

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0012.02 Ed DeCecco x4216

HOUSE BILL 14-1143

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HOUSE SPONSORSHIP

Saine, Moreno, Priola, Singer, Melton, Holbert, Everett

SENATE SPONSORSHIP

Hodge, Grantham

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House Committees

Local Government  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE CLASSIFICATION OF A RESIDENTIAL STORAGE  
102 CONDOMINIUM UNIT AS A RESIDENTIAL IMPROVEMENT FOR  
103 PROPERTY TAX PURPOSES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill establishes that a residential storage condominium unit is a residential improvement. This allows the unit to be assessed as residential real property, which currently has an assessment ratio of 7.96%, instead of as nonresidential property, which has an assessment

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

ratio of 29%.

A residential storage condominium unit is defined to mean a building that is:

- ! A unit under the "Colorado Common Interest Ownership Act";
- ! Used by its owner or a lessee whose lease term is a year or longer to store items from or related to the owner's or lessee's residence; and
- ! Not used for storage related to a business.

For a building unit to qualify as a residential storage condominium unit, the owner of the building unit must submit an affidavit stating that the building unit meets the definition of a residential storage condominium unit.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-1-102, **amend**  
3 (14.3) as follows:

4 **39-1-102. Definitions.** As used in articles 1 to 13 of this title,  
5 unless the context otherwise requires:

6 (14.3) "Residential improvements" means a building, or that  
7 portion of a building, designed for use predominantly as a place of  
8 residency by a person, a family, or families. The term includes buildings,  
9 structures, fixtures, fences, amenities, and water rights that are an integral  
10 part of the residential use. The term also includes a manufactured home  
11 as defined in subsection (7.8) of this section, a mobile home as defined  
12 in subsection (8) of this section, ~~and~~ a modular home as defined in  
13 subsection (8.3) of this section, AND A RESIDENTIAL STORAGE  
14 CONDOMINIUM UNIT AS SET FORTH IN SECTION 39-1-123.

15 **SECTION 2.** In Colorado Revised Statutes, **add** 39-1-123 as  
16 follows:

17 **39-1-123. Residential storage condominium unit - residential**  
18 **improvement - affidavit - definitions.** (1) AS USED IN THIS SECTION,

1 UNLESS THE CONTEXT OTHERWISE REQUIRES, "RESIDENTIAL STORAGE  
2 CONDOMINIUM UNIT" MEANS A BUILDING THAT IS:

- 3 (a) A UNIT, AS DEFINED IN SECTION 38-33.3-103 (30), C.R.S.;
- 4 (b) USED BY ITS OWNER OR A LESSEE WHOSE LEASE TERM IS A  
5 YEAR OR LONGER TO STORE ITEMS FROM OR RELATED TO THE OWNER'S OR  
6 LESSEE'S RESIDENCE; AND
- 7 (c) NOT USED FOR STORAGE RELATED TO A BUSINESS.

8 (2) (a) SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (2), A  
9 RESIDENTIAL STORAGE CONDOMINIUM UNIT IS A RESIDENTIAL  
10 IMPROVEMENT.

11 (b) FOR A BUILDING UNIT TO QUALIFY AS A RESIDENTIAL STORAGE  
12 CONDOMINIUM UNIT FOR A PROPERTY TAX YEAR, AN OWNER MUST SUBMIT  
13 TO THE ASSESSOR OF THE COUNTY IN WHICH THE BUILDING UNIT IS  
14 LOCATED, ON OR BEFORE JANUARY 1 OF THE PROPERTY TAX YEAR, AN  
15 AFFIDAVIT SIGNED BY THE OWNER STATING THAT THE BUILDING UNIT  
16 MEETS THE DEFINITION OF A RESIDENTIAL STORAGE CONDOMINIUM UNIT  
17 SET FORTH IN THIS SECTION. THE ADMINISTRATOR SHALL ESTABLISH THE  
18 FORM OF THE AFFIDAVIT.

19 (3) (a) AN OWNER'S AFFIDAVIT THAT MEETS THE REQUIREMENTS  
20 OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION IS VALID FOR ALL  
21 THE FOLLOWING PROPERTY TAX YEARS UNTIL:

- 22 (I) THE BUILDING UNIT IS TRANSFERRED TO A NEW OWNER; OR
- 23 (II) THE ASSESSOR RECEIVES THE NOTICE REQUIRED BY  
24 PARAGRAPH (b) OF THIS SUBSECTION (3).

25 (b) AN OWNER OF A BUILDING UNIT SHALL NOTIFY THE ASSESSOR  
26 OF THE COUNTY IN WHICH THE BUILDING UNIT IS LOCATED IF THE BUILDING  
27 UNIT NO LONGER MEETS THE DEFINITION OF A RESIDENTIAL STORAGE

1 CONDOMINIUM UNIT.

2           **SECTION 3. Act subject to petition - effective date -**  
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
4 the expiration of the ninety-day period after final adjournment of the  
5 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
6 2014); except that, if a referendum petition is filed pursuant to section 1  
7 (3) of article V of the state constitution against this act or an item, section,  
8 or part of this act within such period, then the act, item, section, or part  
9 will not take effect unless approved by the people at the general election  
10 to be held in November 2014 and, in such case, will take effect on the  
11 date of the official declaration of the vote thereon by the governor.

12           (2) This act applies to the classification of a residential storage  
13 condominium unit for all property tax years that commence on or after  
14 January 1, 2015.