously assessed to such person, he or she may appear before the assessor and object, complete the form mailed with his or her notice of valuation pursuant to section 39-5-121 (1) or (1.5), or file a written letter of objection and protest by mail with the assessor's office before the last day specified in the notice, stating in general terms the reason for the objection and protest. Reasons for the objection and protest may include, but shall not be limited to, the installation and operation of surface equipment relating to oil and gas wells on agricultural land. Any change or adjustment of any ratio of valuation for assessment shall not constitute grounds for an objection. If the form initiating an appeal or the written letter of objection and protest is filed by mail, it shall be presumed that it was received as of the day it was postmarked. If the form initiating an appeal or the written letter of objection and protest is hand-delivered, the date it was received by the assessor shall be stamped on the form or letter. As stated in the public notice given by the assessor pursuant to subsection (1) of this section, the taxpayer's notification to the assessor of his or her objection and protest to the adjustment in valuation must be delivered, postmarked, or given in person by June 1 in the case of real property. In the case of personal property, the notice must be postmarked or physically delivered by June 30. All such forms and letters received from protesters shall be presumed to be on time unless the assessor can present evidence to show otherwise. The county shall not prescribe the written form of objection and protest to be used. The protester shall have the opportunity on the days specified in the public notice to present his or her objection in writing or protest in person and be heard, whether or not there has been a change in valuation of such property from the previous year and whether or not any change is the result of a determination by the assessor for the current year or by the state board of equalization for the previous year. If the assessor finds any valuation to be erroneous or otherwise improper, the assessor shall correct the error. If the assessor declines to change any valuation that the assessor has determined, the assessor shall state his or her reasons in writing on the form described in section 39-8-106, shall insert the information otherwise required by the form, and shall mail two copies of the completed form to the person presenting the objection and protest so denied on or before the last regular working day of the assessor in June in the case of real property and on or before July 10 in the case of personal property; except that, if a county has made an election pursuant to section 39-5-122.7 (1), the assessor shall mail the copies on or before August 15 in the case of both real and personal property.

(2.5) If the property that is the subject of an objection and protest is rent-producing commercial real property located in a county that has made an election pursuant to section 39-5-122.7 (1), then, on or before July 15, the taxpayer shall provide to the assessor the information described in section 39-8-107 (5)(a)(I).

(3) Any person whose objection and protest has been denied in writing by the assessor may appeal to the county board of equalization in the manner provided in article 8 of this title.

(4) The assessor shall continue his hearings from day to day until all objections and protests have been heard, but all such hearings shall be concluded by June 1 in the case of real property and July 5 in the case of personal property.

(5) (a) Any written statement given by any assessor which consists only of a denial of any objection and protest or which consists of a statement referring to compliance by the county with the requirements of valuation for assessment study shall not be sufficient to satisfy the requirements of subsection (2) of this section concerning the statement of reasons why an objection and protest is denied.

(b) Any information presented by the taxpayer regarding the value of his property shall be considered by the assessor in determining whether an adjustment in value is warranted.

Source: L. 64: R&RE, p. 703, § 1. **C.R.S. 1963:** § 137-5-22. **L. 73:** p. 1441, § 1. **L. 76:** (1), (2), and (4) amended, p. 762, § 24, effective January 1, 1977. **L. 77:** (2) amended, p. 1735, § 16, effective June 20. **L. 81:** (1), (2), and (4) amended, p. 1833, § 9, effective June 12. **L. 84:** (2) amended, p. 1000, § 1, effective March 5. **L. 88:** (1), (2), and (4) amended, p. 1300, § 6, effective April 29; (2) amended, p. 1287, § 18, effective May 23. **L. 89:** (1) and (2) amended, p. 1455, § 10, effective June 7. **L. 90:** (1), (2), and (4) amended and (5) added, p. 1691, § 9, effective January 1, 1991. **L. 92:** (2) amended, pp. 2209, 2213, §§ 5, 11, effective June 3. **L. 98:** (2) amended, p. 468, § 2, effective July 1. **L. 2002:** (1) and (2) amended, p. 42, § 2, effective August 7. **L. 2005:** (2) amended, p. 390, § 1, effective April 27. **L. 2008:** (1) and (2) amended, p. 949, § 4, effective August 5. **L. 2013:** (1) amended, (HB 13-1113), ch. 11, p. 28, § 2, effective March 8. **L. 2019:** (2) amended and (2.5) added, (HB 19-1175), ch. 43, p. 147, § 1, effective March 21. **L. 2020:** (1)(a) amended and (1)(b) repealed, (SB 20-136), ch. 70, p. 292, § 34, effective September 14. **L. 2021:** (2) amended, (SB 21-293), ch. 301, p. 1812, § 12, effective June 23.

Editor's note: Amendments to subsection (2) by sections 5 and 11 of Senate Bill 92-50 were harmonized.

Cross references: For the legislative declaration in SB 20-136, see section 1 of chapter 70, Session Laws of Colorado 2020.

39-5-122.1. Appeal from illegal increase in valuation of property resulting from order of state board. (Repealed)

Source: L. 77: Entire section added, p. 1736, § 17, effective June 20; entire section repealed, p. 1736, § 17, effective January 1, 1978.

39-5-122.5. Taxpayer's remedies - property tax credit for incorrect valuations used for property tax levied in 1987 for collection in 1988. (Repealed)

Source: L. 88: Entire section added, p. 1288, § 21, effective May 23. **L. 94:** (3) amended, p. 824, § 54, effective April 27. **L. 97:** Entire section repealed, p. 1032, § 71, effective August 6.

39-5-122.7. Alternate protest and appeal procedure for specified counties. (1) The governing body of any county may, at the request of the assessor, elect to use an alternate protest and appeal procedure to determine objections and protests concerning valuations of taxable

property. The election shall not be made unless the assessor has requested the use of the alternative protest and appeal procedure. The election shall be made on or before May 1 of each year and shall be effective for all objections and protests concerning valuations of taxable property for the year. The governing body of the county shall provide notice of the election to the board of assessment appeals and to the district court in such county.

(2) In the event that a county elects to follow an alternative protest and appeal procedure as authorized by subsection (1) of this section, the assessor shall issue any written determination regarding the objection and protest by the date specified in section 39-5-122 (2).

(3) For purposes of this section, "county" shall include a city and county.

Source: L. 98: Entire section added, p. 467, § 1, effective July 1. **L. 2005:** (1) and (2) amended, p. 391, § 2, effective April 27.

39-5-122.8. Pilot alternate protest procedure - city and county of Denver - repeal. (Repealed)

Source: L. 2013: Entire section added, (HB 13-1113), ch. 11, p. 29, § 3, effective March 8.

Editor's note: Subsection (3) provided for the repeal of this section, effective December 31, 2018. (See L. 2013, p. 29.)

39-5-123. Abstract of assessment or amended abstract of assessment. (1) (a) Upon conclusion of hearings by the county board of equalization, as provided in article 8 of this title, the assessor shall complete the assessment roll of all taxable property within the assessor's county, and, no later than August 25 in each year or no later than November 21 in each year in any county that has made an election pursuant to section 39-5-122.7, the assessor shall prepare therefrom three copies of the abstract of assessment and in person, and not by deputy, shall subscribe his or her name, under oath, to the following statement, which shall be a part of such abstract:

I, ..., the assessor of .... county, Colorado, do solemnly swear that in the assessment roll of such county I have listed and valued all taxable property located therein and that such property has been assessed for the current year in the manner prescribed by law and that the foregoing abstract of assessment is a true and correct compilation of each schedule.

....

(b) Upon completion by the assessor of the abstract of assessment, the chairman of the board of county commissioners shall examine such abstract and shall sign the following statement, which shall be a part of such abstract:

I, ..., chairman of the .... county board of county commissioners, certify that the county board of equalization has concluded its hearings, pursuant to the provisions of article 8 of this title, that I have examined the abstract of assessment, and that all valuation changes ordered by the county board of equalization have been incorporated therein.

....

(2) The assessor shall file two copies of the abstract of assessment with the administrator, and, appended thereto, the assessor shall also file the aggregate valuation for assessment of all taxable property in the county, each municipality, and each school district within the county, by classes and subclasses, on a form prescribed by the administrator.

(3) Along with the abstract of assessment, the assessor shall file with the property tax administrator information relating to the valuation for assessment for residential real property, including new construction, increased volume of mineral and oil and gas production, and any other data determined by the administrator as necessary to determine the valuation for assessment for such property.

Source: L. 64: R&RE, p. 704, § 1. **C.R.S. 1963:** § 137-5-23. **L. 67:** p. 949, § 17. **L. 76:** Entire section amended, p. 773, § 1, effective April 30. **L. 88:** (3) added, p. 1288, § 19, effective May 23. **L. 89:** (1) amended, p. 1457, § 11, effective June 7. **L. 93:** (1) and (2) amended, p. 1283, § 5, effective June 6. **L. 2000:** (1)(a) amended, p. 1500, § 4, effective August 2.

39-5-124. Property tax administrator to examine abstract. (1) When the abstract of assessment has been subscribed and sworn to by the assessor and by the chairman of the board of county commissioners, the assessor shall transmit two copies thereof to the administrator and shall retain the third copy for endorsement of the tax warrant thereon.

(2) Upon receipt of such abstract, the administrator shall examine the same without delay and, if it is found correct as to form, shall certify such fact to the assessor, and such certification shall be conclusive evidence of the fact, time, and place of filing such abstract. If such abstract is found incorrect as to form, the administrator shall return the same to the assessor for correction.

Source: L. 64: R&RE, p. 705, § 1. **C.R.S. 1963:** § 137-5-24. **L. 93:** (1) amended, p. 1284, § 6, effective June 6.

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.

(2) Omissions and errors in the assessment roll, when it can be ascertained therefrom what was intended, may be supplied or corrected by the assessor at any time before the tax warrant is delivered to the treasurer or by the treasurer at any time after the tax warrant has come into his hands.

(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.

(4) If omitted property is added by the assessor or the treasurer for a prior assessment year, then a petition for abatement or refund may be filed at any time after the taxes are levied and an amended tax bill has been generated, but before two years after January 1 of the year following the year in which the taxes are levied.

Source: L. 64: R&RE, p. 705, § 1. **C.R.S. 1963:** § 137-5-25. **L. 2009:** (1) amended and (3) added, (HB 09-1110), ch. 162, p. 700, § 2, effective August 5. **L. 2017:** (4) added, (HB 17-1049), ch. 148, p. 495, § 2, effective August 9.

39-5-126. Wrongful return by assessor. Whenever any assessor willfully and knowingly omits any taxable property in his county from the assessment roll, or willfully and knowingly values any taxable property in his county contrary to the manner prescribed by law, and willfully and knowingly subscribes and swears to an abstract of assessment reflecting such omissions and containing such unlawful valuations, he is guilty of perjury in the second degree and, upon conviction thereof, shall be punished according to law.

Source: L. 64: R&RE, p. 705, § 1. **C.R.S. 1963:** § 137-5-26. **L. 67:** p. 950, § 18. **L. 72:** p. 570, § 52.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-5-127. Correction of assessments. Whenever the state board of equalization makes any change in the abstract of assessment of any county or orders an increase or decrease in the valuation of any class or subclass of property located therein, the assessor shall make the necessary changes in the abstract of assessment of the next succeeding taxable year required to carry out such order; except that, whenever the state board of equalization changes the valuation of any class or subclass of property pursuant to section 39-9-103 (7), the assessor shall make the necessary changes in the abstract of assessment of the current taxable year required to carry out such order.

Source: L. 64: R&RE, p. 705, § 1. **C.R.S. 1963:** § 137-5-27. **L. 77:** Entire section amended, p. 1755, § 1, effective July 23. **L. 83:** Entire section amended, p. 2092, § 1, effective September 23.

39-5-128. Certification of valuation for assessment. (1) No later than August 25 of each year, the assessor shall certify to the department of education, to the clerk of each town and city, to the secretary of each school district, and to the secretary of each special district within the assessor's county the total valuation for assessment of all taxable property located within the territorial limits of each such town, city, school district, or special district and shall notify each such clerk, secretary, and board to officially certify the levy of such town, city, school district, or special district to the board of county commissioners no later than December 15. The assessor shall also certify to the secretary of each school district the actual value of the taxable property in the district.

(1.5) Along with the certification required by subsection (1) of this section, the assessor shall also provide:

(a) The aggregate value of exempt business personal property specified in section 39-3-119.5 (3)(a)(I) for the property tax year commencing on January 1, 2021, within the territorial limits of each town, city, school district, or special district; and

(b) The amount calculated under section 39-3-119.5 (3)(c)(I) for the estimate of the aggregate value of exempt business personal property for each property tax year beginning with the property tax year commencing on January 1, 2022, within the territorial limits of each town, city, school district, or special district.

(2) Repealed.

(3) If the valuation for assessment for all or part of any such political subdivision has been divided for an urban renewal area, pursuant to section 31-25-107 (9)(a), C.R.S., any certification under this section shall be based upon that portion of the valuation for assessment under subparagraph (I) of said section 31-25-107 (9)(a), C.R.S., so long as such division remains in effect.

Source: L. 64: R&RE, p. 705, § 1. **C.R.S. 1963:** § 137-5-28. **L. 67:** p. 950, § 19. **L. 75:** (3) added, p. 1278, § 6, effective July 16. **L. 76:** (1) amended, p. 687, § 5, effective July 1. **L. 86:** (1) amended, p. 1030, § 15, effective January 1, 1987. **L. 87:** (1) amended and (2) repealed, p. 1411, §§ 14, 15, effective April 22. **L. 88:** (1) amended, p. 1288, § 20, effective May 23. **L. 89:** (1) amended, p. 1457, § 12, effective June 7. **L. 93:** (1) amended, p. 1689, § 6, effective June 6. **L. 94:** (1) amended, p. 807, § 10, effective April 27. **L. 96:** (1) amended, p.115, § 2, effective March 25. **L. 2021:** (1.5) added, (HB 21-1312), ch. 299, p. 1795, § 7, effective July 1.

Cross references: For the legislative declaration in HB 21-1312, see section 1 of chapter 299, Session Laws of Colorado 2021.

39-5-129. Delivery of tax warrant - public inspection. As soon as practicable after the requisite taxes for the year have been levied but in no event later than January 10 of each year, the assessor shall deliver the tax warrant under his hand and official seal to the treasurer, which shall be made readily available to the general public during the collection year in a convenient location in the courthouse. The assessor shall retain one or more true copies thereof, which shall be made readily available to the general public during the collection year in a convenient location in the courthouse. Such tax warrant shall set forth the assessment roll, reciting the persons in whose names taxable property in the county has been listed, the class of such taxable property and the valuation for assessment thereof, the several taxes levied against such valuation, and the amount of such taxes extended against each separate valuation. At the end of the warrant, the aggregate of all taxes levied shall be totaled, balanced, and prorated to the several funds of each levying authority, and the treasurer shall be commanded to collect all such taxes.

Source: L. 64: R&RE, p. 706, § 1. **C.R.S. 1963:** § 137-5-29. **L. 67:** p. 950, § 20. **L. 88:** Entire section amended, p. 1097, § 2, effective April 6. **L. 89:** Entire section amended, p. 1457, § 13, effective June 7.

39-5-130. Informality not to invalidate. No informality in complying with the requirements of section 39-5-129 shall render any proceedings for the collection of taxes invalid. The assessor shall take the receipt of the treasurer for the tax warrant, and such warrant shall be full and complete authority for the treasurer to collect all taxes therein set forth.

Source: L. 64: R&RE, p. 706, § 1. **C.R.S. 1963:** § 137-5-30.

39-5-131. Certification and valuation of pollution control property. (Repealed)

Source: L. 78: Entire section added, p. 468, § 3, effective July 1. **L. 79:** (1), (3), (4), and (8) amended and (9) added, pp. 1455, 1456, §§ 2, 4, effective June 22. **L. 81:** (9) R&RE, p. 1872, § 6, effective June 29. **L. 88:** Entire section repealed, p. 1275, § 14, effective May 29.

39-5-132. Assessment and taxation of new construction. (1) The general assembly hereby finds and declares that it is a matter of statewide concern that revenues from property taxes on newly constructed buildings may need to be put to special use in order to accommodate the capital needs resulting from such new construction, especially to accommodate the capital needs of the public schools in this state. The general assembly further declares that it is essential that such revenue be available as soon as possible after the time such new construction is put to use. The general assembly further finds and declares that the board of county commissioners is the appropriate governmental unit to determine the extent of the growth within the county and the finding of severe growth impact shall be at the sole discretion of the board.

(2) (a) (I) (A) If the board of county commissioners determines that a county is becoming severely impacted by residential growth, the board of county commissioners shall make a finding of severe growth impact based upon the rate of increase in the county of the number of residential units being constructed within the county and an increase in pupil enrollment in school districts within the county such that at least one school district in the county meets the growth criteria described in sub-subparagraph (E) of this subparagraph (I), and other factors which indicate patterns of growth and growth impact, and shall, on or before January 1, resolve to implement the assessment and levy procedures required under this section. When a board of county commissioners makes such resolution, the provisions of this section shall apply countywide notwithstanding any law to the contrary. The board of county commissioners shall not make a finding of severe growth impact unless the number of residential units in the county will increase by over two percent during the county's current fiscal year. The board of county commissioners may negotiate with taxing authorities in the county to provide the costs of implementing the assessment and levy procedures required under this section. Notwithstanding any other provision of law to the contrary, any such taxing authority is hereby authorized to use moneys from its general fund to provide the costs specified in this subparagraph (I) and to deposit any moneys received as reimbursement pursuant to subsection (4) of this section into its general fund.

(B) Whenever construction occurs on any new taxable building within the boundaries of a county after January 1 of a given year, the assessor shall value the building on July 1 of that year, and the assessor shall add the valuation for assessment thereof to the abstract of assessment for such tax year, except that portion of the valuation for assessment as is excluded by paragraph (b) of this subsection (2). If the building is complete on July 1, such valuation for assessment

shall be prorated at the same ratio as the number of months it is completed bears to the full year. Otherwise, the valuation added to the abstract shall be one-half of the difference between the valuation for assessment on January 1 and the valuation for assessment on July 1. For the purposes of this section, the total valuation for assessment of all newly constructed taxable buildings in a county as calculated pursuant to this subsection (2) shall be known as the "growth valuation for assessment" for such county. For purposes of this section, completion shall be considered to be when a certificate of occupancy is issued, when the building is ready for use, or after the final inspection, at the sole discretion of the county assessor. As used in this section, "building" means a roofed and walled real property improvement, and any uncertainty concerning whether or not a particular real property improvement is a building within the meaning of this definition shall be resolved by the property tax administrator.

(C) The assessor shall give written notification of the valuation of such newly constructed taxable building to the taxpayer. The notice shall, at a minimum, set forth the valuation on the assessment date, the prorated valuation of the newly constructed taxable building, and the total valuation for the property tax year. The notice shall also advise the taxpayer that he may protest and appeal the valuation of the newly constructed taxable building at the same time and in the same manner, pursuant to section 39-5-122, as the total valuation of his property for the next property tax year may be appealed. If the taxpayer is successful in the protest or appeal, the amount in excess shall be refunded directly to the taxpayer by the county treasurer.

(D) In order to promote the most efficient administration of this section, each county or municipality shall ensure that any office or agency that received information relative to the state of completion of new taxable buildings shall promptly transmit such information to the county assessor. After January 1, 1987, the property tax administrator shall transmit to the assessor in August of each year both the assessed value of any newly constructed buildings owned by public utility companies and their state of completion on July 1 as well as their value on the previous January 1.

(E) The growth criteria for school districts for purposes of sub-subparagraph (A) of this subparagraph (I) shall be whether the commissioner of education or the commissioner's designee certifies that the pupil enrollment of the district for the past three years, as determined on October 1 of each year in accordance with former section 22-53-103 (7) or section 22-54-103 (10), has increased by three percent or more over each preceding year for those districts with pupil enrollments of at least one thousand pupils or by twenty-five or more pupils each year for those districts with pupil enrollments of less than one thousand pupils.

(II) All general property taxes which are levied on all other taxable real and personal property within a county in the tax year during which such construction occurs shall also be levied against the growth valuation for assessment of such county for collection the following year. Revenues raised from taxes levied on such growth valuation for assessment shall be credited to the county's capital growth fund, which each board of county commissioners shall establish, for use and distribution pursuant to subsection (4) of this section. The actual value and valuation for assessment of such newly constructed taxable building for subsequent years shall be the actual value and valuation for assessment as determined by the provisions of law other than this section, and tax revenues attributable thereto shall be distributed as provided by law without regard to this section.

(b) The provisions of this section shall not apply to that portion of the valuation for assessment of a newly constructed taxable building and the land underlying such building which is contained in the abstract of assessment on the assessment date.

(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.

(3) By August 25 of each year, the assessor shall notify the board of county commissioners of the amount of the growth valuation for assessment of the county for that tax year, the percentage that such growth valuation for assessment bears to the total valuation for assessment of the county for such tax year, the portion of such growth valuation for assessment that is attributable to newly constructed taxable buildings within the boundaries of each taxing authority in the county, and the percentage that such portion bears to the total valuation for assessment of each taxing authority in which such newly constructed taxable buildings are located.

(4) Upon collection of taxes on the growth valuation for assessment in the first year, the board of county commissioners shall reimburse the county general fund and the taxing authorities which contributed to the costs of implementing the procedures specified pursuant to this section and shall also pay into the county general fund the projected budgeted costs of implementation in this second year. The remaining moneys shall be distributed to the taxing authorities as next specified in this subsection (4). In the second and subsequent years that procedures are implemented pursuant to this section, the board of county commissioners, after depositing into the county general fund the projected budgeted costs of administering this section in the current year, shall distribute the moneys in the county's capital growth fund to the taxing authorities where the newly constructed taxable building is actually located in the same manner as all other property tax revenues collected on similar taxable buildings are distributed; except that such moneys shall be used by the taxing authority for capital expenditures only and not for operating expenses. Every taxing authority receiving funds pursuant to this subsection (4) shall make capital expenditures so that they benefit the taxing authority within the county levying on the growth valuation for assessment pursuant to this section, unless such governing body finds a compelling reason for making expenditures so that they benefit the taxing authority within another county.

(5) Moneys received by a school district pursuant to this section shall be deposited in the district's capital reserve fund and shall not be included in calculating the amount of revenue which a district is entitled to receive from the property tax levy for the general fund of the district under the "Public School Finance Act of 1994", article 54 of title 22, C.R.S.

(6) When the board of county commissioners determines that a county is no longer being severely impacted by residential growth, the board of county commissioners shall so find and shall, on or before January 1, resolve to end implementation of the assessment and levy procedures required under this section.

(7) Nothing in this section shall be construed to affect tax increment financing as said financing is implemented pursuant to sections 31-25-107 (9) and 31-25-807 (3), C.R.S., nor the distribution of specific ownership taxes pursuant to section 42-3-107 (24), C.R.S.

Source: L. 85: Entire section added, p. 1223, § 1, effective July 1. **L. 88:** (5) amended, p. 824, § 37, effective May 24. **L. 90:** (2)(a)(I)(C), (2)(a)(I)(D), and (3) amended, p. 1693, § 10, effective June 9. **L. 94:** (2)(a)(I)(A) and (5) amended and (2)(a)(I)(E) added, pp. 807, 825, §§ 11, 55, effective April 27; (7) amended, p. 2568, § 87, effective January 1, 1995. **L. 96:** (3) amended, p.17, § 3, effective February 22. **L. 2002:** (2)(c) added, p. 843, § 3, effective August 7. **L. 2005:** (7) amended, p. 1183, § 35, effective August 8.

39-5-133. 2011 modification of statutory definition of "agricultural land" - TABOR election - adjustment of district mill levy. (1) (a) The requirements of paragraph (b) of this subsection (1) shall only apply:

(I) To a district, as defined in section 20 (2)(b) of article X of the state constitution, that has not obtained voter approval to retain and spend revenues in excess of the fiscal year spending and property tax revenue limits imposed on the district by section 20 (7)(b) and (7)(c) of article X of the state constitution sufficient to allow the retention of all additional property tax revenues; and

(II) Where the district has additionally determined, on the basis of the best available information, that implementation of the modification of the definition of "agricultural land" required by House Bill 11-1146, enacted in 2011, will cause a net property tax revenue gain to the district sufficient to cause the district to exceed such limits.

(b) In the case of a district that meets the requirements specified in paragraph (a) of this subsection (1), the district may place before the voters of the district at any election at which such ballot issue may be placed on the ballot the question of whether the district may retain and spend revenues in excess of the limits imposed on the district by section 20 (7)(b) and (7)(c) of article X of the state constitution sufficient to allow the retention of the net property tax revenue gain to the district resulting from the implementation of the modification of the definition of "agricultural land" required by House Bill 11-1146, enacted in 2011.

(c) If a majority of the voters of the district fail to approve the ballot issue specified in paragraph (b) of this subsection (1), or if no ballot issue has been submitted to the voters, the district shall adjust the number of mills levied by the district to eliminate any net property tax revenue gain to the district resulting from the modification of the definition of "agricultural land" required by House Bill 11-1146, enacted in 2011.

(2) Notwithstanding any other provision of law, the provisions of subsection (1) of this section shall not apply to any district, regardless of whether or not it satisfies the requirements of paragraph (a) of subsection (1) of this section, that has determined, on the basis of the best available information, that implementation of the modification of the definition of "agricultural land" required by House Bill 11-1146, enacted in 2011, will not cause a net property tax revenue gain to the district.

Source: L. 2011: Entire section added, (HB 11-1146), ch. 166, p. 572, § 2, effective January 1, 2012.

PART 2

MOBILE HOMES

Editor's note: This part 2 was repealed in 1975 and was subsequently recreated and reenacted in 1977, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to this part 2 prior to 1975, consult the Colorado statutory research explanatory note and the table itemizing the replacement volumes and supplements to the original volume of C.R.S. 1973 beginning on page vii in the front of this volume.

39-5-201. Legislative declaration. (1) The general assembly hereby finds and declares that the present method of taxation of mobile homes, the specific ownership tax, is inappropriate; that mobile homes are more properly taxed by a change from such method to an ad valorem method of taxation similar to the method of taxation of conventional housing.

(2) Uniform treatment of mobile homes is hereby declared to be an exclusive matter of statewide concern. No home rule city, city, county, or other local government shall impose a license or any other special fees on the ownership or occupancy of mobile homes that is not similarly imposed on conventional homes.

(3) Repealed.

Source: L. 77: Entire part RC, p. 1740, § 3, effective January 1, 1978. **L. 78:** (3) added, p. 478, § 1, effective March 10. **L. 79:** (1) amended, p. 1640, § 51, effective July 19. **L. 83:** (3) repealed, p. 1485, § 11, effective April 22.

39-5-202. Taxation of mobile homes - effective date. Commencing January 1, 1978, mobile homes shall be subject to ad valorem taxation under the provisions of articles 1 to 9 of this title as if they were real property but shall be subject to the provisions of article 10 of this title concerning the collection of taxes as if they were personal property.

Source: L. 77: Entire part RC, p. 1741, § 3, effective January 1, 1978.

39-5-203. Mobile homes - determination of value. (1) For the property tax year beginning January 1, 1983, and for each property tax year thereafter, the actual value of a mobile home shall be determined by the assessor in accordance with the provisions of sections 39-1-103 (5) and 39-1-104 (10.2) for the determination of the actual value of real property.

(2) Repealed.

(3) (a) The valuation for assessment of each mobile home shall be computed on the same basis as the valuation for assessment of all taxable property; except that mobile homes shall be exempt from property taxation while located on sales display lots of mobile home dealers and listed as inventories of merchandise by such mobile home dealers. It is the duty of the seller of a mobile home to provide to the buyer a tax certificate and an itemized list of household furnishings, as defined in section 39-3-102 and which are included in the selling price of the mobile home, at the time of sale.

(b) **[*Editor's note: This version of subsection (3)(b) is effective until March 1, 2022.*]** A person who knowingly fails to provide an itemized list of household furnishings as required by this subsection (3) commits a class 2 petty offense and, upon conviction thereof, shall be fined two hundred dollars; except that, upon conviction of a second or subsequent such offense, such person commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(b) **[*Editor's note: This version of subsection (3)(b) is effective March 1, 2022.*]** A person who knowingly fails to provide an itemized list of household furnishings as required by this subsection (3) commits a civil infraction; except that, upon conviction of a second or subsequent such offense, such person commits a petty offense and shall be punished as provided in section 18-1.3-503.

Source: L. 77: Entire part RC, p. 1741, § 3, effective January 1, 1978. **L. 78:** (3) amended, p. 478, § 2, effective March 10. **L. 80:** (2)(b) and (3) amended, p. 498, § 3, effective July 1. **L. 82:** (2)(a) amended, p. 557, § 1, effective January 1, 1983; (1) amended and (2) repealed, pp. 555, 556, §§ 2, 3, effective January 1, 1984. **L. 83:** (1) R&RE and (2) repealed, pp. 1498, 1499, §§ 2, 3, effective April 12; (3) amended, p. 1484, § 9, effective April 22. **L. 87:** (1) amended, p. 1388, § 8, effective January 1, 1991. **L. 88:** (1) amended, p. 1274, § 9, effective January 1, 1993. **L. 89:** (3)(a) amended, p. 1484, § 9, effective April 23. **L. 94:** (3) amended, p. 707, § 15, effective April 19. **L. 95:** (1) amended, p. 9, § 4, effective March 9. **L. 2002:** (3)(b) amended, p. 1555, § 345, effective October 1. **L. 2021:** (3)(b) amended, (SB 21-271), ch. 462, p. 3294, § 689, effective March 1, 2022.

Editor's note: Section 803(2) of chapter 462 (SB 21-271), Session Laws of Colorado 2021, provides that the act changing this section applies to offenses committed on or after March 1, 2022.

Cross references: (1) For the power of county commissioners to levy taxes, see § 39-1-111; for household furnishings being exempt from taxation, see § 39-3-102.

(2) For the legislative declaration contained in the 2002 act amending subsection (3)(b), see section 1 of chapter 318, Session Laws of Colorado 2002.

39-5-204. Notification concerning mobile homes in a county for part of a year. (1) (a) Any person who brings a mobile home into a county after the assessment date of any year shall immediately notify the assessor of the location of the mobile home within the county.

(b) Repealed.

(c) For property tax years commencing on or after January 1, 1999:

(I) The assessor shall list and value a mobile home brought into a county from another county in this state after the assessment date for any year as of the assessment date of the following year.

(II) The assessor shall list and value a mobile home brought into a county from outside this state after the assessment date at such proportion of its value for the full calendar year as the number of calendar months remaining in such year bears to twelve; but, if the mobile home is brought into the county from outside this state before the sixteenth day of any calendar month, such month shall be considered as a full calendar month, and, if the mobile home is brought into the county from outside this state on or after the sixteenth day of any calendar month, such month shall be disregarded.

Source: L. 77: Entire part RC&RE, p. 1741, § 3, effective January 1, 1978. **L. 98:** Entire section amended p. 439, § 1, effective August 5.

Editor's note: Subsection (1)(b)(II) provided for the repeal of subsection (1)(b), effective January 1, 2000. (See L. 98, p. 439.)

39-5-205. Relocation of a mobile home - collection of taxes. (1) Any person who intends to remove his or her mobile home from a county or from one location in a county to a new location in the same county shall notify the treasurer of this fact, and all property taxes levied or assessed on such mobile home shall thereupon become due and payable if the mobile home is to be removed from the county. Upon the request of the treasurer, the assessor shall certify to such person the valuation for assessment of the mobile home for the current year.

(2) Repealed.

(3) For property tax years commencing on or after January 1, 1999:

(a) If a mobile home located in a county on the assessment date is to be removed from the county to another county in this state before the next following assessment date, all property taxes levied or assessed on such mobile home shall, upon the mobile home owner providing notice of such removal to the treasurer pursuant to subsection (1) of this section, become due and payable for the current property tax year without proration.

(b) If a mobile home located in a county on the assessment date is to be removed from this state before the next following assessment date, all property taxes levied or assessed on such mobile home shall, upon the mobile home owner providing notice of such removal to the treasurer pursuant to subsection (1) of this section, become due and payable. The value to be placed on the property by the assessor pursuant to this paragraph (b) shall be such proportion of its value for the full calendar year as the number of calendar months in such year the mobile home was located in the original location bears to twelve; but, if the mobile home is to be removed from its original location before the sixteenth day of any calendar month, such month shall be disregarded, and, if the mobile home is to be removed from its original location on or after the sixteenth day of any calendar month, such month shall be considered as a full calendar month.

(4) If the levy for the current year has not then been fixed and made, the levy for the previous year shall be used by the treasurer to determine the amount of taxes due pursuant to this section. At such time as the levy for the current year has been fixed and made, the amount of any taxes collected on the property in excess of the amount correctly due and payable shall be refunded by the treasurer to the owner of the property forthwith; but, in all cases where the amount of taxes so collected is less than the amount correctly due and payable, the amount uncollected shall be considered an erroneous assessment and shall be reported with other erroneous assessments in the manner prescribed by law.

Source: L. 77: Entire part RC&RE, p. 1741, § 3, effective January 1, 1978. **L. 91:** Entire section amended, p. 1697, § 7, effective July 1. **L. 98:** Entire section amended, p. 440, § 2, effective August 5.

Editor's note: Subsection (2)(b) provided for the repeal of subsection (2), effective January 1, 2000. (See L. 98, p. 440.)

39-5-206. Payments to counties, cities, towns, and special districts in lieu of taxes for calendar year 1978. (Repealed)

Source: L. 77: Entire part RC, p. 1741, § 3, effective January 1, 1978. **L. 79:** Entire section repealed, p. 1641, § 52, effective July 19.

ARTICLE 6

Valuation of Mines

Editor's note: This article was repealed and reenacted in 1964 and was subsequently repealed and reenacted in 1965, resulting in the addition, relocation, or elimination of sections as well as subject matter. For amendments to this article prior to 1965, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume and the editor's note before the article 1 heading.

39-6-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "Mine" means one or more mining claims or acres of other land, including all excavations therein from which ores, metals, or mineral substances of every kind are removed, except drilled wells producing sulfur and oil, gas, and other liquid or gaseous hydrocarbons, and all mining improvements within such excavations, together with all rights and privileges thereunto appertaining.

(2) "Mining claims" means lode, placer, millsite, and tunnelsite claims, whether entered for patent, patented, or unpatented, regardless of size or shape.

(3) "Ore" includes, without limitation, metallic and nonmetallic mineral substances of every kind, except those specifically excluded under section 39-6-104.

(4) "Other land" means any parcel of real property which is not a mining claim.

Source: L. 65: R&RE, p. 1101, § 1. **C.R.S. 1963:** § 137-6-1. **L. 85:** (4) added, p. 1211, § 5, effective May 9.

39-6-102. Abstract and map of mining claims. (Repealed)

Source: L. 65: R&RE, p. 1101, § 1. **C.R.S. 1963:** § 137-6-1. **L. 93:** Entire section repealed, p. 440, § 7, effective July 1.

39-6-103. Listing of mining claims and mines. (1) The assessor shall list all mining claims and mines located within his county on the assessment date, including for each claim the name of the lode, placer, millsite, or tunnelsite, the United States mineral survey number, if any, the name of the mining district in which such claim is located, and the number of acres contained in such claim. If a claim is not patented, the numbers of the book and page at which the location of such claim is recorded in the county records shall be used in place of the United States mineral survey number. If two or more mining claims are included in one patent with one United States survey number, the assessor shall list together such mining claims with the one survey number and the total number of acres contained therein. In listing mining claims, abbreviations of words and figures may be used. If other land is part of such mine, then the numbers of the book and page at which the conveyance deed is recorded on the legal description of such other land shall be used in place of the United States mineral survey number.

(2) Whenever, to the knowledge of the assessor, contiguous mining claims are worked or operated through or by means of the same shafts, tunnels, or other openings, they shall be listed as one unit; and whenever, to the knowledge of the assessor, contiguous placer claims are worked or operated by means of the same ditch or other works, they shall be listed as one unit, including such ditch or other works; and whenever, to the knowledge of the assessor, contiguous other land is used in the same manner as the claims referred to in this subsection (2), it shall also be listed as one unit.

(3) The mining property of a mine shall include mining claims and all other lands and interests therein, whether owned by federal, state, or lesser governmental subdivisions or otherwise and whether owned in fee or held by discovery and location or under easement, lease, license, or other arrangement with the owner thereof, unless otherwise provided for in this article.

Source: L. 65: R&RE, p. 1102, § 1. **C.R.S. 1963:** § 137-6-2. **L. 85:** (1) and (2) amended, p. 1211, § 6, effective May 9.

39-6-104. Classification of mines. All mines, except mines worked or operated primarily for coal, asphaltum, rock, limestone, dolomite, or other stone products, sand, gravel, clay, or earths, shall, for the purpose of valuation for assessment, be divided into two classes: Producing and nonproducing.

Source: L. 65: R&RE, p. 1102, § 1. **C.R.S. 1963:** § 137-6-3.

39-6-105. Producing mines defined. All mines whose gross proceeds during the preceding calendar year have exceeded the amount of five thousand dollars shall be classified as producing mines, and all others shall be classified as nonproducing mines. Mines shall be classified in the manner provided for in this article regardless of the processing method, the ultimate use, or the consumption of the ores or minerals for which they are primarily worked or operated.

Source: L. 65: R&RE, p. 1102, § 1. **C.R.S. 1963:** § 137-6-4.

39-6-106. Valuation for assessment of producing mines. (1) Every person owning or operating any mine classified as a producing mine shall, no later than April 15 of each year, prepare, sign under the penalty of perjury in the second degree, and file with the assessor of the county wherein such mine is located a statement showing:

(a) The name of such mine and a list of mining claims and any other lands comprising the mining property of such mine, together with the total number of acres contained in each claim or parcel so listed;

(b) The name of the owner thereof, together with the name of the operator thereof, and the address of each;

(c) The total number of acres contained in such mine and, if such mine is located in more than one county, the total number of acres contained in such mine in each county;

(d) The number of tons of ore extracted therefrom during the calendar year immediately preceding and, if the value of the products derived from the ore is used in determining gross value, the number of tons, pounds, or ounces of products derived from the ore;

(e) The gross value from production of the ore extracted during said calendar year, which means and includes the amount for which ore or the first salable products derived therefrom were or could be sold by the owner or operator of a mine, as determined using actual gross selling prices;

(f) The costs of extracting such ore, excluding the compensation of any officer or agents not actively and continuously engaged in or about the mine;

(g) The costs of treatment, reduction, transportation, and sale of such ore or the first salable products derived therefrom;

(h) The gross proceeds from production of such ore, which means and includes the value of the ore immediately after extraction, which value may be determined by deducting from gross value all costs of treatment, reduction, transportation, and sale of such ore or the first salable products derived therefrom;

(i) The net proceeds from production of such ore, which means and includes the amount determined by deducting from the gross proceeds all costs of extracting such ore.

(1.4) (a) The owner or operator of a producing mine may request permission to state an average figure for the items required by paragraphs (d) to (i) of subsection (1) of this section based on any three-year, five-year, or ten-year period immediately preceding January 1 of the year in which the statement must be filed. The same reporting method shall be used for all annual statements filed in a single year pertaining to a particular mine.

(b) (I) The owner or operator may make an initial request pursuant to this subsection (1.4) by filing the request with the board of county commissioners of each county in which the mine is located at least forty-five days prior to the reporting date specified in the introductory portion to subsection (1) of this section and attaching a copy of the request to the annual statement filed pursuant to subsection (1) of this section with the county assessor of each county in which the mine is located.

(II) The owner or operator may make subsequent changes in the reporting method pursuant to this subsection (1.4) by filing a request for a change in the reporting method with the board of county commissioners and the county assessor of every county in which the mine is located at least forty-five days prior to the reporting date specified in the introductory portion to subsection (1) of this section.

(III) The board of county commissioners of each county which receives a request pursuant to this subsection (1.4) shall approve or deny the request at least thirty days prior to the reporting date specified in the introductory portion to subsection (1) of this section. Failure of a board of county commissioners to approve or deny the request within the thirty days shall be deemed an approval of the request.

(c) Once an owner or operator has made the initial election allowed by this subsection (1.4), the owner or operator shall file all subsequent annual statements pursuant to subsection (1) of this section using the same reporting method. The owner or operator shall not alter the reporting method until the board of county commissioners for every county in which the mine is located authorizes the use of the alternate method.

(d) The fact that authorization to alter the reporting method has not been received from all or any of the boards of county commissioners for the counties in which the mine is located

shall not relieve the owner or operator from the obligation to file the annual statement pursuant to subsection (1) of this section with all counties in which the mine is located.

(1.7) As used in subsection (1) of this section, unless the context otherwise requires:

(a) (I) "Costs" means those costs directly attributable to the operation of the producing mine and to the treatment, reduction, transportation, or sale of the ore and includes, but is not limited to, allocation of:

(A) The costs of capital assets, which only include those expenditures listed on the fixed asset records of the mine;

(B) Preproduction development costs amortized over the life of the mine; and

(C) Off-site costs directly attributable to the operation of the producing mine or to the treatment, reduction, transportation, or sale of the ore; however, in no event shall off-site costs include compensation of any officer or agent not actively and continuously engaged in or about the mine.

(II) Allocation of the costs of capital assets pursuant to this paragraph (a) shall be done in accordance with generally accepted accounting principles. No change in the allocation method may be made without the prior approval of the county boards of equalization in all counties in which the mine is located.

(b) "Costs" does not include:

(I) Any amounts designated as profit or margin which are attributable to any part of the treatment, reduction, transportation, or sale of the ore; or

(II) Any amounts which have been or could have been deducted previously as part of the valuation of the producing mine pursuant to this section.

(2) On the basis of the information contained in such statement, the assessor shall value such mine for assessment at an amount equal to twenty-five percent of the gross proceeds, but if the net proceeds exceed twenty-five percent of the gross proceeds, then such mine shall be valued for assessment at the amount of such net proceeds.

(3) If any mining claim or other land is owned by the same person operating a producing mine which is contiguous to said claim and if, during the preceding calendar year, ore was actually extracted from said claim or other land or transported through such claim or other land by cut or tunnel or if any phase of the operation of said producing mines was conducted on such claim or other land, then such claim or other land shall be deemed to be a part of such producing mine and assessed therewith. All other claims or other land under the same ownership shall be valued in the same manner as other real property, on an acreage basis, regardless of surface contiguity.

(4) If any mining claim comprising part of the mining property of a producing mine is not patented or entered for patent, then the possessory interest therein shall be the subject of taxation.

(5) Any increase in the valuation of a producing mine shall constitute an addition to taxable real property for purposes of the definition of "local growth" contained in section 20 (2)(g) of article X of the state constitution.

(6) This section shall apply to and affect only the valuation of producing mines pursuant to this article.

Source: L. 65: R&RE, p. 1103, § 1. **C.R.S. 1963:** § 137-6-5. **L. 72:** p. 570, § 53. **L. 85:** (3) amended, p. 1212, § 7, effective May 9. **L. 94:** (1)(c) to (1)(e), (1)(g), and (1)(h) amended

and (1.4), (1.7), (5), and (6) added, p. 1203, § 1, effective May 19. **L. 2000:** (1.4)(a) amended, p. 671, § 1, effective August 2.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-6-107. Valuation of improvements - machinery. All machinery and equipment and personal property shall be listed on a personal property schedule which shall be submitted as set forth in section 39-5-107 and valued for assessment by the assessor. Improvements, except mining improvements within a mine excavation, shall be listed separately and valued for assessment by the assessor.

Source: L. 65: R&RE, p. 1104, § 1. **C.R.S. 1963:** § 137-6-6. **L. 94:** Entire section amended, p. 1206, § 2, effective May 19.

39-6-108. Failure to file statement. If any person owning, operating, or managing any producing mine fails or refuses to prepare and file the statement required in section 39-6-106 or 39-6-113, or both, then the assessor shall list such property and shall value the same for assessment on the basis of the best information available to and obtainable by him.

Source: L. 65: R&RE, p. 1104, § 1. **C.R.S. 1963:** § 137-6-7.

39-6-109. Assessor to examine books - records. (1) The assessor has the authority and right at any time to examine the books, accounts, and records of any person owning, managing, or operating a producing mine in order to verify the statement filed by such person, and, if from such examination the assessor finds such statement or any material part thereof to be willfully false or misleading, the assessor shall proceed to value such producing mine for assessment as though no statement had been filed.

(2) Upon the request of the assessor, the owner or operator of a producing mine shall provide to the assessor all documentation supporting the amounts reported on the statement filed by such owner or operator.

(3) The division of property taxation shall set forth guidelines for the implementation of this section.

Source: L. 65: R&RE, p. 1104, § 1. **C.R.S. 1963:** § 137-6-8. **L. 94:** Entire section amended, p. 1206, § 3, effective May 19.

39-6-110. False statements - penalty. If any person required to file such statements willfully and knowingly subscribes to any false statement contained therein, he is guilty of perjury in the second degree and upon conviction shall be punished according to law.

Source: L. 65: R&RE, p. 1104, § 1. **C.R.S. 1963:** § 137-6-9. **L. 72:** p. 570, § 54.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-6-111. Valuation of mines other than producing mines. (1) Mines excepted from the provisions of section 39-6-104 shall be valued for assessment in the same manner as other real property.

(2) All mines which are classified as nonproducing mines shall be valued for assessment in the same manner as other real property.

(3) Such valuation shall be determined under this section by the assessing officer only upon preponderant evidence shown by such officer that the cost approach, market approach, and income approach result in uniform and just and equal valuation.

Source: L. 65: R&RE, p. 1105, § 1. **C.R.S. 1963:** § 137-6-10. **L. 70:** p. 392, § 1. **L. 85:** (2) amended and (3) added, p. 1213, § 9, effective May 9.

39-6-111.5. Calendar for notice of valuation and appeals for mines. Notwithstanding any other provision, all producing and nonproducing mines valued pursuant to this article shall follow the schedule for personal property set forth in this title regarding notices of valuation and appeals of valuation.

Source: L. 2000: Entire section added, p. 1501, § 5, effective August 2.

39-6-112. Valuation of tunnels. (1) A tunnel excavated for the mere purpose of exploration and discovery of mines on the public domain shall be deemed to be real property and shall be listed and valued for assessment by the name thereof unless it becomes a part of a producing mine, in which case it shall be considered a parcel thereof. A tunnel excavated for the drainage of, or the exploration of, or for giving access to the mines of those excavating such tunnel shall be deemed an appurtenance to such mines. A tunnel excavated for the drainage of, or the operation of, or for giving access to mines of persons other than those excavating such tunnel shall be deemed real property and shall be listed and valued for assessment by the name thereof.

(2) Whenever any such tunnel not appurtenant to or a parcel of a mine is situated partly in one county and partly in another county or counties or in lesser political subdivisions, the valuation thereof shall be apportioned between such counties by allocating the total value thereof between such counties or lesser political subdivisions in the proportion that the length of the center line thereof within each such county or lesser political subdivision bears to the total length thereof.

Source: L. 65: R&RE, p. 1105, § 1. **C.R.S. 1963:** § 137-6-11.

39-6-113. Mine in more than one county. (1) (a) Whenever a mine is situated partly in one county and partly in another county or counties or in lesser political subdivisions, a copy of the statement provided for in section 39-6-106, together with a copy of a list of all machinery and equipment located within the mine, if the mine is a producing mine, shall be filed with the assessor of each such county. Any such producing mine shall be valued for assessment in accordance with the provisions of section 39-6-106 (2) at an amount agreed upon by the assessors of such counties, and, in the case of any appeal of a protest of such valuation in either or both counties, the county boards of equalization of such counties shall confer and attempt to reach agreement on the valuation.

(b) If the mine is not a producing mine, all machinery and equipment located within the mine shall nevertheless be valued at an amount agreed upon by the assessors of such counties and apportioned between such counties by allocating the total value thereof between such counties or lesser political subdivisions in the proportion that the acreage of all the mining property of the mine, determined as provided for in sections 39-6-103 and 39-6-106, within such county or lesser political subdivision bears to the total acreage thereof as so determined, as if the mine were itself a producing mine.

(2) Whenever any producing mine, worked or operated by means of an integrated mining system and comprised of consolidated mining property, is situated partly in one county and partly in another county or counties or in lesser political subdivisions, the valuation thereof and of all machinery and equipment located within or upon the mine shall be apportioned between such counties or lesser political subdivisions in the proportion that the acreage of all the mining property of the mine, determined as provided for in sections 39-6-103 and 39-6-106, within such county or lesser political subdivision bears to the total acreage thereof as so determined. The assessor of each county shall list and value for assessment the portion of such mine which is situated in such county at the amount determined for such portion by such apportionment, and taxes levied on such valuation for assessment by the board of county commissioners of such county shall be collected by the treasurer of such county as provided by law.

(3) Where a mine is situated partly in one county and partly in another county or counties or in lesser political subdivisions, the owner, operator, or manager thereof shall, no later than April 15 of each year, prepare and file with the assessor of each such county a statement showing the number of acres within each such county contained in the lands comprising the mining property of the mine, determined as provided for in sections 39-6-103 and 39-6-106, but the statement need not be filed if no changes have occurred since such a statement was filed.

(4) (a) Nothing in subsection (3) of this section shall be construed to require the owner, operator, or manager of a mine to file an additional statement if the statement filed pursuant to section 39-6-106 sets forth the number of acres of the mine in each county.

(b) Nothing in subsection (3) of this section shall be construed to relieve the owner, operator, or manager of a mine from any reporting responsibilities imposed under section 39-6-106, including the required contents of the statement filed with the assessor.

Source: L. 65: R&RE, p. 1105, § 1. **C.R.S. 1963:** § 137-6-12. **L. 92:** (1) amended, p. 971, § 14, effective June 1. **L. 93:** (1)(b), (2), and (3) amended, p. 441, § 10, effective July 1. **L. 94:** (3) amended and (4) added, p. 1206, § 4, effective May 19.

39-6-114. Mines and tunnels in more than one subdivision of a county. Whenever any mine or tunnel is situated partly in one lesser political subdivision of a county and partly in another such subdivision of the same county, the assessor of the county shall apportion the value thereof between such lesser political subdivisions in the manner provided for in sections 39-6-112 and 39-6-113.

Source: L. 65: R&RE, p. 1106, § 1. **C.R.S. 1963:** § 137-6-13.

39-6-115. Collection. Beginning January 1, 1980, when taxes on mines and mining claims are due, such taxes shall be a debt due from the owner or user and shall be recoverable by the treasurer by direct action in debt. The treasurer may also collect such debt as if the property were personal property.

Source: L. 79: Entire section added, p. 1418, § 1, effective April 25.

39-6-116. Nonproducing unpatented mining claims - definitions. "Unpatented mining claims", as used in section 3 (1)(b) of article X of the state constitution, includes mining claims located under the federal mining laws, 30 U.S.C. sec. 22 et seq., for which a patent has not been issued; and such term also includes leasehold interests in real property obtained under the federal "Mineral Lands Leasing Act of 1920", 30 U.S.C. sec. 181 et seq.

Source: L. 89: Entire section added, p. 1495, § 1, effective May 1.

39-6-117. County boards of equalization - authority. Nothing in this article shall be construed to affect the authority of county boards of equalization to raise, lower, or adjust any valuation for assessment appearing in the assessment roll as provided in section 39-8-102 (1).

Source: L. 94: Entire section added, p. 1207, § 5, effective May 19.

ARTICLE 7

Valuation of Oil and Gas
Leaseholds and Lands

Editor's note: This article was repealed and reenacted in 1964. For historical information concerning the repeal and reenactment, see the editor's note before the article 1 heading.

Law reviews: For article, "Implied Covenants in Oil and Gas Leases", see 14 Colo. Law. 1216 (1985); for article, "Delinquent Oil and Gas Ad Valorem Taxes: Protecting Property Interests", see 16 Colo. Law. 798 (1987).

39-7-101. Statement of owner or operator. (1) Every operator of, or if there is no operator, every person owning any oil or gas leasehold or lands within this state, either as a single lease or as a unit, that are producing or are capable of producing oil or gas on the assessment date of any year, shall, no later than the fifteenth day of April of each year, prepare, sign under the penalty of perjury in the second degree, and file in person or by mail with the assessor of the county in which the wellhead producing the oil and gas leaseholds or lands is located a statement for the lease or unit. For purposes of this article, irrespective of the physical location of the producing leaseholds or lands, the point of taxation is the same as the point of valuation, which is the wellhead. The statement must be made on a form prescribed by the administrator, showing:

(a) The wellhead location thereof and the name thereof, if there is a name;

(b) The name, address, and fractional interest of the operator thereof;

(c) The number of barrels of oil, or the quantity of gas measured in thousands of cubic feet, sold or transported from the wellhead during the calendar year immediately preceding, after separately reporting the number of barrels of oil, or the quantity of gas measured in thousands of cubic feet, delivered to the United States government or any agency thereof, the state of Colorado or any agency or political subdivision thereof, or any Indian tribe as royalty during the calendar year immediately preceding;

(d) The selling price at the wellhead. As used in this article, "selling price at the wellhead" means the net taxable revenues realized by the taxpayer for sale of the oil or gas, whether such sale occurs at the wellhead or after gathering, transportation, manufacturing, and processing of the product. The net taxable revenues shall be equal to the gross lease revenues, minus deductions for gathering, transportation, manufacturing, and processing costs borne by the taxpayer pursuant to guidelines established by the administrator.

(e) The name, address, and fractional interest of each interest owner taking production in kind and the proportionate share of total unit revenue attributable to each interest owner who is taking production in kind;

(f) A declaration made under the penalty of perjury in the second degree that includes the following:

(I) A statement that the owner or operator has personally examined the statement described in this section and that such statement sets forth, to the best of the owner's or operator's knowledge and belief, the information required by this section; and

(II) A statement by the owner or operator as follows:

No representations are made as to the accuracy of the value of any portion of the production from subject property that is taken in kind by any owner other than the undersigned.

(1.5) Any nonoperating interest owner in an oil or gas well may, on or before the fifteenth day of March each year, submit to the operator by certified mail a report of the actual net taxable revenues received at the wellhead and the actual exempt revenues received at the wellhead by such owner for production taken in kind from the property during the calendar year immediately preceding. Operators shall use the information reported pursuant to this subsection (1.5) to determine the selling price at the wellhead. If any nonoperating interest owner fails to provide to the unit operator the information required under this subsection (1.5) by March 15 of each year, such operator shall use the selling price at the wellhead received by such operator for such operator's share of production from such unit in place of such nonreported information, and the amount of tax for which such nonreporting, nonoperating interest owner is liable shall be calculated based on the selling price at the wellhead reported by the operator.

(2) (a) If a statement of an owner or operator is not received or postmarked on or before the fifteenth day of April of each year, the assessor may impose on such owner or operator a late filing penalty in the amount of one hundred dollars for each calendar day the statement is delinquent; except that such late filing penalty shall not exceed three thousand dollars in any calendar year. The assessor may grant an extension of time for filing a statement to any operator or owner. Any extension, and its length, shall be granted solely at the discretion of the assessor.

(b) This subsection (2) is effective January 1, 1997.

(3) (a) The assessor may require the owner or operator to submit written documentation supporting the information provided in the statement. Such documentation shall be supplied

within thirty days after either the date of the postmark on the assessor's written request for such documentation or the date that an owner or operator is required to file a statement pursuant to subsection (1) of this section, whichever is later. Any owner or operator who willfully fails or refuses to comply with the assessor's request for written documentation may be assessed a fine of one hundred dollars for each day of such willful failure or refusal. The total amount of all fines that may be assessed by an assessor against an owner or operator in any calendar year shall not exceed three thousand dollars, regardless of the number of leases or units owned or operated by such owner or operator or the number and length of such willful failures or refusals by such owner or operator.

(b) This subsection (3) is effective January 1, 1997.

(4) All statements and documentation filed with the assessor shall be considered private documents and shall be available on a confidential basis only to the assessor, the administrator, the annual study contractor hired pursuant to section 39-1-104, the executive director of the department of revenue, the county treasurer, and their employees. Such statements and documentation shall be available on a confidential basis to the board of assessment appeals and the county board of equalization when information in such statements and documentation is pertinent to an appeal or protest.

(5) (a) Fines imposed pursuant to this section shall be fees of the office of the county assessor. Any unpaid fines imposed pursuant to this section shall be certified to the county treasurer by January 1 of each year and shall be included in the delinquent owner's or operator's property tax statement issued pursuant to section 39-10-103.

(b) This subsection (5) is effective January 1, 1997.

Source: L. 64: R&RE, p. 710, § 1. **C.R.S. 1963:** § 137-7-1. **L. 69:** p. 1120, § 1. **L. 72:** p. 570, § 55. **L. 81:** (1)(c) and (1)(d) amended, p. 1857, § 1, effective January 1, 1982. **L. 93:** (1)(d) amended and (1)(e) and (2) added, pp. 241, 242, §§ 1, 2, effective March 31. **L. 96:** Entire section amended, p. 107, § 1, effective March 25. **L. 2007:** (4) amended, p. 498, § 1, effective April 16. **L. 2009:** (3)(a) amended, (HB 09-1161), ch. 44, p. 166, § 1, effective August 5. **L. 2014:** IP(1), (1)(a), and (1)(c) amended, (HB 14-1371), ch. 400, p. 2012, § 1, effective August 6. **L. 2020:** (4) amended, (HB 20-1077), ch. 80, p. 325, § 10, effective September 14.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-7-102. Valuation for assessment. (1) Except as provided in subsection (2) of this section, on the basis of the information contained in such statement, the assessor shall value such oil and gas leaseholds and lands for assessment, as real property, at an amount equal to eighty-seven and one-half percent of:

(a) The selling price of the oil or gas sold from each wellhead during the preceding calendar year, after excluding the selling price of all oil or gas delivered to the United States government or any agency thereof, the state of Colorado or any agency thereof, or any political subdivision of the state as royalty during the preceding calendar year;

(b) The selling price of oil or gas sold in the same field area for oil or gas transported from the premises which is not sold during the preceding calendar year, after excluding the selling price of all oil or gas delivered to the United States government or any agency thereof,

the state of Colorado or any agency thereof, or any political subdivision of the state as royalty during the preceding calendar year.

(2) In order to promote the initiation or continuation of secondary recovery, tertiary recovery, or recycling projects which conserve and avoid waste of oil and gas, the assessor shall value oil and gas leaseholds and lands employing such projects for assessment as provided in subsection (1) of this section but at an amount equal to seventy-five percent of:

(a) The selling price of the oil or gas sold therefrom during the preceding calendar year, after excluding the selling price of all oil or gas delivered to the United States government or any agency thereof, the state of Colorado or any agency thereof, or any political subdivision of the state as royalty during the preceding calendar year;

(b) The selling price of oil or gas sold in the same field area for oil or gas transported from the premises which is not sold during the preceding calendar year, after excluding the selling price of all oil or gas delivered to the United States government or any agency thereof, the state of Colorado or any agency thereof, or any political subdivision of the state as royalty during the preceding calendar year.

Source: L. 64: R&RE, p. 711, § 1. **C.R.S. 1963:** § 137-7-2. **L. 69:** p. 1120, § 2. **L. 77:** Entire section amended, p. 1852, § 2, effective January 1, 1978. **L. 81:** Entire section amended, p. 1857, § 2, effective January 1, 1982. **L. 2014:** (1)(a) amended, (HB 14-1371), ch. 400, p. 2013, § 2, effective August 6.

39-7-102.5. Calendar for notice of valuation and appeals. Notwithstanding any other provisions to the contrary, lands and leaseholds valued pursuant to this article shall follow the schedule for personal property set forth in this title regarding notices of valuation and appeals of valuation.

Source: L. 88: Entire section added, p. 1301, § 7, effective April 29.

39-7-102.7. Notice of valuation - public record. The assessor shall retain a copy of all notices of valuation for lands and leaseholds valued pursuant to this article, and such copies shall be public records that are available for inspection in accordance with part 2 of article 72 of title 24, C.R.S.

Source: L. 2007: Entire section added, p. 498, § 2, effective April 16.

39-7-103. Surface and subsurface equipment valued separately. All surface oil and gas well equipment and submersible pumps and sucker rods located on oil and gas leaseholds or lands shall be separately valued for assessment as personal property, and such valuation may be at an amount determined by the assessors of the several counties of the state, approved by the administrator, and uniformly applied to all such equipment wherever situated in the state. All other subsurface oil and gas well equipment, including casing and tubing, shall be valued as part of the leasehold or land under section 39-7-102.

Source: L. 64: R&RE, p. 711, § 1. **C.R.S. 1963:** § 137-7-3. **L. 76:** Entire section amended, p. 775, § 1, effective January 1, 1977.

39-7-104. Failure to file statement. If any person owning or operating any oil and gas leaseholds or lands producing or capable of producing oil or gas on the assessment date fails or refuses to prepare and file the statement required by the provisions of section 39-7-101, then the assessor shall list such property and value the same for assessment on the basis of the best information available to and obtainable by him.

Source: L. 64: R&RE, p. 711, § 1. **C.R.S. 1963:** § 137-7-4.

39-7-105. Assessor to examine books, records. The assessor has the authority and right at any time to examine the books, accounts, and records of any person owning or operating such oil and gas leaseholds and lands in order to verify the statement filed by such person, and, if from such examination he finds such statement or any material part thereof to be willfully false and misleading, he shall proceed to value such oil and gas leaseholds or lands for assessment as though no statement had been filed.

Source: L. 64: R&RE, p. 711, § 1. **C.R.S. 1963:** § 137-7-5.

39-7-106. False statement - penalty. If any person required to file such statement willfully and knowingly subscribes to any false statement contained therein, he is guilty of perjury in the second degree and upon conviction shall be punished according to law.

Source: L. 64: R&RE, p. 711, § 1. **C.R.S. 1963:** § 137-7-6. **L. 72:** p. 570, § 56.

Cross references: For perjury in the second degree and the penalty therefor, see §§ 18-8-503 and 18-1.3-501.

39-7-107. Oil and gas lands in more than one county. (1) Whenever any oil and gas leaseholds or lands appear to be situated in more than one county, the production value is assigned to the county in which the wellhead is located.

(2) Whenever the wellheads of a group of contiguous oil and gas leaseholds or lands operated as a unit are situated in more than one county, the person making the statement required by section 39-7-101 shall assign to each wellhead that portion of the production value from the unit as is assigned by the unit agreement.

(3) Whenever unit production occurs from wellheads in more than one county, a copy of the statement required by the provisions of section 39-7-101 shall be filed with the assessor of each affected county.

Source: L. 64: R&RE, p. 711, § 1. **C.R.S. 1963:** § 137-7-7. **L. 2014:** Entire section amended, (HB 14-1371), ch. 400, p. 2013, § 3, effective August 6.

39-7-108. Collection. Beginning January 1, 1980, when taxes on oil and gas leaseholds and lands are due, such taxes shall be a debt due from the owner or the unit operator as the case may be and shall be recoverable by the treasurer by direct action in debt; except that such taxes treated as debt due from a fractional interest owner shall not exceed the amount of taxes for

which the fractional owner is liable, as provided in section 39-10-106. The treasurer may also collect such debt as if the property were personal property.

Source: L. 79: Entire section added, p. 1418, § 2, effective April 25.

39-7-109. Valuation of severed nonproducing oil or gas mineral interests. (1) The actual value of severed nonproducing oil or gas or oil and gas mineral interests shall be determined by the income approach capitalizing the annual net rental income for such nonproducing mineral interests at an appropriate market rate. If such severed mineral interests are unleased, the assessor shall use the average per acre annual rental of all such mineral interests under lease in the county or in the area to determine the actual value thereof.

(2) For the purposes of this section, "annual rental" means annual rental payments, or other compensatory payments payable for the right to hold a mineral interest, which payments are fixed and certain in amount and payable periodically over a fixed period calculated on a twelve-month basis. "Annual rental" shall be the representative annual rental for such mineral interests leased within the county or the area, and "annual rental" does not include royalty payments, advanced royalty payments, bonus payments, or minimum royalty payments covering periods when the mineral interests are not in production, even though said payments may be fixed and certain in amount and payable periodically. For the purposes of this subsection (2), "royalty payments", "advanced royalty payments", and "minimum royalty payments" are payments attributable to a portion of the current or future mineral production of a mineral interest, paid for the privilege of producing minerals, and "bonus payments" means compensation paid as consideration for the granting of a mineral lease or other compensatory payments which are payable regardless of the extent of use of the mineral interest and which are fixed and certain in amount and may be payable in one or more periodical increments over a fixed period.

Source: L. 85: Entire section added, p. 1213, § 10, effective May 9.

Equalization

ARTICLE 8

County Boards of Equalization

Editor's note: This article was repealed and reenacted in 1964. For historical information concerning the repeal and reenactment, see the editor's note before the article 1 heading.

39-8-101. County board of equalization - quorum. The board of county commissioners of each county of the state, except the city and county of Denver and the city and county of Broomfield, shall comprise the board of equalization of such county. In the city and county of Denver, the board of equalization shall be comprised of such of its officers as may be provided by its charter. In the city and county of Broomfield, the board of equalization shall be the city council or a board or commission appointed by the city council. A majority of the board

shall constitute a quorum, and no official action shall be taken at any meeting of the board unless a quorum is present.

Source: L. 64: R&RE, p. 712, § 1. **C.R.S. 1963:** § 137-8-1. **L. 2001:** Entire section amended, p. 269, § 16, effective November 15.

Cross references: For constitutional grant of powers to county boards of equalization, see § 15 of article X of the state constitution.

39-8-102. Duties of county board of equalization. (1) The county board of equalization shall review the valuations for assessment of all taxable property appearing in the assessment roll of the county, directing the assessor to supply any omissions which may come to its attention. It shall correct any errors made by the assessor, and, whenever in its judgment justice and right so require, it shall raise, lower, or adjust any valuation for assessment appearing in the assessment roll to the end that all valuations for assessment of property are just and equalized within the county.

(2) (a) to (h) Repealed.

(i) The county board of equalization shall have the authority to appoint independent referees who are experienced in property valuation to conduct hearings pursuant to subsection (1) of this section on behalf of the county board of equalization and to make findings and submit recommendations to the county board of equalization for its final action. However, no person shall be appointed as an independent referee pursuant to the provisions of this paragraph (i) in any county during any property tax year in which such person represents or has represented any taxpayer in such county in any matter relating to the protest and appeal of property valuation or to the abatement or refund of property taxes. In addition, no person appointed as an independent referee pursuant to the provisions of this paragraph (i) shall represent any taxpayer who appeared in any hearing before such independent referee in any matter subsequent to such hearing relating to the protest and appeal of property valuation or to the abatement or refund of property taxes.

(j) and (k) Repealed.

(3) (Repeal provision deleted by revision.)

(4) Repealed.

Source: L. 64: R&RE, p. 714, § 1. **C.R.S. 1963:** § 137-8-8. **L. 77:** Entire section amended, p. 1758, § 1, effective June 1; (4) added, p. 1736, § 18, effective June 20. **L. 79:** (2)(i) amended, p. 1641, § 53, effective July 19. **L. 81:** (4) repealed, p. 1835, § 14, effective June 12. **L. 92:** (2)(i) amended, p. 2209, § 6, effective June 3.

Editor's note: Subsection (3) provided for the repeal of subsections (2)(a) to (2)(h), (2)(j), and (2)(k), effective January 1, 1978, and is therefore deleted by revision as obsolete. (See L. 77, p. 1758.)

39-8-103. Notice of change in valuation. The county clerk and recorder shall notify each person affected of any change in the valuation of his property ordered by the board and shall furnish the assessor with a copy of such notice.

Source: L. 64: R&RE, p. 714, § 1. **C.R.S. 1963:** § 137-8-9. **L. 90:** Entire section amended, p. 1697, § 21, effective June 9.

39-8-104. Notice of meeting. (1) Except as provided in subsection (2) of this section, prior to July 1 of each year, the county clerk and recorder shall give notice in at least one issue of a newspaper published in the assessor's county that beginning on July 1, the county board of equalization will sit in the county's regular public meeting location or other appropriate public meeting place to review the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor.

(2) (a) Prior to a date established by the county board of equalization, but no later than September 1, the county clerk and recorder in a county that has made an election pursuant to section 39-5-122.7 (1) shall give notice in at least one issue of a newspaper published in his or her county that beginning such date the county board of equalization will sit in the county's regular public meeting location or other appropriate public meeting place to review the assessment roll of all taxable property located in the county, as prepared by the assessor, and to hear appeals from determinations of the assessor.

(b) Prior to August 1, 2017, and prior to each August 1 thereafter, the county clerk and recorder shall give notice in at least one issue of a newspaper published in his or her county of any date or dates between August 1 and September 1 on which the county commissioners, sitting as the county board of equalization, shall hear contests of property tax exemption denials as required by section 39-3-206 (2).

(2.5) Repealed.

(3) If there is no newspaper, then such notice shall be conspicuously posted in the offices of the county clerk and recorder, the treasurer, and the assessor and in at least two other public places in the county seat.

Source: L. 64: R&RE, p. 712, § 1. **C.R.S. 1963:** § 137-8-2. **L. 81:** Entire section amended, p. 1834, § 10, effective June 12. **L. 89:** Entire section amended, p. 1458, § 14, effective June 7. **L. 98:** Entire section amended, p. 469, § 3, effective July 1. **L. 2001:** (2) amended, p. 469, § 2, effective April 25. **L. 2009:** (1) and (2)(a) amended, (SB 09-292), ch. 369, p. 1986, § 134, effective August 5. **L. 2013:** (1) amended and (2.5) added, (HB 13-1113), ch. 11, p. 31, § 4, effective March 8. **L. 2016:** (2)(b) amended, (HB 16-1175), ch. 332, p. 1349, § 5, effective January 1, 2017. **L. 2020:** (1) amended and (2.5) repealed, (SB 20-136), ch. 70, p. 292, § 35, effective September 14.

Cross references: For the legislative declaration in SB 20-136, see section 1 of chapter 70, Session Laws of Colorado 2020.

39-8-105. Reports of assessor. (1) At a meeting of the county board of equalization on or before each September 15 in a county that has made an election pursuant to section 39-5-122.7 (1), or on or before each July 15 in all other counties, the assessor shall report the valuation for assessment of all taxable real property in the county. The assessor shall submit a list of all persons who have appeared before him or her to present objections or protests concerning real property and the action taken in each case.

(2) At the meeting of the board described in subsection (1) of this section, the assessor shall also report the valuation of all taxable personal property in the county and shall note any valuations for assessment of portable or movable equipment which have been apportioned pursuant to section 39-5-113. The assessor shall submit a list of all persons in the county who have failed to return any schedules and shall report the action taken in each case. The assessor shall also submit a list of persons who have appeared before him or her to present objections or protests and the action taken in each case.

Source: L. 64: R&RE, p. 712, § 1. **C.R.S. 1963:** § 137-8-3. **L. 67:** p. 951, § 21. **L. 76:** Entire section amended, p. 763, § 25, effective January 1, 1977. **L. 81:** Entire section R&RE, p. 1834, § 11, effective June 12. **L. 88:** (2) amended, p. 1301, § 8, effective April 29. **L. 90:** (1) amended, p. 1694, § 11, effective January 1, 1991. **L. 98:** (1) amended, p. 469, § 4, effective July 1. **L. 2009:** (2) amended, (SB 09-292), ch. 369, p. 1987, § 135, effective August 5. **L. 2014:** Entire section amended, (HB 14-1020), ch. 5, p. 86, § 1, effective February 19.

39-8-106. Petitions for appeal. (1) The county board of equalization shall receive and hear petitions from any person whose objections or protests have been refused or denied by the assessor. A petition must be in a form approved by the property tax administrator pursuant to section 39-2-109 (1)(d), the contents of which must include the following:

(a) A statement informing the person of his or her right to appeal, the time and place at which the county board of equalization will hear appeals from determinations of the assessor, and that, by mailing or delivering one copy of the form to the county board of equalization that is received or postmarked on or before July 15 of that year for real property and July 20 of that year for personal property or, if a county has made an election pursuant to section 39-5-122.7 (1), on or before September 15 of that year for both real and personal property, the person will be deemed to have filed his or her petition for hearing with the county board of equalization. The date the form is received by the county board of equalization shall be stamped on the form. All forms shall be presumed to be on time unless the county board of equalization can present evidence to show otherwise.

(b) A requirement that the assessor's office set forth the following information on the face of the form:

(I) A description of the property claimed to be excessively, erroneously, or illegally valued;

(II) The actual value placed upon it by the assessor;

(III) A specific and detailed statement of the grounds delineated in this subparagraph (III), upon which the assessor relied to justify such valuation. The grounds are appropriate consideration of the approaches to appraisal set forth in section 39-1-103 (5)(a) and classification of the property. For agricultural lands, the grounds are: Earning or productive capacity; classification; and capitalization rate.

(IV) The assessor's written statement refusing to change such valuation; and

(V) The actual value placed upon it by the person whose objection and protest has been denied.

(c) Space for the person whose objection and protest has been denied to state the grounds on which he relied and to indicate the manner, if any, in which he disagrees with the assessor's statement of the information described in paragraph (b) of this subsection (1).

(1.5) In addition to any other requirements set forth in subsection (1) of this section, any petition for appeal relating to real property shall contain the actual value of such real property, stated in terms of a specific dollar amount, which is being offered as the correct valuation. Nothing in this subsection (1.5) shall be construed to exempt paid representatives of taxpayers from the requirements of part 6 of article 10 of title 12, if applicable.

(1.7) Any person who objects to the application of the term "integral to an agricultural operation" to their property in accordance with section 39-1-102 (1.6)(a)(I) and (14.4) and whose objections or protests have been denied by the assessor may submit a petition for appeal to the county board of equalization to the same extent as any other protest or objection for which an appeal to the board is provided under law and shall satisfy all requirements for the prosecution of such appeal as provided by law.

(2) (a) Upon receiving a petition in the form described in subsection (1) of this section, the county board of equalization or its authorized agent shall note the filing of the petition, set a time for hearing of said petition, and, except as provided in paragraph (b) of this subsection (2), notify the petitioner by mail of such time for hearing.

(b) A board of county commissioners may authorize by resolution a petitioner or a petitioner's agent to elect to receive the notice required in paragraph (a) of this subsection (2) by fax or electronic mail at a phone number or electronic mail address supplied by the petitioner or the petitioner's agent. If no election is made by the petitioner or the petitioner's agent, the county board of equalization shall mail the required notice.

(3) If the assessor fails or refuses to comply with the provisions of section 39-5-122, this section, or both, relating to said form, the objecting person shall not be deprived of his right of appeal to the county board of equalization. The objecting person may present his objections and protests in person or by counsel, orally or by letter or other informal writing, on any day during the meeting of the county board of equalization held for the purpose of hearing appeals. The said failure or refusal of the assessor shall not, in any manner, deprive the objecting person of his right to a full, fair, and complete hearing of his objections and protests by the county board of equalization.

Source: L. 64: R&RE, p. 713, § 1. **C.R.S. 1963:** § 137-8-4. **L. 73:** p. 1441, § 2. **L. 75:** (1)(b)(III) amended, p. 1455, § 2, effective July 30. **L. 76:** (1)(a) and (1)(b)(III) amended, p. 763, §§ 26, 27, effective January 1, 1977. **L. 81:** (1)(a) amended, p. 1834, § 12, effective June 12. **L. 83:** (1)(b)(III) amended, p. 2087, § 4, effective October 13. **L. 88:** (1)(a) amended, p. 1301, § 9, effective April 29. **L. 89:** (1)(a) amended, p. 1458, § 15, effective June 7. **L. 90:** (1)(a), (1)(b)(II), and (1)(b)(V) amended, p. 1694, § 12, effective January 1, 1991. **L. 92:** (1)(a) amended and (1.5) added, p. 2210, § 7, effective June 3. **L. 98:** IP(1) and (1)(a) amended, p. 469, § 5, effective July 1. **L. 2005:** IP(1) and (1)(a) amended, p. 391, § 3, effective April 27. **L. 2011:** (1.7) added, (HB 11-1146), ch. 166, p. 573, § 3, effective January 1, 2012. **L. 2013:** IP(1) amended, (HB 13-1113), ch. 11, p. 31, § 5, effective March 8. **L. 2016:** (2) amended, (SB 16-172), ch. 280, p. 1148, § 2, effective June 10. **L. 2019:** (1.5) amended, (HB 19-1172), ch. 136, p. 1728, § 252, effective October 1. **L. 2020:** IP(1) amended, (SB 20-136), ch. 70, p. 293, § 36, effective September 14.

Cross references: For the legislative declaration in SB 20-136, see section 1 of chapter 70, Session Laws of Colorado 2020.

39-8-107. Hearings on appeal. (1) At the hearing upon a petition, the assessor or the assessor's authorized representative shall be present and shall produce information to support the basis and amount of the assessor's valuation of the property. The board shall hear and consider all testimony and examine all exhibits produced or introduced by either the petitioner or the assessor, with no presumption in favor of any pending valuation, and may subpoena witnesses to testify. The costs of producing the petitioner's witnesses shall be paid by the petitioner, and the costs of producing the assessor's witnesses shall be paid by the county. On the basis of the testimony produced and the exhibits introduced, the board shall grant or deny the petition, in whole or in part, and shall notify the petitioner and the assessor in writing. If the board denies the petition, in whole or in part, such written notice shall inform the petitioner of the right to appeal within the thirty-day period following the denial to the district court or the board of assessment appeals pursuant to the provisions of section 39-8-108 (1) or within the thirty-day period following the denial to submit the case to arbitration pursuant to the provisions of section 39-8-108.5. Such notice shall state that, if the appeal is to the board of assessment appeals, the hearing before the board of assessment appeals shall be the last hearing at which testimony, exhibits, or any other type of evidence may be introduced by either party and that, if there is an appeal to the court of appeals pursuant to section 39-8-108 (2), the record from the hearing before the board of assessment appeals and no new evidence shall be the basis for the court's decision. The phone number and address of the board of assessment appeals shall also be included on the notice. The notice shall also state, in general terms, how to pursue arbitration and that, if a taxpayer submits the case to arbitration, the decision reached under such process shall be final and not subject to review. If a referee heard the case, the board shall, at the written request of any taxpayer or any agent of such taxpayer within seven working days after receipt of said request, make available to the taxpayer or agent the referee's findings and recommendations. At the board's election, the board may either mail, fax, or send by electronic transmission such findings and recommendations to the address, phone number, or electronic address supplied by said taxpayer or agent. Upon receipt of such request, the board shall notify the taxpayer or agent of the estimated cost of providing such findings and recommendations, payment of which shall be made prior to providing such findings and recommendations. Upon providing such findings and recommendations, the board may include a bill for the reasonable cost above the estimated cost and up to the statutory maximum which shall be due and payable upon receipt by the taxpayer or agent.

(2) (a) The county board of equalization shall continue its hearings from time to time until all petitions have been heard, but all such hearings shall be concluded and decisions rendered thereon by the close of business on August 5 of that year; except that, in a county that has made an election pursuant to section 39-5-122.7 (1), all such hearings shall be concluded and decisions rendered thereon by the close of business on November 1 of that year. Except as authorized in paragraph (b) of this subsection (2), any decision shall be mailed to the petitioner within five business days of the date on which such decision is rendered.

(b) A board of county commissioners may authorize by resolution a petitioner or a petitioner's agent to elect to receive the decision rendered by the board as required in paragraph (a) of this subsection (2) by fax or electronic mail at a phone number or electronic mail address supplied by the petitioner or the petitioner's agent. If no election is made by the petitioner or the petitioner's agent, the county board of equalization shall mail the decision.

(3) At the written request of any taxpayer or any agent of such taxpayer and subject to such confidentiality requirements as provided by law, the assessor shall, within three working days after receipt of said request, make available to the taxpayer or agent the data used by the assessor in determining the actual value of any property owned by such taxpayer. At the assessor's election, the assessor may either mail, fax, or send by electronic transmission to the address, phone number, or electronic address supplied by said taxpayer or agent such data. Such data shall include but shall not be limited to the data derived from the declarations filed pursuant to the provisions of article 14 of this title and confidential data, provided that such confidential data shall be presented in such a manner that the source cannot be identified. Upon receipt of such request, the assessor shall notify the taxpayer or agent of the estimated cost of providing such information, payment of which shall be made prior to providing such information. Upon providing such information, the assessor may include a bill for the reasonable cost above the estimated cost and up to the statutory maximum which shall be due and payable upon receipt by the taxpayer or agent.

(4) The assessor may not rely on any confidential information which is not available for review by the taxpayer, unless such confidential data is presented in such a manner that the source cannot be identified.

(5) (a) (I) On and after August 10, 2011, in addition to any other requirements under law, any petitioner appealing either a valuation of rent-producing commercial real property to the board of assessment appeals pursuant to section 39-8-108 (1) or a denial of an abatement of taxes pursuant to section 39-10-114 shall provide to the county board of equalization or to the board of county commissioners of the county in the case of an abatement, and not to the board of assessment appeals, the following information, if applicable:

(A) Actual annual rental income for two full years including the base year for the relevant property tax year;

(B) Tenant reimbursements for two full years including the base year for the relevant property tax year;

(C) Itemized expenses for two full years including the base year for the relevant property tax year; and

(D) Rent roll data as of the valuation date, including the name of any tenants, the address, unit, or suite number of the subject property, lease start and end dates, option terms, base rent, square footage leased, and vacant space for two years including the year of the valuation date and the prior year.

(II) The petitioner shall provide the information required by subsection (5)(a)(I) of this section within ninety days after the appeal has been filed with the board of assessment appeals; except that a petitioner who has already provided information to an assessor in accordance with section 39-5-122 (2.5) is not required to provide any additional information under this subsection (5)(a).

(b) (I) The assessor, the county board of equalization, or the board of county commissioners of the county, as applicable, shall, upon request made by the petitioner, provide to a petitioner who has filed an appeal with the board of assessment appeals not more than ninety days after receipt of the petitioner's request, the following information:

(A) The primary method used by the county to determine the value of the subject property; and

(B) The rates used by the county to determine the value of the subject property under the method identified in accordance with subsection (5)(b)(I)(A) of this section.

(II) The party providing the information to the petitioner pursuant to subparagraph (I) of this paragraph (b) shall redact all confidential information contained therein.

(c) If a petitioner fails to provide the information required by subparagraph (I) of paragraph (a) of this subsection (5) by the deadline specified in subparagraph (II) of said paragraph (a), the county may move the board of assessment appeals to compel disclosure and to issue appropriate sanctions for noncompliance with such order. The motion may be made directly by the county attorney and shall be accompanied by a certification that the county assessor or the county board of equalization has in good faith conferred or attempted to confer with such petitioner in an effort to obtain the information without action by the board of assessment appeals. If an order compelling disclosure is issued under this paragraph (c) and the petitioner fails to comply with such order, the board of assessment appeals may make such orders in regard to the noncompliance as are just and reasonable under the circumstances, including an order dismissing the action or the entry of a judgment by default against the petitioner. Interest due the taxpayer shall cease to accrue as of the date the order compelling disclosure is issued, and the accrual of interest shall resume as of the date the contested information has been provided by the taxpayer.

(d) In the notice of determination, the county board of equalization shall inform a taxpayer of the taxpayer's obligation to provide the information required by paragraph (a) of this subsection (5).

(e) The county board of equalization and the board of county commissioners receiving any information provided by a petitioner pursuant to subparagraph (I) of paragraph (a) of this subsection (5) that is exempt from disclosure under either section 24-72-204 (3)(a)(IV), C.R.S., or another provision of the "Colorado Open Records Act", part 2 of article 72 of title 24, C.R.S., shall keep such information confidential; except that such information may be disclosed to the administrator and the employees of his or her office, the board of assessment appeals, the county board of equalization, the board of county commissioners of the county in which the subject property is located, the office of the county assessor, or a person retained to appraise or provide value consultation in connection with the subject property where such information is pertinent to an appeal.

(f) Nothing in this subsection (5) shall be construed to apply to a public utility whose valuation for property tax purposes is determined by the administrator in accordance with the provisions of article 4 of this title.

(6) Repealed.

Source: L. 64: R&RE, p. 713, § 1. **C.R.S. 1963:** § 137-8-5. **L. 67:** p. 951, § 22. **L. 88:** (1) amended, p. 1302, § 10, effective April 29. **L. 89:** (2) amended, p. 1458, § 16, effective June 7. **L. 90:** (1) amended and (3) and (4) added, pp. 1701, 1700, §§ 32, 30, effective June 9. **L. 93:** (2) amended, p. 1689, § 7, effective June 6. **L. 96:** (1) amended, p. 722, § 6, effective May 22. **L. 98:** (2) amended, p. 470, § 6, effective July 1. **L. 2000:** (1) and (3) amended, p. 1501, § 6, effective August 2. **L. 2011:** (5) added, (SB 11-119), ch. 130, p. 453, § 1, effective August 10. **L. 2013:** (6) added, (HB 13-1113), ch. 11, p. 32, § 6, effective March 8. **L. 2016:** (2) amended, (SB 16-172), ch. 280, p. 1149, § 3, effective June 10. **L. 2019:** (5)(a)(I)(D), (5)(a)(II), and (5)(b)(I)

amended, (HB 19-1175), ch. 43, p. 148, § 2, effective March 21. **L. 2020:** (6) repealed, (SB 20-136), ch. 70, p. 293, § 37, effective September 14.

Cross references: For the legislative declaration in SB 20-136, see section 1 of chapter 70, Session Laws of Colorado 2020.

39-8-108. Decision - review - opportunity to submit case to arbitration. (1) If the county board of equalization grants a petition, in whole or in part, the assessor shall adjust the valuation accordingly; but, if the petition is denied, in whole or in part, the petitioner may appeal the valuation set by the assessor or, if the valuation is adjusted as a result of a decision of the county board of equalization, the adjusted valuation to the board of assessment appeals or to the district court of the county wherein the petitioner's property is located for a trial de novo, or the petitioner may submit the case to arbitration pursuant to the provisions of section 39-8-108.5. Such appeal or submission to arbitration shall be taken no later than thirty days after the date such denial was mailed pursuant to section 39-8-107 (2). Any decision rendered by the county board of equalization shall state that the petitioner has the right to appeal the decision of the county board to the board of assessment appeals or to the district court of the county wherein the petitioner's property is located or to submit the case to arbitration and, to preserve such right, the time by which such appeal or submission to arbitration must be made. Any request by a taxpayer for a hearing before the board of assessment appeals shall be accompanied by a nonrefundable filing fee in an amount specified in section 39-2-125 (1)(h). In addition, any request by a taxpayer for a hearing before the board of assessment appeals shall be stamped with the date on which such request was received by the board. All such requests shall be presumed to be on time unless the board can present evidence to show otherwise.

(2) If the petitioner has appealed to the board of assessment appeals and the decision of the board of assessment appeals is against the petitioner, the petitioner may petition the court of appeals for judicial review according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S. If the decision of the board is against the respondent, the respondent, upon the recommendation of the board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the court of appeals for judicial review according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S. In addition, on and after June 7, 1989, if the decision of the board is against the respondent, the respondent may petition the court of appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when the respondent alleges procedural errors or errors of law by the board of assessment appeals. If the board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, the respondent may petition the court of appeals for judicial review of such questions within thirty days of such decision. Any decision issued by the board of assessment appeals shall inform the petitioner or respondent, as may be appropriate, of the right to petition the court of appeals for judicial review.

(3) If the decision of the county board of equalization has been appealed to the district court, the decision of the court shall be subject to appellate review according to the Colorado appellate rules and the provisions of section 24-4-106 (9), C.R.S.

(4) If the taxpayer submits his case to arbitration pursuant to the provisions of section 39-8-108.5, the decision reached under such process shall be final and not subject to review.

(5) In any appeal authorized by this section or by section 39-5-122, 39-5-122.7, or 39-10-114:

(a) Repealed.

(b) The assessor's valuation of similar property similarly situated shall be credible evidence;

(c) The respondent may not rely on any confidential information which is not available for review by the taxpayer unless such confidential data is presented in such a manner that the source cannot be identified;

(d) Upon request, the respondent shall make available to the taxpayer two working days prior to any appeal hearing data supporting the assessor's valuation. Such request shall be accompanied by data supporting the taxpayer's valuation. Nothing in this paragraph (d) shall be construed to prohibit the introduction at such appeal hearing of any data discovered as a result of the exchange of data required by this paragraph (d).

(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.

(6) In any appeal or submission to arbitration authorized by this section, there shall be no presumption in favor of any pending valuation.

Source: L. 64: R&RE, p. 713, § 1. **C.R.S. 1963:** § 137-8-6. **L. 70:** p. 386, § 23. **L. 77:** (2) amended, p. 1736, § 19, effective June 20. **L. 83:** (2) amended, p. 2087, § 5, effective October 13. **L. 85:** Entire section amended and (2) amended, pp. 1228, 1230, §§ 2, 1, effective July 1. **L. 88:** (1) and (2) amended, (3) R&RE, and (4) added, pp. 1302, 1303, §§ 11, 12, effective April 29. **L. 89:** (1) and (2) amended, p. 1458, § 17, effective June 7. **L. 90:** (2) amended and (5) added, pp. 1694, 1700, §§ 13, 31, effective June 9. **L. 92:** (1), (2), and (5)(d) amended, p. 2210, § 8, effective June 3. **L. 96:** (1), (2), and (5)(a) amended and (6) added, p. 723, § 7, effective May 22. **L. 2002:** IP(5) amended and (5)(e) added, p. 843, § 4, effective August 7. **L. 2003:** (1) amended, p. 1467, § 4, effective July 1. **L. 2021:** (5)(a) repealed, (HB 21-1083), ch. 25, p. 112, § 1, effective April 7.

Editor's note: Amendments to subsection (2) by House Bill 85-1106 and Senate Bill 85-85 were harmonized.

Cross references: For right to judicial review under the "State Administrative Procedure Act", see § 24-4-106.

39-8-108.5. Arbitration of property valuations - arbitrators - qualifications - procedures. (1) (a) In order to give taxpayers an alternative to pursuing an appeal of the county board of equalization's decision through either the board of assessment appeals or the district court, an arbitration process shall be established. The board of county commissioners shall

develop a list of persons who shall be qualified to act as arbitrators of property valuation disputes. Such list shall be kept in the office of the county clerk and recorder.

(b) Except as otherwise provided in subsection (1)(c) of this section, persons on the list maintained pursuant to subsection (1)(a) of this section must be, in addition to any other qualifications deemed necessary by the board, experienced in the area of property taxation and licensed or certificated pursuant to part 6 of article 10 of title 12.

(c) No person shall act as an arbitrator of property valuation disputes in any county during any property tax year in which such person represents or has represented any taxpayer in any matter relating to the protest and appeal of property valuation or to the abatement or refund of property taxes.

(2) (a) Within thirty days of the county board of equalization's decision, any taxpayer who plans to pursue arbitration shall notify the board of his intent. The taxpayer and the county board of equalization shall select an arbitrator from the list prepared pursuant to subsection (1) of this section within forty-five days of the county board of equalization's decision or within thirty days from the date the list of arbitrators is made available in any given year, whichever is later. In the absence of agreement by the taxpayer and the county board of equalization within said specified time period, the district court of the county in which the property is located shall select an arbitrator from said list.

(b) If a taxpayer acts pursuant to paragraph (a) of this subsection (2), the county board of equalization shall be required to participate in arbitration and to accept the arbitrator selected.

(3) (a) Arbitration hearings shall be at a time and place set by the arbitrator with the mutual consent of the taxpayer and the county board of equalization. The arbitration hearing shall be held within sixty days from the date the arbitrator was selected.

(b) Procedure at arbitration hearings shall be informal, and strict rules of evidence shall not be applied except as necessitated in the opinion of the arbitrator by the requirements of justice. All questions of law and fact shall be determined by the arbitrator.

(b.5) The taxpayer shall produce information to support his contention that the property should be valued differently. The assessor shall produce information to support the basis and amount of his valuation of the property. Both the information of the assessor and the information of the taxpayer shall be considered by the arbitrator in making his decision.

(c) The arbitrator may issue or cause to be issued subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and shall have the power to administer oaths. Subpoenas so issued shall be served and, upon application to the district court by the taxpayer or the county board of equalization or the arbitrator, enforced in the manner provided by law for the service and enforcement of subpoenas in civil actions.

(d) The taxpayer and the county board of equalization shall be entitled to attend, personally or with counsel, and participate in the proceedings. Such participation may include the filing of briefs and affidavits. Upon agreement of both parties, the proceedings may be confidential and closed to the public.

(e) No record of the proceedings is required.

(f) The arbitrator's decision shall be made in accordance with applicable Colorado property tax laws. The arbitrator's decision shall be in writing and signed by the arbitrator.

(g) The arbitrator shall deliver a copy of his decision to the parties personally or by registered mail within ten days of the hearing. Such decision shall be final and not subject to review.

(4) An arbitrator shall be immune from civil liability arising from participation as an arbitrator and for all communications, findings, opinions, and conclusions made in the course of his duties under this section.

(5) (a) An arbitrator's expenses and fees shall not exceed one hundred fifty dollars per case concerning residential real property. For cases concerning any taxable property other than residential real property, an arbitrator's expenses and fees shall be an amount agreed upon by the taxpayer and the county board of equalization.

(b) The arbitrator's fees and expenses, not including counsel fees, incurred in the conduct of the arbitration shall be paid as provided in the decision.

(6) Any decision of the county board of equalization regarding a 1987 property valuation which has been appealed to either the board of assessment appeals or the district court and which has not been heard or adjudicated may be submitted to arbitration pursuant to this section at the request of the taxpayer.

Source: L. 88: Entire section added, p. 1303, § 13, effective April 29; (6) amended, p. 1274, § 11, effective May 29. **L. 90:** (3)(b.5) added and (3)(f) amended, p. 1697, § 23, effective June 9. **L. 92:** IP(1)(b) and (2)(a) amended and (1)(c) added, p. 2212, § 9, effective June 3. **L. 2013:** IP(1)(b) amended, (SB 13-155), ch. 392, p. 2284, § 16, effective July 1. **L. 2014:** (1)(b) amended, (SB 14-080), ch. 89, p. 336, § 1, effective August 6. **L. 2019:** (1)(b) amended, (HB 19-1172), ch. 136, p. 1729, § 253, effective October 1.

39-8-108.7. Review of decision - effect of stipulation by taxpayer - repeal. (Repealed)

Source: L. 88: Entire section added, p. 1274, § 10, effective May 29.

Editor's note: Subsection (2) provided for the repeal of this section, effective July 1, 1989. (See L. 88, p. 1274.)

39-8-109. Effects of board of assessment appeals or district court decision. (1) If upon appeal the appellant is sustained, in whole or in part, then the appellant shall provide a copy of the order or judgment of the board of assessment appeals or district court, as the case may be, to the county assessor. If the order or judgment has been appealed, then the appellant shall present to the county assessor a copy of the original order or judgment of the board of assessment appeals or district court and copies of all further decisions of the board of assessment appeals, district court, court of appeals, and supreme court. Upon presentation to the treasurer by the county assessor of a copy of the order or judgment of the board of assessment appeals or district court, as the case may be, and, if the case has been appealed, copies of all further decisions of the board of assessment appeals, district court, court of appeals, and supreme court, modifying the valuation for assessment of the property, the appellant, identified as the petitioner or plaintiff on the order or judgment of the board of assessment appeals or district court, 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. Such refund interest shall only accrue from the date on which payment of taxes and delinquent interest thereon was received by the treasurer. Such refund shall be paid to the appellant even if the

appellant is not the current owner of the property. The appellant and the county shall each be responsible for their respective costs in said court or board of assessment appeals, as the case may be.

(2) In the event that the treasurer refunds taxes and interest to the appellant based on a modification of the valuation for assessment of the property pursuant to subsection (1) of this section, the treasurer shall be entitled to reimbursement for the refund of taxes and interest pro rata by all jurisdictions receiving payment thereof and may request reimbursement from the jurisdictions or offset the reimbursements against subsequent payments. The provisions of this subsection (2) shall not apply to a city and county.

Source: L. 64: R&RE, p. 713, § 1. **C.R.S. 1963:** § 137-8-7. **L. 70:** p. 386, § 24. **L. 89:** Entire section amended, p. 1466, § 32, effective June 7. **L. 90:** Entire section amended, p. 1719, § 7, effective June 7; entire section amended, p. 1087, § 55, effective July 1. **L. 92:** Entire section amended, p. 2224, § 7, effective April 9; entire section amended, p. 2185, § 67, effective June 2. **L. 93:** Entire section amended, p. 306, § 6, effective April 7. **L. 2002:** Entire section amended, p. 843, § 5, effective August 7. **L. 2005:** Entire section amended, p. 153, § 1, effective April 5. **L. 2008:** Entire section amended, p. 1247, § 6, effective August 5. **L. 2010:** (1) amended, (SB 10-138), ch. 155, p. 533, § 1, effective August 11.

ARTICLE 9

State Board of Equalization

Editor's note: This article was repealed and reenacted in 1964. For historical information concerning the repeal and reenactment, see the editor's note before the article 1 heading.

39-9-101. State board of equalization. (1) The state board of equalization shall consist of the governor or his designee, the speaker of the house of representatives or his designee, the president of the senate or his designee, and two members appointed by the governor with the consent of the senate. Each of the appointed members shall be a qualified appraiser or a former assessor or a person who has knowledge and experience in property taxation. Said board shall elect a chairman and a vice-chairman; the vice-chairman shall act as chairman in the absence of the chairman.

(2) No more than three members of the state board of equalization shall be affiliated with the same political party. Except as otherwise provided in section 2-2-326, C.R.S., each member shall receive a per diem allowance of fifty dollars for each day spent attending meetings or hearings of the state board of equalization or otherwise spent discharging his duties as a member of said board; except that no member shall receive the per diem allowance provided for in this subsection (2) for any day for which he receives a per diem allowance from the state under any other statute and except that no member shall receive the per diem allowance provided for in this subsection (2) if he receives a salary from the state for a full-time position with the state. Except as otherwise provided in section 2-2-326, C.R.S., each member of said board shall receive actual and necessary expenses incurred in performing his duties as a member of said board. The members appointed by the governor shall serve at the pleasure of the governor but

shall not serve for more than four consecutive years unless reappointed by the governor and reconfirmed by the senate at the conclusion of said four years. Vacancies in either of the appointed positions on the state board of equalization shall be filled by appointment by the governor with the consent of the senate for the unexpired term.

Source: L. 64: R&RE, p. 715, § 1. **C.R.S. 1963:** § 137-9-1. **L. 83:** Entire section amended, p. 1504, § 1, effective June 2. **L. 2014:** (2) amended, (SB 14-153), ch. 390, p. 1965, § 29, effective June 6.

Cross references: For constitutional grant of powers to the state board of equalization, see § 15 of article X of the state constitution.

39-9-102. Meetings of state board of equalization. (1) The state board of equalization shall meet at a place designated by the chairman, at such times as the chairman may deem necessary.

(2) All sessions of said board shall be conducted in public, and a full and correct record of its proceedings shall be kept, which record shall be a public document and available for public inspection. Opportunity shall be afforded any person to appear before said board to present facts and information for its consideration.

(3) Two weeks before each meeting of the state board of equalization, a news release stating the time and location of the meeting shall be sent throughout the state to radio stations, television stations, and newspapers of general circulation. Not later than two weeks before each meeting, the board shall also mail notice to each assessor and board of county commissioners of a county with regard to the nature of any action it may take pertaining to current year valuations for assessment.

Source: L. 64: R&RE, p. 714, § 1. **C.R.S. 1963:** § 137-9-2. **L. 76:** (3) added, p. 763, § 28, effective January 1, 1977. **L. 83:** (1) amended, p. 2092, § 2, effective September 23. **L. 84:** (3) amended, p. 1001, § 2, effective March 5. **L. 86:** (1) amended, p. 1102, § 4, effective March 26.

39-9-103. Duties of state board - enforcement - reappraisal orders. (1) The state board of equalization shall order reappraisals of classes as provided in section 39-1-105.5, make other orders as provided in said section, and perform such other duties as are provided for in said section.

(2) The state board of equalization shall conduct hearings on petitions filed by the administrator for the reappraisal of one or more classes or subclasses of taxable property pursuant to section 39-2-114. The state board of equalization shall also conduct hearings upon complaints filed by the administrator, upon his own motion or upon petition by any tax-levying authority in this state, concerning valuation for assessment of one or more classes or subclasses of taxable property if a reappraisal has not been conducted or ordered pursuant to the provisions of section 39-2-114. Decisions of the state board of equalization shall be subject to judicial review as provided in section 24-4-106, C.R.S.

(3) Said board may compel compliance with its orders by proceedings in the nature of mandamus, by injunction, or by other appropriate civil remedies.

(4) It is the duty of the state board of equalization to examine and review the valuations for assessment of taxes upon the various classes and subclasses of taxable real and personal property located in the several counties of the state as reflected in the abstract of assessment of each county, the decisions of the board of assessment appeals, the recommendations of the administrator, and, effective January 1, 1983, the study conducted by the director of research of the legislative council pursuant to section 39-1-104 (16).

(5) The decisions of the board of assessment appeals which affect the valuation of classes or subclasses of property may be reversed or modified by the state board of equalization, and such action shall be taken only if a written appeal has, within thirty days of the board of assessment appeals' decision, been lodged with the state board of equalization by one of the parties to the proceedings before the board of assessment appeals. Decisions of the state board of equalization shall be subject to judicial review as provided in section 24-4-106, C.R.S.

(6) The state board of equalization shall conduct hearings upon complaints filed by the property tax administrator, upon his own motion or upon petition by any tax-levying authority in this state, concerning alleged dereliction of duty on the part of a county assessor.

(7) The state board of equalization shall review abstracts of assessment and may, by order, change the valuation for assessment of any class or subclass of property which was changed by a county board of equalization.

(8) The state board of equalization may promulgate such rules and regulations as are necessary for the implementation of its duties and responsibilities. Such rules and regulations shall be promulgated pursuant to and be subject to the provisions of section 24-4-103, C.R.S.

(9) Repealed.

(10) (a) It is the function of the state board of equalization and it shall have and exercise the authority, prior to publication but subsequent to review by the advisory committee to the property tax administrator pursuant to section 39-2-131 (1), to review and approve or disapprove, within thirty days after receipt from said advisory committee to the property tax administrator:

(I) Manuals or any part thereof, appraisal procedures, instructions, and guidelines prepared and published by the administrator pursuant to section 39-2-109 (1)(e) and based upon the approaches to appraisal set forth in section 39-1-103 (5)(a) and pursuant to section 39-2-109 (1)(k); and

(II) Forms, notices, and records approved or prescribed pursuant to the authority of the property tax administrator set forth in section 39-2-109 (1)(d).

(b) Any manuals, appraisal procedures, instructions, guidelines, forms, notices, or records which are not approved or disapproved by the state board of equalization within said thirty days shall be automatically approved; except that, if within said thirty days the state board of equalization schedules a hearing on such manuals, appraisal procedures, instructions, guidelines, forms, notices, or records, such automatic approval shall not occur unless the state board of equalization does not approve or disapprove such manuals, appraisal procedures, instructions, guidelines, forms, notices, or records within thirty days after the conclusion of such hearing.

Source: L. 64: R&RE, p. 714, § 1. **C.R.S. 1963:** § 137-9-3. **L. 70:** p. 386, § 25. **L. 76:** (5) added, p. 763, § 29, effective June 10. **L. 77:** (3) amended, (5) R&RE, and (6), (7), and (8) added, pp. 1736, 1738, §§ 20, 21, effective June 20; (3) amended, p. 1755, § 2, effective July 23.

L. 81: (5) amended, p. 1834, § 13, effective June 12; (1) amended, p. 1398, § 12, effective January 1, 1983. **L. 83:** Entire section R&RE, p. 1505, § 2, effective June 2; (7) and (8) added, p. 2093, § 3, effective September 23. **L. 88:** (9) added, p. 1290, § 22, effective May 23. **L. 90:** (10) added, p. 1699, § 28, effective June 9. **L. 91:** (10) amended, p. 1954, § 3, effective January 1, 1992. **L. 93:** (9) repealed, p. 1690, § 9, effective June 6. **L. 96:** (10) amended, p. 948, § 2, effective July 1.

Editor's note: Amendments to subsection (3) by House Bill 77-1242 and House Bill 77-1452 were harmonized.

Cross references: For right of judicial review under the "State Administrative Procedure Act", see § 24-4-106.

39-9-104. Correction of errors. The state board of equalization shall correct any obvious error appearing in any county abstract of assessment, whether made by the assessor or by the administrator. The state board of equalization shall not change any matter pertaining to the actual value of any class or subclass except as provided in section 39-9-103 (7); except that, in the taxable year following the year of reappraisal ordered by the state board of equalization, such board may change any matter pertaining to the actual value, and such change shall be made by the assessor in the abstract of assessment of such current taxable year.

Source: L. 64: R&RE, p. 715, § 1. **C.R.S. 1963:** § 137-9-4. **L. 70:** p. 387, § 26. **L. 77:** Entire section amended, p. 1756, § 3, effective July 23. **L. 83:** Entire section amended, p. 2093, § 4, effective September 23.

39-9-105. Certification of valuations for assessment. (1) No later than December 20 of each year, the state board of equalization shall complete its review of the abstracts of assessment of the several counties of the state, and the chair of the state board of equalization shall thereupon certify to the assessor of each county a statement of the changes, if any, ordered by said board in the abstract of his or her county for the current taxable year and for the next succeeding taxable year and shall also return the abstract of assessment for the current taxable year to each county.

(2) Repealed.

Source: L. 64: R&RE, p. 715, § 1. **C.R.S. 1963:** § 137-9-5. **L. 77:** (1) amended, p. 1756, § 4, effective July 23. **L. 83:** (1) amended, p. 1506, § 3, effective June 2. **L. 86:** (1) amended, p. 1102, § 5, effective March 26. **L. 89:** (1) amended, p. 1459, § 18, effective June 7. **L. 93:** (2) repealed, p. 444, § 1, effective April 19. **L. 2000:** (1) amended, p. 1502, § 7, effective August 2.

39-9-106. Supervision and administration of property tax laws. The state board of equalization shall have supervision of the administration of all laws concerning the valuation and assessment of taxable property and the levying of property taxes.

Source: L. 64: R&RE, p. 715, § 1. **C.R.S. 1963:** § 137-9-6.

39-9-107. Assessment roll to conform. Whenever the state board of equalization orders any change in the valuation for assessment of any class or subclass of taxable real or personal property located in a county, the assessor thereof shall make the proper adjustment in individual schedules so that the assessment roll of his county conforms with the statement of changes ordered by said board and certified by the chairman of said board.

Source: L. 64: R&RE, p. 715, § 1. **C.R.S. 1963:** § 137-9-7. **L. 77:** Entire section amended, p. 1756, § 5, effective July 23. **L. 83:** Entire section amended, p. 2093, § 5, effective September 23.

39-9-108. Judicial review - interest during review. Decisions of the state board of equalization shall be subject to judicial review, as provided in section 24-4-106, C.R.S. Such review shall include the issues of compliance with applicable law and constitutional provisions governing valuation for assessment for property tax purposes and the validity of any valuation for assessment study conducted pursuant to the provisions of section 39-1-104 (16). Parties adversely affected or aggrieved shall include any taxpayer or assessor or the governing body of any taxing jurisdiction. In any case in which excess state equalization payments are made to school districts within the county during the time such review is pending, interest shall be paid to the state on the amount of such excess. Such interest shall be paid for the period of time from the date of the decision of the state board of equalization to the date of the final determination of all judicial review. Such interest shall be computed at the rate determined by the state bank commissioner pursuant to section 39-21-110.5.

Source: L. 83: Entire section added, p. 2093, § 6, effective September 23. **L. 88:** Entire section amended, p. 1282, § 7, effective May 23. **L. 2001:** Entire section amended, p. 1288, § 85, effective June 5.

39-9-109. Power of state board - waiver of deadline.

(1) to (4) Repealed.

(5) Acting by majority vote and when the state board of equalization determines that the interests of justice and equity would be served, the board may authorize the waiver of the July 1 filing deadline described in section 39-2-117 (3)(a) for any annual report required to be filed pursuant to section 39-2-117 if the report is not filed by the filing deadline or if the report is filed by the filing deadline but is incomplete or otherwise incorrect when filed. When authorizing a waiver, the state board may determine a deadline for filing the report, after which the waiver is invalid. The deadline for filing the report must not be sooner than thirty days after the date that the state board authorizes the waiver.

(6) Notwithstanding the provisions of section 39-2-117 (1)(a), acting by majority vote, the state board of equalization may authorize the property tax administrator to make an exemption effective for not more than the time allowed pursuant to section 39-10-101 (2)(b)(II) when the property has been added back to the tax roll as omitted property and would otherwise have met all criteria for exemption during that time.

Source: L. 89: Entire section added, p. 1491, § 5, effective June 7. **L. 95:** (5) added, p. 602, § 1, effective May 22. **L. 2003:** (1) to (4) repealed, p. 867, § 2, effective April 7. **L. 2008:**

(5) amended, p. 458, § 2, effective August 5. **L. 2013:** (5) amended and (6) added, (HB 13-1246), ch. 203, p. 846, § 2, effective August 7.

Collection and Redemption

ARTICLE 10

Collection

Editor's note: This article was repealed and reenacted in 1964. For historical information concerning the repeal and reenactment, see the editor's note before the article 1 heading.

Law reviews: For article, "Survey of Colorado Tax Liens", see 14 Colo. Law. 1765 (1985).

39-10-101. Collection of taxes. (1) Upon receipt of the tax list and warrant from the assessor, the treasurer shall proceed to collect the taxes therein levied, and such tax list and warrant shall be his authority and justification against any illegality in procedure prior to his receiving the same.

(2) (a) (I) If, after the tax list and warrant has been received by the treasurer, the treasurer discovers that any taxable property then located in the treasurer's county has been omitted from the tax list and warrant for the current year or for any prior year and has not been valued for assessment, the treasurer shall forthwith list and value such property for assessment in the same manner as the assessor might have done and shall enter such valuation for assessment on the tax list and warrant and extend the levy. Such entry shall be designated as an additional assessment and shall be valid for all purposes, the same as though performed by the assessor.

(II) Notwithstanding subparagraph (I) of this paragraph (a) or section 39-5-125, neither the assessor nor the treasurer shall treat any possessory interest in exempt property as taxable property omitted from the tax list and warrant for any property tax year prior to 2001.

(b) (I) Except as provided in subparagraph (II) of this paragraph (b), the taxes for any period, together with interest thereon, imposed by this section shall not be assessed, nor shall any lien be filed or distraint warrant issued or suit for collection be instituted or any other action to collect the same be commenced, more than six years after the date on which the tax was or is payable. Except as otherwise provided in paragraph (d) of this subsection (2), interest shall not be charged prior to the date on which additional assessment is made.

(II) Effective January 1, 1996, the taxes for any period, together with interest thereon, imposed by this section shall not be assessed, nor shall any lien be filed or distraint warrant issued or suit for collection be commenced, more than two years after the date on which the tax was or is payable when the failure to collect the tax is due to an error or omission of a governmental entity. The provisions of this subparagraph (II) shall not apply to taxes imposed on oil and gas leaseholds and lands.

(c) In the case of fraudulent action with intent to evade tax, the tax, together with interest thereon, may be assessed, or proceedings for the collection of such taxes may be begun, at any time.

(d) Taxes levied upon additional assessments on mines and on oil and gas leaseholds and lands which had been previously omitted from the tax list and warrant due to the failure of an owner or operator of any mine or of any oil and gas leaseholds and lands to comply with section 39-6-106, 39-6-113, or 39-7-101 shall be subject to the delinquent interest provisions of section 39-10-104.5. Delinquent interest shall be calculated to accrue from the date the taxes were due pursuant to section 39-1-105 and section 39-6-106, 39-6-113, or 39-7-101. This paragraph (d) shall apply to omitted property or production but shall not apply to valuation disputes, protests, or appeals therefrom filed pursuant to section 39-5-122.

(3) If on the tax list and warrant there is any error in the name of a person owing taxes, the treasurer may correct such error and collect the taxes from the person intended.

(4) and (5) Repealed.

Source: L. 64: R&RE, p. 715, § 1. **C.R.S. 1963:** § 137-10-1. **L. 73:** p. 238, § 21. **L. 75:** (4) repealed, p. 1473, § 30, effective July 18; (2) amended, p. 1478, § 2, effective July 30. **L. 90:** (5) added, p. 1719, § 9, effective June 7. **L. 92:** (2)(b) amended and (2)(d) added, p. 2238, § 1, effective April 10. **L. 94:** (5) repealed, p. 753, § 1, effective April 20. **L. 95:** (2)(b) amended, p. 35, § 1, effective March 17. **L. 96:** (2)(b)(II) amended, p. 18, § 4, effective February 22; (2)(a) amended p. 1855, § 5, effective June 5. **L. 2002:** (2)(a)(II) amended, p. 1009, § 4, effective August 7.

39-10-102. When taxes payable.

(1) (a) Repealed.

(b) (I) Except as otherwise provided in article 1.5 of this title, all property taxes shall become due and payable on January 1 of the year following that in which they are levied and shall become delinquent on June 16 of said year.

(II) This paragraph (b) is effective January 1, 1992.

(2) Except as otherwise provided in article 1.5 of this title 39, the treasurer shall accept payment of taxes tendered by any person and, upon request of the person who tendered the payment of taxes or the person's agent, issue a receipt therefor at any time after the tax list and warrant have been received by the treasurer.

Source: L. 64: R&RE, p. 716, § 1. **C.R.S. 1963:** § 137-10-2. **L. 81:** Entire section amended, p. 1841, § 3, effective May 28. **L. 90:** (1) amended, p. 1716, § 1, effective June 7; (1) amended, p. 1085, § 49, effective July 1. **L. 2020:** (2) amended, (HB 20-1077), ch. 80, p. 325, § 11, effective September 14.

Editor's note: Subsection (1)(a)(II) provided for the repeal of subsection (1)(a), effective January 1, 1992. (See L. 90, p. 1716.)

39-10-103. Tax statement. (1) (a) As soon as practicable after January 1, the treasurer shall, at the treasurer's discretion, mail or send electronic notification to each person whose name appears on the tax list and warrant a statement or true and actual notice of electronic statement availability, as applicable, showing the total amount of taxes payable by such person, which statement shall separately list the amount of taxes levied on real and personal property and shall recite the actual value of the property and the amount of valuation for assessment upon which

such taxes were levied. If any of the personal property upon which taxes are to be levied is a mobile home, the tax statement shall contain the following notice: "This property may not be moved without a valid permit or prorated tax receipt and a transportable manufactured home permit from the county treasurer's office. Violators shall be prosecuted." Failure of any person to receive such statement or true and actual notice of an electronic statement, as applicable, shall not preclude collection by the treasurer of the amount of taxes due from and payable by such person. Such statement shall include a notice that, if such person desires a receipt for payment of taxes, the person shall request such receipt. The statement may also state what each mill levy would have been for each taxing district for the prior tax year based upon the current year's valuation for assessment.

(b) On and after January 1, 1988, each taxpayer's statement required by paragraph (a) of this subsection (1) shall also separately list the mill levies and the amount of taxes to be credited to the county, municipalities, school districts, special districts, and other districts within the county which are applicable to his property. This paragraph (b) shall be applicable for statements for 1987 taxes payable in 1988 and for each statement thereafter.

(2) Each tax notice shall contain information regarding the actual school district general fund mill levy and the school district general fund mill levy in absence of funds estimated to be received by school districts pursuant to the "Public School Finance Act of 1994", article 54 of title 22, and the estimated funds to be received for the general funds of districts from the state.

(3) Repealed.

(4) Notwithstanding any other provision of law, a taxpayer may request to receive by electronic transmission the statement required by subsection (1) of this section. The taxpayer shall submit along with the request an electronic address to which the treasurer may send future statements. The treasurer, upon receipt of such request by a taxpayer to receive statements electronically, may send all future statements by electronic transmission to the electronic address supplied by the taxpayer; except that, if a taxpayer subsequently requests to cease the electronic transmission of such statements and requests to receive future statements by mail, the treasurer shall comply with the request. Failure of a taxpayer to receive the electronic statement shall not preclude collection by the treasurer of the amount of taxes due from and payable by the taxpayer.

Source: L. 64: R&RE, p. 716, § 1. **C.R.S. 1963:** § 137-10-3. **L. 77:** Entire section amended, p. 1761, § 2, effective June 2; entire section amended, p. 1739, § 22, effective June 20. **L. 78:** Entire section amended, p. 373, § 10, effective July 1. **L. 85:** (1) amended, p. 1232, § 1, effective April 5. **L. 88:** (2) amended, p. 824, § 38, effective May 24. **L. 89:** (2) amended, p. 971, § 23, effective June 7. **L. 90:** (3) added, p. 1716, § 2, effective June 7; (3) added, p. 1085, § 50, effective July 1, 1990. **L. 91:** (1)(a) amended, p. 1695, § 2, effective July 1. **L. 94:** (2) amended, p. 825, § 56, effective April 27; (2) amended, p. 1646, § 81, effective May 31. **L. 96:** (1)(a) amended, p. 724, § 8, effective May 22. **L. 2004:** (3) repealed, p. 207, § 30, effective August 4. **L. 2010:** (1)(a) amended and (4) added, (HB 10-1117), ch. 195, p. 842, § 3, effective August 11. **L. 2015:** (1)(b) amended, (SB 15-264), ch. 259, p. 967, § 87, effective August 5. **L. 2020:** (2) amended, (HB 20-1077), ch. 80, p. 326, § 12, effective September 14.

Editor's note: Amendments to this section by House Bill 77-1324 and House Bill 77-1452 were harmonized. Amendments to subsection (3) by Senate Bill 90-211 superseded by

House Bill 90-1314. Amendments to subsection (2) by House Bill 94-1001 and Senate Bill 94-206 were harmonized.

39-10-104. Payment dates - optional payment dates - failure to pay - penalty - repeal. (Repealed)

Source: L. 64: R&RE, p. 716, § 1. **C.R.S. 1963:** § 137-10-4. **L. 71:** p. 327, § 3. **L. 73:** p. 1433, § 3. **L. 77:** (1), (2), (3), and (5) amended and (6) added, p. 1763, § 1, effective April 7; (1)(b), (2)(b), (3)(b), and (5)(b) repealed, p. 1763, § 1, effective March 1, 1978. **L. 79:** (6) repealed, p. 1641, § 54, effective July 19; (2)(a), (3)(a), and (5)(a) amended and (7) and (8) added, pp. 1420, 1421, 1423, §§ 1, 2, 3, effective January 1, 1980. **L. 81:** (9) added, p. 1860, § 1, effective March 20; (7) amended, p. 1859, § 1, effective March 27. **L. 83:** (1)(a) amended and (5.5) added, p. 1509, § 1, effective May 23. **L. 90:** (10) added, p. 1717, § 3, effective June 7; (10) added, p. 1085, § 51, effective July 1.

Editor's note: Subsection (10) provided for the repeal of this section, effective January 1, 1992. (See L. 90, pp. 1085, 1717.)

39-10-104.5. Payment dates - optional payment dates - failure to pay - delinquency - repeal. (1) The provisions of this section, as amended, are effective January 1, 1994.

(2) Except as provided in subsections (6) and (7) of this section, at the option of the taxpayer, property taxes may be paid in full or in two equal installments, the first such installment to be paid on or before the last day of February and the second installment to be paid no later than the fifteenth day of June.

(3) (a) If the first installment is not paid on or before the last day of February, then delinquent interest on the first installment shall accrue at the rate of one percent per month from the first day of March until the date of payment; except that, if payment of the first installment is made after the last day of February but not later than thirty days after the mailing by the treasurer of the tax statement, or true and actual notification of an electronic statement, pursuant to section 39-10-103 (1)(a), no such delinquent interest shall accrue. If the second installment is not paid by the fifteenth day of June, delinquent interest on the second installment shall accrue at the rate of one percent per month from the sixteenth day of June until the date of payment. Interest on the first installment shall continue to accrue at the same time that interest is accruing on the unpaid portion of the second installment. The taxpayer shall continue to have the option of paying delinquent property taxes in two equal installments until one day prior to the sale of the tax lien on such property pursuant to article 11 of this title.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), if the full amount of taxes is paid in a single payment on or before the last day of April, then no delinquent interest shall accrue on any portion of the taxes. If the full amount of taxes is paid in a single payment after the last day of April, interest shall be added to the full amount of taxes due in the amount of one percent per month which shall accrue from the first day of May until the date of payment.

(c) Interest shall be calculated on delinquent taxes as provided in paragraphs (a) and (b) of this subsection (3) as specified in the following table:

Required Date of Payment	**Last Day of February**	**June 15**	**April 30**
Month Paid	Half Tax Option		Full Tax Option*
	1st Installment	2nd Installment	
March	1%	____________	
April	2%	____________	
May	3%	______	1%
June 1 - 15	4%	______	2%
June 16 - 30	4%	1%	2%
July	5%	2%	3%
August	6%	3%	4%
September	7%	4%	5%
October	8%	5%	6%
November	9%	6%	7%
December	10%	7%	8%

*Total taxes less than $25.00 must be paid using the Full Tax Option.

(4) (Deleted by amendment, L. 93, p. 303, § 1, effective April 7, 1993.)

(5) In computing the amount of delinquent interest due under this section, portions of months shall be counted as whole months.

(6) There shall be no installment payment of property taxes totaling less than twenty-five dollars, and such taxes shall be paid in full no later than the last day of April. If such taxes are not paid prior to the last day of April, delinquent interest on the amount thereof shall accrue at the rate of one percent per month from the first day of May until the date of payment.

(7) The treasurer shall be authorized to accept funds paid by the seller and accepted by the dealer as a partial payment of taxes which have not yet been levied and which are not yet due but which have been prorated between the buyer and the seller at the time of the sale of a mobile home. A dealer shall remit taxes collected under this subsection (7) to the treasurer within ten days.

(8) Any payment under this section shall be deemed received by the treasurer on the date that the installment or full payment, including any penalties or fees due, is actually received in the treasurer's office, and actual receipt will be presumed as of the date of the United States postal service postmark. Where a payment is received through the mail or a common carrier but

has no United States postal service postmark and the payment is actually received in the treasurer's office no later than five days after the due date, the treasurer shall record the date of payment as the due date of the payment. Where the payment is received through the mail or a common carrier but has no United States postal service postmark and the payment is actually received in the treasurer's office six or more days after the due date, the treasurer shall record the date of payment as the date the payment was received. If the date for filing any tax return or remittance falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day.

(9) An additional charge may be added to any delinquent taxes totaling less than fifty dollars including all delinquent interest and other charges. Such charge shall be for the purpose of covering the administrative costs and fees incurred by the county in collecting such delinquencies and shall be determined by the board of county commissioners or such other body as authorized by the city and county of Denver or as authorized by the city council of the city and county of Broomfield. Such charge shall not exceed twenty-five dollars in any case and shall be limited to such amount less than twenty-five dollars as may be necessary to limit the total charges against such property, including taxes, delinquent interest, and the charge authorized by this subsection (9), to no more than fifty dollars. Charges imposed under the authorization of this subsection (9) shall be a lien under section 39-1-107.

(10) The treasurer may refrain from collecting any penalty, delinquent interest, or costs where the amount to be collected is fifty dollars or less. Nothing in this subsection (10) shall be construed as releasing any person from the payment of any tax, assessment, penalty, delinquent interest, or costs or any other moneys which are due and owing and which the treasurer is authorized by law to collect.

(11) Repealed.

(12) Notwithstanding any other provision of law, a county treasurer may accept an estimated prepayment of property taxes due for the current tax year prior to the treasurer's receipt of the tax warrant pursuant to section 39-5-129. The treasurer has broad authority to establish the conditions and terms under which estimated prepayments will be accepted.

(13) Repealed.

(14) (a) For any specified period of time between June 16, 2021, and September 30, 2021, the board of county commissioners of any county, or the city council of any city and county may, upon approval of the county treasurer, by resolution:

(I) Temporarily reduce the rate at which delinquent interest accrues under subsection (3) of this section;

(II) Temporarily waive delinquent interest that accrues under subsection (3) of this section; or

(III) Temporarily suspend the accrual of delinquent interest under subsection (3) of this section entirely.

(b) Any board of county commissioners or city council that intends to reduce, waive, or suspend delinquent interest in accordance with this subsection (14) shall give notice of its intent to at least three executives or board officers in local taxing jurisdictions.

(c) If a local taxing jurisdiction would be unable to meet its bond payment due to, and within the period of, the proposed reduction, waiver, or suspension of delinquent interest, the local taxing jurisdiction shall notify the board of county commissioners or city council within three business days of receiving the notice required by subsection (14)(b) of this section.

(d) This subsection (14) is repealed, effective December 31, 2021.

Source: L. 90: Entire section added, pp. 1085, 1717, §§ 52, 4, effective January 1, 1992. **L. 92:** (3) to (6), (9), and (10) amended, p. 2226, § 9, effective April 9. **L. 93:** (1) to (4) amended, p. 303, § 1, effective April 7; (2) amended and (11) added, p. 346, § 3, effective April 12. **L. 94:** (8) amended, p. 753, § 2, effective April 20. **L. 98:** (11) repealed, p. 829, § 52, effective August 5. **L. 2000:** (3)(a) amended, p.81, § 1, effective March 10. **L. 2001:** (9) amended, p. 269, § 17, effective November 15. **L. 2005:** (8) amended, p. 254, § 1, effective April 14. **L. 2006:** (10) amended, p. 26, § 1, effective March 13. **L. 2010:** (8) amended, (HB 10-1046), ch. 16, p. 77, § 1, effective March 5; (3)(a) amended, (HB 10-1117), ch. 195, p. 843, § 4, effective August 11. **L. 2016:** (2) amended, (SB 16-189), ch. 210, p. 793, § 107, effective June 6. **L. 2020:** (13) added, (HB 20-1421), ch. 108, p. 423, § 1, effective June 14; (12) added, (HB 20-1077), ch. 80, p. 326, § 13, effective September 14. **L. 2021:** (14) added, (SB 21-279), ch. 365, p. 2406, § 1, effective June 28.

Editor's note: (1) Amendments to subsection (2) by Senate Bill 93-90 and House Bill 93-1040 were harmonized.

(2) Subsection (11), referenced in subsection (2), was repealed, effective August 5, 1998, but has been left in for historical purposes.

(3) Subsection (13)(b) provided for the repeal of subsection (13), effective December 31, 2020. (See L. 2020, p. 423.)

39-10-105. Receipt for taxes. (1) Upon request of an individual taxpayer or the taxpayer's agent, the treasurer shall issue and shall mail, if additionally requested, a receipt for each payment of taxes received, which shall state the amount of taxes paid and any delinquent interest thereon, the year or portion thereof for which such taxes apply, the property upon which such taxes are paid, and a notation of any taxes levied thereon for prior years which are unpaid and delinquent. A copy of the statement specified in section 39-10-103, when stamped "paid" by the treasurer, shall suffice for such receipt. The apportionment of the total tax levy may be printed or stamped on the reverse side of each tax receipt issued or may be separately furnished to the taxpayer. The mortgagee or beneficiary of a deed of trust is not required to retain a tax receipt for the property which is the subject of the mortgage or the deed of trust.

(1.5) In lieu of issuing and mailing individual receipts, the treasurer may issue and mail a certified listing of taxes paid and any delinquent interest thereon, the year or portion thereof for which such taxes apply, and sufficient identification of the property upon which such taxes are paid to those taxpayers or their agents for combined tax payments on ten or more assessed parcels.

(2) The treasurer shall retain in the office as part of the records thereof a copy of every receipt issued by the treasurer for taxes paid, which copies shall be recorded or filed in the order of issuance. The original tax receipt, or a copy thereof, or a copy of any entry in the treasurer's records concerning the same shall, when certified by the treasurer or the treasurer's deputy, be received in all places as prima facie evidence of payments of the taxes. For purposes of this section, "copy" means a reproduction of the original by any means, including, but not limited to, a photograph, a microfilm or optical imaging record, a computer disk image, or any other means of record retention chosen by the treasurer.

(3) Repealed.

Source: L. 64: R&RE, p. 717, § 1. **C.R.S. 1963:** § 137-10-5. **L. 71:** p. 327, § 4. **L. 75:** (1.5) added, p. 1479, § 3, effective July 1. **L. 77:** (1) and (1.5) amended, p. 1761, § 3, effective June 2. **L. 92:** (1) and (1.5) amended, p. 2226, § 10, effective April 9. **L. 94:** (1) and (2) amended, p. 754, § 3, effective April 20. **L. 2020:** (3) repealed, (HB 20-1077), ch. 80, p. 326, § 14, effective September 14.

39-10-106. Payment of taxes on fractional interests in lands. (1) Where oil, gas, or other hydrocarbon wells or fields belonging to multiple owners are operated as a unit, the owner of each fractional interest in such units shall be liable for the same proportion of the tax levied against the total unit that his net taxable revenues received therefrom bears to the total net taxable revenues received from such unit. In the event a fractional interest owner who takes production in kind does not provide the information to the operator which is required under section 39-7-101 (1.5), such fractional interest owner's tax liability shall be calculated using the net taxable revenues reported by the operator.

(2) The unit operator shall collect from the owners of the fractional interests and remit to the treasurer of the county in which the unit is located the tax levied against the entire unit. The unit operator may deduct and withhold from royalty payments or any other payments made to any fractional interest owner, either in kind or in money, the estimated amount of the tax to be paid by such fractional interest owner. Any difference between the estimated tax so withheld and the actual tax payable by any owner of a fractional interest may be accounted for by adjustments in royalty or other payments made to such owner subsequent to the time the actual tax is determined. Failure of the unit operator to remit to the treasurer the tax levied against the entire unit shall make the unit operator liable for such tax.

(3) At the request of any unit operator who does not disburse payments to fractional interest owners, the first purchaser shall collect the tax from the fractional interest owners as provided for in this section and transfer such proceeds to the unit operator who shall in turn be responsible for remitting to the treasurer the total tax levied against the entire unit.

(3.5) (a) Except as otherwise provided in paragraph (b) of this subsection (3.5), the unit operator shall place in an account in a federally insured bank or savings and loan association located in the state of Colorado which requires two signatures, one of which shall be the signature of the county treasurer of the county in which the unit is located, in order to make a withdrawal, an amount equal to the tax collected from the owners of fractional interests in the unit by the unit operator pursuant to the provisions of this section plus the proportional share of tax levied on the fractional interest in the unit owned by the unit operator. Such account shall be owned by the owners of fractional interests in the unit, but the unit operator shall be responsible for managing such account. The moneys shall be deposited in such account within thirty days from the date the unit operator receives payment for the sale of any oil or gas from such lease.

(b) The treasurer may waive the requirement of placing the tax in such account or fund as required in paragraph (a) of this subsection (3.5) and allow the unit operator to file a statement with the treasurer declaring that a sufficient amount of moneys or other assets is available to ensure the payment of the tax if:

(I) The unit operator has made timely payment of the tax to the treasurer during the previous three property tax years;

(II) The unit operator has been in operation in the county for less than three property tax years and has made timely payment of the tax to the treasurer during such period of time; or

(III) The unit operator has been in operation in the county for less than one property tax year.

(c) Upon the completion of all production of oil and gas from the unit and after all wells within the unit are plugged and abandoned, all moneys remaining in the account after full payment of all ad valorem taxes due on the unit shall be distributed to the owners of fractional interests in the unit based upon each owner's proportional contribution to the moneys remaining in the account. Any interest accruing to the account shall be credited to the account and shall be distributed with such other moneys in the account as specified in this paragraph (c).

(4) (a) Failure of the unit operator or first purchaser to collect the tax as provided in this section shall not preclude the treasurer from utilizing lawful collection and enforcement remedies and procedures against the owner of any fractional interest to collect the tax owed by such owner; but an owner shall not be subject to penalty or interest upon the tax owed unless he fails to remit such tax within twenty days after notification to him by the treasurer of the default of the first purchaser or unit operator.

(b) (I) When the tax has been collected from the owners of fractional interests by the unit operator pursuant to the provisions of this section but the unit operator fails to remit such tax collected, the unit operator shall remain liable for the amount of tax owed. The treasurer shall send a notice by registered mail to the first purchaser of the amount of such delinquent taxes and the name of the unit operator owing such delinquent tax. After receiving such notice, the first purchaser shall withhold payments to the unit operator owing the taxes of any of the proceeds of the sale of any oil and gas from such lease. The first purchaser shall remit such withheld payments to the treasurer until the amount of such taxes and penalties are paid in full, after which the first purchaser may resume such payments to the unit operator for such oil and gas.

(II) If the first purchaser fails to collect the tax after receiving notice from the treasurer pursuant to the provisions of this paragraph (b) or when the tax has been collected by the first purchaser pursuant to the provisions of this section but the first purchaser fails to transfer the tax to the unit operator pursuant to subsection (3) of this section or to the treasurer pursuant to subparagraph (I) of this paragraph (b), the first purchaser shall remain liable for the amount of tax owed. The treasurer may utilize lawful collection and enforcement remedies and procedures against any first purchaser to collect the amount of such taxes and penalties owed by such first purchaser.

(III) **[*Editor's note: This version of subsection (4)(b)(III) is effective until March 1, 2022.*]** The tax liability of the owner of any fractional interest in such unit whose proportionate share of tax was withheld from royalty or working interest payments by the unit operator or the first purchaser but was not remitted by the unit operator or by the first purchaser to the treasurer shall be deemed satisfied to the extent of the amount withheld, and such owner shall not be subject to any collection and enforcement remedies and procedures provided by law for the collection of such delinquent tax for which an amount was withheld from royalty or working interest payments pursuant to the provisions of this section. Any unit operator or first purchaser who has collected the tax from the fractional interest owners pursuant to the provisions of this section but has failed to remit such tax collected commits embezzlement, as defined in sections 18-4-401 and 18-4-403, C.R.S.

(III) **[*Editor's note: This version of subsection (4)(b)(III) is effective March 1, 2022.*]** The tax liability of the owner of any fractional interest in such unit whose proportionate share of tax was withheld from royalty or working interest payments by the unit operator or the first purchaser but was not remitted by the unit operator or by the first purchaser to the treasurer shall be deemed satisfied to the extent of the amount withheld, and such owner shall not be subject to any collection and enforcement remedies and procedures provided by law for the collection of such delinquent tax for which an amount was withheld from royalty or working interest payments pursuant to the provisions of this section. Any unit operator or first purchaser who has collected the tax from the fractional interest owners pursuant to the provisions of this section but has failed to remit such tax collected commits a class 2 misdemeanor.

(IV) Upon audit, the unit operator shall not be liable for any tax or any penalty interest levied against any amount of production taken in kind from the property for which the fractional interest owner taking production in kind provided inaccurate information regarding net taxable revenues to be used for tax reporting.

(4.5) (a) If the unit operator fails to remit the proportional share of tax levied on the fractional interest in the unit owned by the unit operator, the treasurer shall send a notice by registered mail to the first purchaser of the name of the unit operator owing such tax and the amount the first purchaser shall withhold from any of the unit operator's proceeds of the sale of any oil and gas from such lease. After receiving such notice, the first purchaser shall withhold payments to the unit operator of any of the proceeds of the sale of any oil and gas from such lease. The first purchaser shall remit such withheld payments to the treasurer until the amount of such tax and penalties are paid in full, after which the first purchaser may resume such payments to the unit operator for such oil and gas.

(b) The tax liability of the unit operator whose proportional share of tax levied on the fractional interest in the unit owned by the unit operator was withheld from payments by the first purchaser pursuant to paragraph (a) of this subsection (4.5) but was not remitted by the first purchaser to the treasurer shall be deemed satisfied to the extent of the amount withheld, and such unit operator shall not be subject to any collection and enforcement remedies and procedures provided by law for the collection of such delinquent tax for which an amount was withheld by a first purchaser from oil and gas sale proceeds pursuant to the provisions of this section.

(c) If the first purchaser fails to collect the tax or when the tax has been collected by the first purchaser pursuant to the provisions of this subsection (4.5) but the first purchaser fails to transfer the tax to the treasurer pursuant to paragraph (a) of this subsection (4.5), the first purchaser shall remain liable for the amount of tax owed. The treasurer may utilize lawful collection and enforcement remedies and procedures against any first purchaser to collect the amount of such taxes and penalties owed by such first purchaser.

(5) For the purposes of this section, "unit" means any single oil, gas, or other hydrocarbon well or field which has multiple ownership, or any combination of oil, gas, or other hydrocarbon wells, fields, and properties consolidated into a single operation, whether by a formal agreement or otherwise; "owner" means the holder of any interest or interests in such properties or units, including royalty interest; and "first purchaser" means either the first purchaser to buy oil or gas from a new producing well or the current purchaser of oil or gas from a producing well.

Source: L. 64: R&RE, p. 717, § 1. **C.R.S. 1963:** § 137-10-6. **L. 69:** p. 1121, § 3. **L. 71:** p. 1247, § 1. **L. 79:** p. 1418, § 3. **L. 87:** (3.5) and (4.5) added and (4) amended, p. 1419, § 1, effective May 20. **L. 88:** (3.5)(a), (3.5)(c), and (4)(b)(III) amended and (3.5)(b) R&RE, p. 1309, §§ 2, 1, effective April 14; (4)(b)(III) amended, p. 1437, § 38, effective June 11. **L. 93:** (1) and (3.5)(c) amended and (4)(b)(IV) added, pp. 242, 243, §§ 3, 4, effective March 31. **L. 99:** (1) amended, p. 629, § 41, effective August 4. **L. 2021:** (4)(b)(III) amended, (SB 21-271), ch. 462, p. 3294, § 690, effective March 1, 2022.

Editor's note: Section 803(2) of chapter 462 (SB 21-271), Session Laws of Colorado 2021, provides that the act changing this section applies to offenses committed on or after March 1, 2022.

39-10-107. Apportionment of taxes, delinquent interest - payment. (1) (a) Notwithstanding any other provision of law, all taxes collected by the treasurer shall be apportioned, credited, and distributed to the county and the several towns, cities, school districts, and special districts within the county on the tenth day of each month for all taxes collected during the immediately preceding month; except that:

(I) If the amount of taxes collected for the month equals less than one hundred dollars for any town, city, school district, or special district, the treasurer may elect to distribute the amount on a quarterly basis to the town, city, school district, or special district; and

(II) If the amount of taxes collected for the month equals less than fifty dollars for any town, city, school district, or special district, the treasurer may elect to distribute the amount on an annual basis to the town, city, school district, or special district.

(b) Any prior years' taxes collected during any given year on oil and gas leaseholds and lands that had previously been omitted from the assessment roll due to underreporting of the selling price or the quantity of oil and gas sold therefrom shall be placed in escrow by the treasurer to be apportioned, credited, and distributed during January of the subsequent year.

(c) Prior to being apportioned, credited, and distributed, all taxes collected by the treasurer shall be reduced by an amount equal to the costs incurred by the treasurer and the assessor; except that such costs shall not include any contingency fee paid to any person for the audit review and collection of such prior years' taxes as such contingency fees are prohibited. Prior to being apportioned, credited, and distributed, all taxes shall be reduced by an amount equal to an entity's pro rata share of any tax refunds granted subsequent to distribution by the treasurer if the amount has not otherwise been returned by the entity; except that this requirement to reduce taxes shall not apply to a city and county. All delinquent interest shall be apportioned, credited, and distributed in the same manner.

(2) Repealed.

(3) Whenever any school district elects, pursuant to law, to have the moneys of such district paid over to the district treasurer, the treasurer of any county wherein such school district is located shall, no later than the tenth day of each month, pay over to the district treasurer all taxes collected for said school district during the month immediately preceding; except that, on and after January 1, 1992, the county treasurer shall make an additional payment to the district treasurer during the months of March, May, and June, which payment shall consist of all taxes collected through the twentieth day of the respective month if the county has a population of at least five thousand persons and which payment shall consist of all taxes collected through the

eighteenth day of the respective month if the county has a population of less than five thousand persons. Such additional payment shall be made no later than the twenty-fourth day of said month.

(4) No later than the tenth day of each month, the treasurer shall prepare and submit to the board of county commissioners and to the proper officer of each town, city, school district, and special district within his county a statement showing the amount collected by him for each such entity during the month immediately preceding from each separate levy imposed for such entity. No later than the tenth day of January of each year, he shall prepare and submit a similar statement showing the amount collected during the entire calendar year immediately preceding from each separate levy imposed for such entity.

Source: L. 64: R&RE, p. 718, § 1. **C.R.S. 1963:** § 137-10-7. **L. 79:** (1) amended, p. 1421, § 4, effective January 1, 1980. **L. 84:** (1) amended, p. 1002, § 3, effective March 16. **L. 90:** (3) amended, p. 1718, § 5, effective June 7; (1) amended, p. 1704, § 40, effective June 9; (3) amended, p. 1087, § 53, effective July 1. **L. 91:** (1) amended, p. 1954, § 4, effective January 1, 1992. **L. 91, 2nd Ex. Sess.:** (3) amended, p. 57, § 2, effective October 11. **L. 92:** (1) amended, p. 2227, § 11, effective April 9. **L. 2008:** (1) amended, p. 26, § 1, effective August 5; (1) amended, p. 1248, § 7, effective August 5. **L. 2015:** IP(1)(a) amended and (2) repealed, (SB 15-264), ch. 259, p. 967, § 88, effective August 5.

Editor's note: Amendments to subsection (1) by House Bill 08-1059 and House Bill 08-1349 were harmonized.

39-10-108. Treasurer responsible for state tax levies. (Repealed)

Source: L. 64: R&RE, p. 719, § 1. **C.R.S. 1963:** § 137-10-8. **L. 2015:** Entire section repealed, (SB 15-264), ch. 259, p. 967, § 89, effective August 5.

39-10-109. Delinquent tax list - notice.

(1) Repealed.

(2) (a) As soon as practicable after June 15, the treasurer shall prepare a list of all persons delinquent in the payment of taxes on personal property and shall notify each such person by mail of the amount of delinquent personal property taxes and delinquent interest due and owing thereon to and including the last day of the month in which such notice is mailed. Such notice shall also state that, unless payment of the amount of such unpaid personal property taxes and delinquent interest thereon are paid by August 31, publication of such delinquency will be made during the month of September.

(b) This subsection (2) is effective January 1, 1992.

Source: L. 64: R&RE, p. 719, § 1. **C.R.S. 1963:** § 137-10-9. **L. 65:** p. 1108, § 1. **L. 90:** Entire section amended, p. 1718, § 6, effective June 7; entire section amended, p. 1087, § 54, effective July 1. **L. 92:** (2)(a) amended, p. 2227, § 12, effective April 9. **L. 94:** (2)(a) amended, p. 754, § 4, effective April 20.

Editor's note: Subsection (1)(b) provided for the repeal of subsection (1), effective January 1, 1992. (See L. 90, p. 1087.)

39-10-110. Publication of delinquent taxes. During the month of September, the treasurer shall publish for one time only in a newspaper published in his county a notice listing the names and addresses of all persons whose taxes on personal property are unpaid and delinquent, with the amount of such taxes and delinquent interest thereon to and including the last day of September, plus the fee prescribed in section 30-1-102, C.R.S. Such notice shall recite that, if the amount of such delinquent taxes, delinquent interest, and fee is not paid by the last day of September, the personal property upon which such taxes were levied shall be subject to distraint, seizure, and sale. If there is no newspaper published in the county, then the treasurer shall conspicuously post copies of such notice in the county courthouse, in the treasurer's office, and in at least one other public place in the county seat.

Source: L. 64: R&RE, p. 719, § 1. **C.R.S. 1963:** § 137-10-10. **L. 65:** p. 1108, § 2. **L. 71:** p. 327, § 5. **L. 92:** Entire section amended, p. 2228, § 13, effective April 9. **L. 93:** Entire section amended, p. 305, § 2, effective April 7.

39-10-110.5. Partial payment of delinquent personal property taxes. (1) Notwithstanding any other provision of law to the contrary, the treasurer may accept partial payments for delinquent personal property taxes so long as the owner of the personal property has entered into a written payment plan with the treasurer. The payment plan shall specify the total amount due, including the amount of tax levied and any applicable interest, penalties, or fees; the amount of each payment; and payment due dates. The total amount due under a payment plan shall be paid in full no later than twenty-four months from the date the owner of the personal property enters into a written payment plan with the treasurer.

(2) The treasurer shall keep a copy of the payment plan until the owner of the personal property has paid the total amount identified in the payment plan. Once the owner of the personal property has paid the total amount due, the treasurer shall mark the plan "paid in full".

(3) The treasurer may terminate the payment plan if the owner of the personal property fails to abide by the terms and conditions of the plan.

Source: L. 98: Entire section added, p. 238, § 1, effective April 10.

39-10-111. Distraint, sale of personal property. (1) (a) At any time after the first day of October, the treasurer shall enforce collection of delinquent taxes on personal property by commencing a court action for collection or employing a collection agency as provided in section 39-10-112 or by distraining, seizing, and selling the property; except that this section does not apply to the collection of delinquent taxes on mobile homes or manufactured homes. The treasurer shall enforce the collection of delinquent taxes on mobile homes or manufactured homes pursuant to section 39-10-111.5. Whenever a distraint warrant is issued, it shall be served by the sheriff or a commissioned deputy or, at the discretion of the sheriff, by a private server of process hired for the purpose. Any cost incurred as a result of hiring a private server of process shall be paid by the sheriff's office, and the cost shall not exceed the amount specified in section 30-1-104 (1)(a).

(b) When personal property upon which a distraint warrant has been issued or which is subject to such warrant by reason of delinquency has been removed to another county in the state, the treasurer of the county levying the tax may issue a certificate to the treasurer of the county to which the property has been removed, reciting the amount of taxes and delinquent interest unpaid and a description of the property to be distrained.

(c) The treasurer receiving such certificate shall thereupon proceed to distrain, seize, and sell such property in the same manner as if the property were originally taxed in his county and shall remit the net proceeds, after payment of any sheriff's fees and other costs of seizure and sale, to the treasurer who certified the delinquency to him.

(2) Whenever any personal property is distrained and seized, the treasurer or his deputy shall make a list of such property and deliver a copy thereof to the owner of such property or to his or her agent, together with a statement of the amount demanded and notice of the time and place fixed for the sale of such property.

(3) No later than one hundred eighty days after the seizure of any personal property pursuant to this section, the treasurer shall publish a notice containing a description of the seized property, the reason for its being offered for sale, and the time and place fixed for the sale in a newspaper published in the county. If there is no such newspaper, the treasurer shall conspicuously post copies of such notice in the county courthouse and in at least two other public places in the county seat.

(4) The time fixed for the sale shall be not more than ten days from the date the notice is first published, but the sale may be adjourned from time to time if there are no bidders or if the treasurer deems such adjournment advisable for any reason, but in no event shall the sale be postponed for more than thirty days from the date the notice is first published.

(5) At the time and place fixed for the sale, the treasurer or deputy treasurer shall proceed to sell such property at public auction, offering it at a minimum price, which shall include the taxes, delinquent interest, and costs of making the seizure and advertising the sale. If the amount bid at the sale is not equal to the fixed minimum price, the treasurer or deputy treasurer may declare the property purchased by the county at the fixed minimum price, and it shall thereafter be sold within one hundred fifty days in such manner as may be determined by the board of county commissioners.

(6) (a) In any county wherein the treasurer has insufficient personnel to conduct said sale, upon demand of the treasurer, the sheriff shall conduct such sale, collect the proceeds thereof, and pay the same over to the treasurer. In such event, the sheriff shall receive such fees as are provided in section 30-1-104, C.R.S.

(b) The treasurer may enter into a contract to employ the services of any professional auctioneer or auction company to conduct such sale, collect the proceeds thereof, and pay the same over to the treasurer, when the treasurer deems such services to be appropriate and to be in the best interests of the public. Such contract shall be awarded by competitive bid, but the treasurer may reject any or all bids or parts of bids. The auctioneer or auction company conducting such sale shall provide the treasurer with an itemized list of all property sold, the amount paid for such property sold, and each purchaser's name and address. The fees of the auctioneer or auction company shall be paid by the treasurer from the proceeds of the sale.

(7) In all cases of sale, the treasurer shall issue a certificate of sale to each purchaser, and such certificate shall be prima facie evidence of the right of the treasurer to make such sale and conclusive evidence of the regularity of the proceedings in conducting and making such sale.

The treasurer's certificate shall transfer to the purchaser all right, title, and interest of the owner in and to the property sold.

(8) Any surplus of the sale proceeds remaining over and above the taxes, delinquent interest, and costs of making the seizure and advertising the sale shall be paid over to the owner and a written account of the sale furnished him.

(9) If, prior to the time fixed for the sale, the amount demanded is paid to the treasurer, the property distrained upon and seized shall be restored to the owner thereof.

(10) Repealed.

(11) If taxes become delinquent upon the personal property of any public utility, as defined in article 4 of this title, the treasurer of the county in which the taxes are delinquent shall commence a court action for collection or employ a collection agency as provided in section 39-10-112 or distrain and sell any of the personal property of the utility wherever found in the manner that other personal property is to be distrained and sold for the nonpayment of taxes; except that, for taxes imposed pursuant to article 1 of title 32, C.R.S., that equal or exceed one hundred mills in any one year, only the personal property that is the subject of the taxes and located within the special district at the time of assessment of the taxes shall be subject to levy or distraint for the payment of the delinquent taxes.

(12) Repealed.

(13) When a county seizes property that is used in a business, the county shall not continue to operate the business.

Source: L. 64: R&RE, p. 719, § 1. **C.R.S. 1963:** § 137-10-11. **L. 67:** p. 212, § 2. **L. 70:** p. 389, § 2. **L. 77:** (7) amended and (10) added, p. 1742, § 4, effective January 1, 1980. **L. 78:** (2) and (10) amended, pp. 478, 480, §§ 3, 4, effective March 10. **L. 79:** (11) added, p. 1421, § 5, effective January 1, 1980. **L. 80:** (10) amended, p. 499, § 4, effective July 1. **L. 82:** (10) amended, p. 550, § 15, effective July 1. **L. 90:** (10) amended, p. 1698, § 24, effective June 9. **L. 91:** (5) and (6) amended, p. 1972, § 3, effective March 27; (10) amended and (12) added, p. 1697, § 8, effective July 1. **L. 92:** (1)(b), (5), (8), and (10) amended, p. 2228, § 14, effective April 9. **L. 93:** (1)(a) amended, p. 305, § 3, effective April 7. **L. 94:** (4) amended, p. 754, § 5, effective April 20. **L. 95:** (11) amended, p. 128, § 2, effective April 7. **L. 96:** (1)(a) and (11) amended, p. 13, § 1, effective February 22. **L. 2000:** (10) amended, p. 1637, § 15, effective June 1. **L. 2004:** (3) and (5) amended and (13) added, p. 158, § 1, effective August 4. **L. 2017:** (1)(a), (2), and (7) amended and (10) and (12) repealed, (HB 17-1354), ch. 215, pp. 837, 840, §§ 1, 3, effective August 9.

Cross references: For recordation of tax sales of mobile homes by the county treasurer and the fee therefor as part of redemption cost, see § 39-11-114.

39-10-111.5. Distraint - sale - redemption - mobile homes. (1) This section applies to the collection of delinquent taxes on mobile homes for which a certificate of title has been issued pursuant to part 1 of article 29 of title 38 and that does not have a certificate of permanent location pursuant to section 38-29-202. For purposes of this section, "mobile home" includes a manufactured home.

(2) (a) At any time after the first day of October, the treasurer may enforce collection of delinquent taxes on mobile homes by commencing a court action for collection or employing a

collection agency as provided in section 39-10-112 or by distraining, seizing, and selling the mobile home. Whenever a distraint warrant is issued, it shall be served by the sheriff or a commissioned deputy or, at the discretion of the sheriff, by a private server of process hired for the purpose. Any cost incurred as a result of hiring a private server of process shall be paid by the sheriff's office, and the cost shall not exceed the amount specified in section 30-1-104 (1)(a).

(b) When a mobile home upon which a distraint warrant has been issued or which is subject to such warrant by reason of delinquency has been removed to another county in the state, the treasurer of the county levying the tax shall issue a certificate to the treasurer of the county to which the mobile home has been removed, reciting the amount of taxes and delinquent interest unpaid and a description of the mobile home to be distrained.

(c) The treasurer receiving such certificate shall proceed to distrain, seize, and sell such mobile home in the same manner as if it were originally taxed in his or her county and if the treasurer proceeds, he or she shall remit the net proceeds, after payment of any sheriff's fees and other costs of seizure and sale, to the treasurer who certified the delinquency.

(3) Whenever a mobile home is distrained and seized, the treasurer, the treasurer's deputy, or an authorized agent of the treasurer shall deliver to the owner of the mobile home or to his or her agent, and to any lienholder of record, a statement of the amount demanded and notice of the time and place fixed for the sale of the mobile home.

(4) The treasurer, in his or her discretion, may sell tax liens on mobile homes or may strike off to the county the tax liens by declaring them county-held. If a tax lien on a mobile home will be sold, the sale shall be in accordance with article 11 of this title 39.

(5) Redemptions of mobile homes shall be in accordance with article 12 of this title 39; except that, at the discretion of the treasurer, liens on mobile homes may be withheld from sales to investors.

(6) (a) (I) A mobile home that is located on leased land or other land not owned by the owner of the mobile home, including, but not limited to, land that was previously owned by the owner of the mobile home and the ownership of which was subsequently acquired by foreclosure, and that is sold or stricken off to the county under the provisions of this section may be redeemed by the owner thereof within one year after the date of the sale upon payment to the treasurer of the proceeds of the sale, interest on such amount at the rate that is determined pursuant to section 39-12-103 (3), and all taxes due and payable on the mobile home subsequent to the tax sale, except as provided in subsection (7) of this section.

(II) A mobile home that is located on land owned by the owner of a mobile home and that is sold under the provisions of this section may be redeemed by the owner thereof within three years after the date of the sale upon payment to the treasurer of the proceeds of the sale, interest on such amount at the rate that is determined pursuant to section 39-12-103 (3), and all taxes due and payable on the mobile home subsequent to the tax sale, except as provided in subsection (7) of this section.

(b) The treasurer shall return the proceeds of the sale, interest, and all taxes due and payable on the mobile home subsequent to the tax sale to the purchaser or lawful holder of the certificate of sale. On or before thirty days prior to the close of the redemption period, the treasurer shall notify the owner of the mobile home and any lienholder of record in the department of revenue and secretary of state, by personal delivery or by certified or registered mail to his or her last-known address, that a treasurer's certificate of ownership for the mobile home may be issued to the purchaser or lawful holder of the certificate of sale at the close of the

redemption period unless such payment is made. Upon redemption, the treasurer shall notify the department of revenue that redemption has been made and thereafter release the tax sale lien filed against the mobile home.

(c) If the owner has not exercised his or her right of redemption and after the close of the redemption period, the purchaser or lawful holder of the certificate of sale may apply to the treasurer for a treasurer's certificate of ownership for the mobile home. Upon receipt of such application, the treasurer shall issue a treasurer's certificate of ownership to such purchaser or holder, and such certificate of ownership shall transfer to him or her all right, title, and interest in and to the mobile home. Such certificate of ownership shall, upon application, entitle the purchaser or holder thereof to a certificate of title to be issued and filed pursuant to part 1 of article 6 of title 42.

(d) Any surplus of the sale proceeds over and above the taxes, delinquent interest, and costs of making the seizure and advertising the sale of a mobile home shall be credited to the county general fund, and a written account of the sale shall be furnished to the owner.

(7) Where a mobile home has been declared to be purchased by or stricken off to the county at the tax sale and where the actual value of the mobile home as shown on the assessment roll has been determined by the assessor to be less than one thousand dollars, the redemption period for such mobile home shall be sixty days. The assessor's determination of value shall be deemed accurate absent a showing of negligence on the part of the assessor. On or before ten days prior to the close of the redemption period, the treasurer shall notify the owner of the mobile home and any lienholder of record in the department of revenue and secretary of state, by personal delivery or by certified or registered mail to the last-known address, that the mobile home may be declared condemned and may be disposed of at the end of the redemption period. The treasurer has the authority to so declare a mobile home condemned after the redemption period has terminated. After the titled mobile home is declared condemned, it may be disposed of as the treasurer deems appropriate.

Source: L. 2017: Entire section added, (HB 17-1354), ch. 215, p. 838, § 2, effective August 9. **L. 2020:** (6)(a)(I) and (7) amended, (HB 20-1077), ch. 80, p. 326, § 15, effective September 14.

39-10-112. Action to collect unpaid taxes - repeal. (1) (a) In order to collect delinquent personal property taxes and any delinquent interest thereon, the treasurer may, at the treasurer's option, sue the owner of the personal property in any court in the treasurer's county having jurisdiction, enter into a contract to employ the services of any collection agency that is duly licensed pursuant to section 5-16-119 or 5-16-120, or distrain, seize, and sell the personal property as provided in section 39-10-111.

(b) Any contract to employ the services of any duly licensed collection agency shall be awarded by competitive bid, but the treasurer may reject any or all bids or parts of bids. The fees of the collection agency shall be paid by the treasurer from the moneys recovered by the collection agency, but in no event shall the fees paid to the collection agency exceed one-third of the amount recovered.

(2) (Deleted by amendment, L. 96, p. 14, § 2, effective February 22, 1996.)

(3) Upon the trial of any court action brought pursuant to subsection (1) of this section, a certificate from the treasurer, reciting the amount of the taxes and any delinquent interest thereon

and that the same has not been paid, shall be prima facie evidence that the amount claimed is due and unpaid, and judgment shall be given for the amount thereof, together with all costs, and execution shall issue as in other cases. Whenever the treasurer sues in court, the county attorney shall perform all legal work involved if requested by the treasurer, and the costs of the action shall be paid by the county.

(4) Nothing in this section shall be construed as relieving the treasurer of the duties of the office of county treasurer.

(5) Repealed.

(6) (a) The county treasurer or other officer responsible for the collection of property taxes for a county or city and county that decides to reduce, waive, or suspend delinquent interest payments in accordance with section 39-10-104.5 (14) shall advance property tax amounts to a local taxing jurisdiction in the county or city and county to help pay the local taxing jurisdiction's bonded indebtedness payments or monthly operational costs.

(b) No treasurer, or other officer responsible for the collection of property taxes for a county or city and county, shall advance property tax amounts to a local taxing jurisdiction for bonded indebtedness payments unless:

(I) The local taxing jurisdiction gave notice to the board of county commissioners or city council in accordance with section 39-10-104.5 (14)(c); and

(II) The local taxing jurisdiction has received less than ninety percent of the property taxes due at the time of the request.

(c) No treasurer, or other officer responsible for the collection of property taxes for a county or city and county, shall advance property tax amounts to a local taxing jurisdiction for bonded indebtedness payments in excess of either:

(I) Ninety percent of the total property tax due to the local taxing jurisdiction; or

(II) The reduction in the local taxing jurisdiction's revenue due to the waiver, reduction, or suspension of delinquent interest pursuant to section 39-10-104.5 (14).

(d) This subsection (6) is repealed, effective December 31, 2021.

Source: L. 64: R&RE, p. 721, § 1. **C.R.S. 1963:** § 137-10-12. **L. 91:** Entire section amended, p. 1973, § 4, effective March 27. **L. 92:** (1)(a)(I)(A) and (2) amended, p. 2229, § 15, effective April 9. **L. 94:** Entire section amended, p. 755, § 6, effective April 20. **L. 96:** Entire section amended, p. 14, § 2, effective February 22. **L. 2017:** (1)(a) amended, (HB 17-1238), ch. 260, p. 1175, § 24, effective August 9. **L. 2020:** (5) added, (HB 20-1421), ch. 108, p. 423, § 2, effective June 14. **L. 2021:** (6) added, (SB 21-279), ch. 365, p. 2407, § 2, effective June 28.

Editor's note: Subsection (5)(b) provided for the repeal of subsection (5), effective December 31, 2020. (See L. 2020, p. 423.)

39-10-113. Removal or transfer of personal property - collection of taxes. (1) (a) If at any time after the lien of general taxes has attached the treasurer believes for any reason that any taxable personal property may be removed from the county or may be dissipated or distributed, so that taxes to be levied for the current year may not be collectible, the treasurer may at once proceed to collect the taxes and, if the treasurer deems it necessary, may distrain, seize, and sell the personal property to enforce collection. Upon the treasurer's request, the assessor shall certify to the treasurer the valuation for assessment of the personal property for the

current year. If the levy for the current year has not then been fixed and made, the levy for the previous year shall be used to determine the amount of taxes due.

(b) Repealed.

(2) Whenever the assessor notifies the treasurer of the valuation of any taxable personal property, as provided in section 39-5-110 (2), which property the assessor believes might be removed from the county, the treasurer may proceed to collect the taxes on the property by commencing a court action for collection or employing a collection agency as provided in section 39-10-112 or by distraining, seizing, and selling the personal property as provided in section 39-10-111 if either the treasurer or the assessor deems it necessary. If the levy for the current year has not then been fixed and made, the levy for the previous year shall be used to determine the amount of taxes due.

(3) At such time as the levy for the current year has been fixed and made, the amount of any taxes collected on personal property pursuant to the provisions of subsection (1) of this section in excess of the amount correctly due and payable shall be refunded to the owner of such property forthwith; but in all cases where the amount of taxes so collected is less than the amount correctly due and payable, the amount uncollected shall be considered an erroneous assessment and shall be reported with other erroneous assessments in the manner prescribed by law.

Source: L. 64: R&RE, p. 721, § 1. **C.R.S. 1963:** § 137-10-13. **L. 67:** p. 951, § 23. **L. 70:** p. 390, § 3. **L. 83:** (2) amended, p. 1484, § 8, effective April 22. **L. 91:** (1)(b) repealed, p. 270, § 9, effective July 1. **L. 96:** (1) and (2) amended, p. 14, § 3, effective February 22. **L. 2020:** (1)(a) and (2) amended, (HB 20-1077), ch. 80, p. 327, § 16, effective September 14.

39-10-113.5. Improvements valued and taxed separately - collection of taxes. (1) Notwithstanding any law to the contrary and except as otherwise provided in this section, if taxes become delinquent upon improvements that have been valued and taxed separately from land, the treasurer of the county in which such taxes are delinquent may proceed to collect such taxes pursuant to the provisions of sections 39-10-111, 39-10-112, and 39-10-113 as if such improvements were personal property. The provisions of this section shall not apply to mobile homes, improvements other than buildings on land that is used solely and exclusively for agricultural purposes, and water rights, together with any dam, ditch, pipeline, canal, flume, reservoir, bypass, conduit, well, pump, or other associated structure or device, as defined in article 92 of title 37, C.R.S., being used to produce water or held to produce or exchange water to support uses of any item of real property specified in section 39-1-102 (14), including water rights used for agricultural purposes.

(2) (a) The provisions of this section shall not apply to any property classified by the assessor for property tax purposes as commercial property unless the treasurer:

(I) Finds that the improvements may be moved, dissipated, or distributed;

(II) Determines that the taxes may be uncollectible;

(III) Sets forth the reasons for such finding and determination in writing and either serves such writing upon the owner of such improvements or, if the owner cannot be located within the state, posts such writing conspicuously upon such improvements.

(b) Upon compliance with the requirements set forth in paragraph (a) of this subsection (2), the treasurer may proceed to collect such taxes pursuant to the provisions of subsection (1) of this section.

Source: L. 92: Entire section added, p. 2235, § 1, effective April 10. **L. 96:** (1) amended, p. 469, § 2, effective April 23.

39-10-114. Abatement - cancellation of taxes. (1) (a) (I) (A) Except as otherwise provided in subsections (1)(a)(I)(D) and (1)(a)(I)(E) of this section, if taxes have been levied erroneously or illegally, whether due to erroneous valuation for assessment, irregularity in levying, clerical error, or overvaluation, the treasurer shall report the amount thereof to the board of county commissioners, which shall proceed to abate such taxes in the manner provided by law. The assessor shall make such report if the assessor discovers that taxes have been levied erroneously or illegally. If such taxes have been collected by the treasurer, the board of county commissioners shall authorize refund of the same in the manner provided by law. Except as provided in subsections (1)(a)(I)(E) and (1)(a)(I)(F) of this section and section 39-5-125 (4), in no case shall an abatement or refund of taxes be made unless a petition for abatement or refund is filed within two years after January 1 of the year following the year in which the taxes were levied. For purposes of this subsection (1)(a)(I)(A), "clerical error" shall include, but shall not be limited to, any clerical error made by a taxpayer in completing personal property schedules pursuant to the provisions of article 5 of this title. Notwithstanding any other law to the contrary, for purposes of this subsection (1)(a)(I)(A), "erroneous valuation" shall include, but shall not be limited to: Any reclassification of property from agricultural land to any other classification of property for the property tax year commencing January 1, 1996, if the property in question qualifies for classification as agricultural land as determined pursuant to section 39-1-102 (1.6), as amended by Senate Bill 97-039, enacted at the first regular session of the sixty-first general assembly; and any denial of exemption from taxation for property claimed as agricultural and livestock products for the property tax year commencing January 1, 1996, if the property in question qualifies as agricultural and livestock products as determined pursuant to section 39-1-102 (1.1), as amended by Senate Bill 97-039, enacted at the first regular session of the sixty-first general assembly.

(B) The assessor shall certify the proportional amount of the total amount of abatements and refunds granted pursuant to the provisions of this section to the appropriate taxing entities at the same time that the certification of valuation for assessment is made pursuant to the provisions of section 39-5-128. Any taxing entity may adjust the amount of its tax levy authorized pursuant to the provisions of section 29-1-301, C.R.S., by an additional amount which does not exceed the proportional share of the total amount of abatements and refunds made pursuant to the provisions of this section. After calculating the amount of property tax revenues necessary to satisfy the requirements of the "Public School Finance Act of 1994", article 54 of title 22, C.R.S., any school district shall add an amount equal to the proportional share of the total amount of abatements and refunds granted pursuant to the provisions of this section prior to the setting of the mill levy for such school district. Any additional amount added pursuant to the provisions of this subsection (1) shall not be included in the total amount of revenue levied in said year for the purposes of computing the limit for the succeeding year pursuant to the provisions of section 29-1-301, C.R.S. Where a final determination is made granting an

abatement or refund pursuant to the provisions of this section, the abatement or refund granted shall be payable at such time as determined by the board of county commissioners after consultation with affected taxing entities but no later than upon the payment of property taxes for the property tax year in which said final determination was made. For the purposes of this sub-subparagraph (B), a taxing entity's proportional share of the total amount of abatements and refunds granted shall be based upon the amount of tax levied by a taxing entity on such real property in proportion to the total amount of tax levied on such real property by such taxing entities.

(B.5) Notwithstanding the provisions of sub-subparagraph (B) of this subparagraph (I), no school district shall be required to levy additional amounts for abatements and refunds which are the result of any protests or appeals of valuation upon which final orders or judgments rendered by a court of competent jurisdiction have been issued and which reduce the valuation for assessment of the district by more than twenty percent. Any school district which is currently levying for abatements, refunds, or both and which would not be required to levy such amounts if this sub-subparagraph (B.5) had been in effect for the tax year in which the court orders or judgments were issued shall have no further obligation to levy for uncollected amounts.

(C) The change or adjustment of any ratio of valuation for assessment shall not constitute grounds for abatement of taxes as provided in subsection (1)(a)(I)(A) of this section.

(D) An abatement or refund of taxes must not be made based upon the ground of overvaluation of property if an objection or protest to such valuation has been made and a notice of determination has been mailed to the taxpayer pursuant to section 39-5-122; except that this prohibition does not apply to personal property when a notice of determination has been mailed to the taxpayer, an objection or protest is withdrawn or not pursued, and the county assessor has undertaken an audit of such personal property that shows that a reduction in value is warranted.

(E) Notwithstanding the periods of limitation for filing a petition for and determining the amount of an abatement or refund of taxes provided in sub-subparagraphs (A) and (D) of this subparagraph (I), when an audit of prior years' taxes for the period described in section 39-10-101 (2)(b) discloses that taxes are due and owing on personal property or on mines and on oil and gas leaseholds, such taxes shall be subtracted from any overpayment of such taxes determined to be due pursuant to this subparagraph (I) for any years during such period and prior to computing delinquent interest.

(F) Notwithstanding the periods of limitation for filing a petition for and determining the amount of an abatement or refund of taxes provided in sub-subparagraph (A) or (D) of this subparagraph (I), an abatement or refund of taxes may be made to any common interest community for property taxes levied for property tax years commencing on or after January 1, 1985, but prior to January 1, 1996, on property not valued in accordance with section 39-1-103 (10), if a petition for abatement or refund is filed on or before June 1, 1997.

(II) Repealed.

(b) Any taxes illegally or erroneously levied and collected, and delinquent interest thereon, are 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 39. For abatements or refunds made pursuant to a petition for abatement or refund filed prior to January 1, 2018, refund interest accrues from the date payment of taxes and

delinquent interest thereon was received by the treasurer from the taxpayer; except that refund interest accrues from the date a complete abatement petition is filed if the taxes were erroneously levied and collected as a result of an error or omission made by the taxpayer in completing the statements required pursuant to the provisions of article 7 of this title 39 and the county pays the abatement or refund within the time frame set forth in subsection (1)(a)(I)(B) of this section. For abatements or refunds made pursuant to a petition for abatement or refund filed on or after January 1, 2018, refund interest accrues from the date a complete abatement petition is filed. Beginning January 1, 2020, refund interest accrues from the date a complete abatement petition is filed or the date payment of taxes was received by the treasurer, whichever is later.

(c) Notwithstanding any other provision of this section, if a county, board of assessment appeals, court of competent jurisdiction, or the property tax administrator determines that a property is exempt from taxation under sections 39-3-106 to 39-3-113.5 or section 39-3-116, and if the county, board, court, or administrator finds competent evidence that said property became or remained subject to taxation for a period as a result of an error or omission made by the taxpayer, then the county, the board of assessment appeals, court of competent jurisdiction, or the property tax administrator may award refund interest or any other type of interest for not greater than two property tax years. Any interest awarded pursuant to this paragraph (c) shall be at the same rate as provided in section 39-10-104.5.

(2) (a) Any taxes levied on personal property, including but not limited to mobile homes, which are determined to be uncollectible after a period of one year after the date of their becoming delinquent may be canceled by the board of county commissioners.

(b) When any real property has been stricken off to a county by virtue of a tax sale and there has been no transfer by the county of a certificate of purchase thereon, the taxes on such property may be determined to be uncollectible after a period of six years from the date of becoming delinquent, and they may be canceled by the board of county commissioners. Such cancellation shall not affect the rights of the county under article 11 of this title to subsequently transfer any tax sale certificate nor its right to receive a tax deed and to exercise its rights thereunder with respect to such property.

(3) The treasurer shall keep a complete record of all taxes abated, refunded, or determined to be uncollectible and canceled by the board of county commissioners as provided in subsection (2) of this section. The treasurer shall file an annual report with the administrator by August 25 of each year that shall include all taxes abated, refunded, or determined to be uncollectible and canceled. Such report shall include the name of each owner of taxable property granted such abatement, refund, or cancellation of property taxes, the amount of property taxes abated, refunded, or canceled, and the date such abatement, refund, or cancellation was granted. The treasurer shall also file an annual report with the department of revenue by August 10 of each year that shall include all taxes on personal property abated or refunded. Such report shall include the name of each owner of taxable personal property granted such abatement or refund of personal property taxes, the schedule number that was the basis for the imposition of the taxes abated or refunded, if applicable, the amount of personal property taxes abated or refunded, and the date such abatement or refund was granted.

Source: L. 64: R&RE, p. 722, § 1. **C.R.S. 1963:** § 137-10-14. **L. 70:** p. 390, § 4. **L. 80:** (2)(a) amended, p. 500, § 5, effective July 1. **L. 81:** (1) amended, p. 1837, § 2, effective January 1, 1982. **L. 88:** (1)(a) and (3) amended, p. 1290, § 24, effective May 23. **L. 89:** (1)(a)(I)(A)

amended, p. 1459, § 19, effective June 7. **L. 90:** (1)(b) amended, p. 1719, § 8, effective June 7; (1)(a)(I)(B) amended and (1)(a)(I)(D) added, p. 1702, § 36, effective June 9; (1)(b) amended, p. 1088, § 56, effective July 1. **L. 91:** (1)(a)(I)(A), (1)(a)(I)(B), and (1)(a)(I)(D) amended, p. 1963, § 3, effective June 5. **L. 92:** (1)(b) and (2)(a) amended, pp. 2230, 2236, §§ 16, 2, effective April 9; (1)(a)(I)(A) and (1)(a)(I)(D) amended and (1)(a)(I)(E) added, p. 2239, § 2, effective April 10; (1)(b) amended, p. 2186, § 68, effective June 2. **L. 93:** (1)(b) amended, p. 306, § 7, effective April 7; (1)(a)(I)(B.5) added, p. 998, § 1, effective June 2. **L. 94:** (1)(a)(I)(B) amended, p. 825, § 57, effective April 27. **L. 96:** (1)(a)(I)(A) and (3) amended, p. 115, § 3, effective March 25; (1)(a)(I)(A) and (1)(b) amended and (1)(a)(I)(F) added, p. 573, § 1, effective April 25; (1)(a)(I)(D) and (1)(a)(I)(E) amended, p. 650, §§ 4, 5, effective May 1. **L. 97:** (1)(a)(I)(A) amended, p. 511, § 2, effective April 24. **L. 2000:** (3) amended, p. 751, § 4, effective May 23. **L. 2002:** (1)(b) amended, p. 843, § 6, effective August 7. **L. 2003:** (1)(b) amended, p. 919, § 1, effective August 6. **L. 2009:** (1)(c) added, (HB 09-1265), ch. 47, p. 170, § 1, effective August 5. **L. 2013:** (1)(a)(I)(D) amended, (HB 13-1113), ch. 11, p. 32, § 7, effective March 8; (1)(c) amended, (HB 13-1300), ch. 316, p. 1705, § 124, effective August 7. **L. 2017:** (1)(a)(I)(A) and (1)(b) amended, (HB 17-1049), ch. 148, p. 494, § 1, effective August 9. **L. 2020:** (1)(a)(I)(D) amended, (SB 20-136), ch. 70, p. 293, § 38, effective September 14; (1)(b) amended, (HB 20-1077), ch. 80, p. 327, § 17, effective September 14. **L. 2021:** (1)(a)(I)(C) amended, (SB 21-293), ch. 301, p. 1813, § 13, effective June 23.

Editor's note: (1) Subsection (1)(a)(II)(B) provided for the repeal of subsection (1)(a)(II), effective January 1, 1989. (See L. 88, p. 1290.)

(2) Amendments to subsection (1)(a)(I)(A) by House Bill 96-1131 and House Bill 96-1290 were harmonized.

Cross references: (1) For the authorization for school districts to apply to the state contingency reserve for assistance relating to abatements and refunds of taxes, see § 22-54-117; for the administrative procedure for abatement of taxes, see § 39-1-113; for approval of tax abatements and rebates by the property tax administration, see § 39-2-116.

(2) For the legislative declaration in SB 20-136, see section 1 of chapter 70, Session Laws of Colorado 2020.

39-10-114.5. Decision - review - judicial review. (1) If the board of county commissioners, pursuant to section 39-10-114 (1), or the property tax administrator, pursuant to section 39-2-116, denies the petition for refund or abatement of taxes in whole or in part, the petitioner may appeal to the board of assessment appeals pursuant to the provisions of section 39-2-125 within thirty days of the entry of any such decision.

(2) If the petitioner has appealed to the board of assessment appeals and the decision of the board of assessment appeals is against the petitioner, the petitioner may petition the court of appeals for judicial review according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S. If the decision of the board is against the respondent, the respondent, upon the recommendation of the board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation for assessment of the county wherein the property is located, may petition the court of appeals for judicial review according to the Colorado appellate rules and the provisions of section 24-4-106 (11), C.R.S. In addition, if

the decision of the board is against the respondent, the respondent may petition the court of appeals for judicial review of alleged procedural errors or errors of law when the respondent alleges procedural errors or errors of law by the board of assessment appeals. If the board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation for assessment of the county in which the property is located, the respondent may petition the court of appeals for judicial review of such questions.

Source: L. 90: Entire section added, p. 1695, § 14, effective June 9. **L. 96:** (2) amended, p. 651, § 6, effective May 1.

39-10-115. Certificate of taxes due. (1) Upon request, the treasurer shall certify in writing the full amount of taxes due upon any parcel of real property or mobile home in his or her county, and all outstanding sales for unpaid taxes as shown by the records of his or her office or the records of the department of revenue, with the amount required for redemption of such sales, if the same still are redeemable. The treasurer shall include on such certificate of taxes due an itemized list of the mill levies and amount of taxes and assessments imposed by each taxing jurisdiction and a statement that information regarding special taxing districts and the boundaries of such districts may be on file or deposit with the board of county commissioners, the county clerk and recorder, or the county assessor. A fee shall be collected for each such certificate issued by him or her, as provided in section 30-1-102, C.R.S.

(2) When signed by the treasurer, such certificate, showing payment of all taxes due and the redemption of all outstanding tax sales, shall be conclusive evidence for all purposes and against all persons that the parcel of real property or mobile home therein described was, at the time, free and clear of all property taxes due to the county and from all tax sales except tax sales whereon the time for redemption had already expired and the purchaser had received a deed.

(3) Any loss resulting to any person from an error in a tax certificate issued by the treasurer shall be paid by the county represented by the treasurer issuing such certificate.

(4) No person other than the treasurer or an authorized agent of the treasurer shall issue any property tax certificate.

Source: L. 64: R&RE, p. 722, § 1. **C.R.S. 1963:** § 137-10-15. **L. 69:** p. 1122, § 1. **L. 71:** p. 327, § 6. **L. 82:** (1) amended, p. 551, § 16, effective July 1. **L. 83:** (2) amended, p. 2053, § 26, effective October 14. **L. 90:** (4) added, p. 1643, § 2, effective May 22. **L. 91:** (1) amended, p. 794, § 23, effective January 1, 1992. **L. 2000:** (1) amended, p. 1638, § 16, effective June 1. **L. 2020:** (2) amended, (HB 20-1077), ch. 80, p. 328, § 18, effective September 14.

39-10-116. Civil penalty for checks not paid upon presentment. The treasurer shall assess a penalty up to the amount authorized in section 13-21-109 (1)(b), C.R.S., against any person who issues a check to the treasurer in payment of taxes, interest, fees, or other charges collectible by the treasurer that is not paid upon its presentment. The penalty provided in this section shall be assessed in addition to any other penalties or interest provided by law.

Source: L. 79: Entire section added, p. 1421, § 6, effective January 1, 1980. **L. 88:** Entire section amended, p. 1106, § 2, effective January 1, 1989. **L. 95:** Entire section amended, p. 36, § 2, effective March 17.