

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0455.01 Jason Gelender x4330

HOUSE BILL 24-1166

HOUSE SPONSORSHIP

DeGraaf and Luck,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EXPANSION OF PROPERTY TAX EXEMPTIONS FOR
102 CERTAIN OWNER-OCCUPIED PRIMARY RESIDENCES.

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://leg.colorado.gov>.)

For property tax years commencing during property tax reassessment cycles (cycles) that begin on or after January 1, 2025, the bill changes the amount of the exemptions for the owner-occupied primary residence (residence) of a qualifying senior, a veteran with a disability, or the surviving spouse of a United States armed forces service member who died in the line of duty or veteran whose death resulted from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

a service-related injury or disease (exemptions) from 50% of the first \$200,000 of actual value of the residence to 50% of an amount of actual value of the residence equal to 50% of the estimated state median home value (median home value) for the state; except that, if the median home value declines, the exemption amount continues to be calculated based on the median home value used to calculate the exemption amount for the property tax years included in the prior cycle.

The state constitution currently only allows a senior who has owned and occupied the senior's residence for 10 years, or the surviving spouse of such a senior, to claim the exemption. If at the 2024 general election the voters of the state approve a referred constitutional amendment to allow a senior, or the surviving spouse of such a senior (surviving spouse), who has previously qualified for the exemption for 2016 or any later year for a prior residence to claim the exemption for the senior's or surviving spouse's current residence regardless of how long the senior or surviving spouse has owned and occupied that residence, the bill makes the statutory changes needed to conform to the constitutional amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-3-203, **amend** (1)
3 introductory portion, (1)(a), (1.5)(a) introductory portion, (1.5)(a.5), and
4 (6)(a); and **add** (1.7) and (1.8) as follows:

5 **39-3-203. Property tax exemption - qualifications.** (1) For the
6 property tax year commencing January 1, 2002, for property tax years
7 commencing on or after January 1, 2006, but before January 1, 2009, and
8 for property tax years commencing on or after January 1, 2012, BUT
9 BEFORE JANUARY 1, 2025, fifty percent of the first two hundred thousand
10 dollars of actual value of residential real property that as of the
11 assessment date is owner-occupied and is used as the primary residence
12 of the owner-occupier ~~shall be~~ IS exempt from taxation, and for property
13 tax years commencing on or after January 1, 2003, but before January 1,
14 2006, and on or after January 1, 2009, but before January 1, 2012, fifty
15 percent of zero dollars of actual value of residential real property that as

1 ~~of the assessment date is owner-occupied and is used as the primary~~
2 ~~residence of the owner-occupier shall be~~ SUCH PROPERTY IS exempt from
3 taxation, AND FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
4 JANUARY 1, 2025, AN AMOUNT OF THE ACTUAL VALUE OF SUCH PROPERTY
5 THAT IS EQUAL TO THE LESSER OF FIFTY PERCENT OF THE ACTUAL VALUE
6 OF SUCH PROPERTY OR FIFTY PERCENT OF THE ESTIMATED STATE MEDIAN
7 HOME VALUE IS EXEMPT FROM TAXATION if:

8 (a) (I) The owner-occupier is sixty-five years of age or older as of
9 the assessment date and has owned and occupied such residential real
10 property as ~~his or her~~ THE OWNER-OCCUPIER'S primary residence for the
11 ten years preceding the assessment date; ~~or~~

12 (II) The owner-occupier is the surviving spouse of an
13 owner-occupier who previously qualified for a property tax exemption for
14 the same residential real property under ~~subparagraph (I) of this~~
15 ~~paragraph (a); and~~ SUBSECTION (1)(a)(I) OF THIS SECTION; OR

16 (III) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
17 JANUARY 1, 2025, ONLY, THE OWNER-OCCUPIER HAD RECEIVED AN
18 EXEMPTION PURSUANT TO SUBSECTION (1)(a)(I) OR (1)(a)(II) OF THIS
19 SECTION OR THIS SUBSECTION (1)(a)(III), FOR ANY PROPERTY TAX YEAR
20 COMMENCING ON OR AFTER JANUARY 1, 2016, FOR RESIDENTIAL REAL
21 PROPERTY THAT THE OWNER-OCCUPIER THEREAFTER CEASED OCCUPYING,
22 FOR ANY PERIOD, AS THE OWNER-OCCUPIER'S PRIMARY RESIDENCE; AND

23 (1.5) (a) For property tax years commencing on or after January
24 1, 2007, BUT BEFORE JANUARY 1, 2025, fifty percent of the first two
25 hundred thousand dollars of actual value of residential real property that
26 as of the assessment date is owner-occupied and is used as the primary
27 residence of an owner-occupier who is a qualifying veteran with a

1 disability ~~shall be~~ IS exempt from taxation, AND FOR PROPERTY TAX
2 YEARS COMMENCING ON OR AFTER JANUARY 1, 2025, AN AMOUNT OF THE
3 ACTUAL VALUE OF SUCH PROPERTY THAT IS EQUAL TO THE LESSER OF
4 FIFTY PERCENT OF THE ACTUAL VALUE OF SUCH PROPERTY OR FIFTY
5 PERCENT OF THE ESTIMATED STATE MEDIAN HOME VALUE IS EXEMPT FROM
6 TAXATION if:

7 (a.5) For property tax years commencing on or after January 1,
8 2015, fifty percent of the first two hundred thousand dollars of actual
9 value of residential real property that as of the assessment date is
10 owner-occupied and is used as the primary residence of an
11 owner-occupier who is the surviving spouse of a qualifying veteran with
12 a disability who previously received an exemption under subsection
13 (1.5)(a) of this section OR WHO IS AN ELIGIBLE SPOUSE, AS DEFINED IN
14 SECTION 3.5(1.7) OF ARTICLE X OF THE STATE CONSTITUTION, is exempt
15 from taxation, AND FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
16 JANUARY 1, 2025, AN AMOUNT OF THE ACTUAL VALUE OF SUCH PROPERTY
17 THAT IS EQUAL TO THE LESSER OF FIFTY PERCENT OF THE ACTUAL VALUE
18 OF SUCH PROPERTY OR FIFTY PERCENT OF THE ESTIMATED STATE MEDIAN
19 HOME VALUE is exempt from taxation.

20 (1.7) NO LATER THAN MARCH 15, 2025, AND NO LATER THAN
21 MARCH 15 OF THE FIRST YEAR OF EACH PROPERTY TAX REASSESSMENT
22 CYCLE THEREAFTER, THE STAFF OF THE LEGISLATIVE COUNCIL SHALL
23 CALCULATE AND PROVIDE TO THE ADMINISTRATOR THE ESTIMATED STATE
24 MEDIAN HOME VALUE FOR THE PROPERTY TAX YEARS THAT COMMENCE
25 DURING THE CURRENT PROPERTY TAX REASSESSMENT CYCLE.

26 (1.8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "ESTIMATED STATE MEDIAN HOME VALUE" MEANS:

2 (I) FOR THE PROPERTY TAX YEARS THAT COMMENCE DURING THE
3 PROPERTY TAX REASSESSMENT CYCLE THAT BEGINS ON JANUARY 1, 2025,
4 THE MOST RECENT AVAILABLE ESTIMATE OF MEDIAN HOME VALUE FOR THE
5 STATE OF COLORADO IN THE UNITED STATES BUREAU OF THE CENSUS
6 AMERICAN COMMUNITY SURVEY, ADJUSTED FOR INFLATION OR DEFLATION
7 THROUGH THE FOURTH QUARTER OF 2024 AND ROUNDED TO THE NEAREST
8 ONE THOUSAND DOLLARS; AND

9 (II) FOR THE PROPERTY TAX YEARS THAT COMMENCE DURING
10 EACH SUBSEQUENT PROPERTY TAX REASSESSMENT CYCLE, THE GREATER
11 OF THE ESTIMATED STATE MEDIAN HOME VALUE FOR THE PROPERTY TAX
12 YEARS THAT COMMENCED DURING THE PRIOR PROPERTY TAX
13 REASSESSMENT CYCLE OR THE MOST RECENT AVAILABLE ESTIMATE OF
14 MEDIAN HOME VALUE FOR THE STATE OF COLORADO IN THE UNITED
15 STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY,
16 ADJUSTED FOR INFLATION OR DEFLATION THROUGH THE FOURTH QUARTER
17 OF THE CALENDER YEAR THAT IMMEDIATELY PRECEDES THE FIRST
18 PROPERTY TAX YEAR OF THE PROPERTY TAX REASSESSMENT CYCLE AND
19 ROUNDED TO THE NEAREST ONE THOUSAND DOLLARS.

20 (b) "INFLATION OR DEFLATION" MEANS THE PERCENTAGE CHANGE
21 IN THE FEDERAL HOUSING FINANCE AGENCY'S SEASONALLY ADJUSTED
22 QUARTERLY PURCHASE-ONLY HOUSE PRICE INDEX FOR THE STATE OF
23 COLORADO.

24 (c) "PROPERTY TAX REASSESSMENT CYCLE" MEANS THE
25 REASSESSMENT CYCLE DESCRIBED IN SECTION 39-1-104 (10.2).

26 (6) (a) Notwithstanding the ten-year occupancy requirement set
27 forth in ~~subparagraph (f) of paragraph (a) of subsection (1)~~ SUBSECTIONS

1 (1)(a)(I) AND (1)(a)(II) of this section, an owner-occupier who DOES NOT
2 QUALIFY FOR AN EXEMPTION PURSUANT TO SUBSECTION (1)(a)(III) OF THIS
3 SECTION AND WHO has not actually owned and occupied residential real
4 property for which the owner-occupier has claimed an exemption ~~under~~
5 ~~said subsection (1)~~ PURSUANT TO SUBSECTION (1)(a)(I) OR (1)(a)(II) OF
6 THIS SECTION for the ten years preceding the assessment date ~~shall be~~ IS
7 deemed to have met the ten-year requirement and ~~shall be~~ IS allowed an
8 exemption ~~under said subsection (1)~~ PURSUANT TO SUBSECTION (1)(a)(I)
9 OR (1)(a)(II) OF THIS SECTION with respect to the property if:

10 (I) The owner-occupier would have qualified for the exemption
11 with respect to other residential real property that the owner-occupier
12 owned and occupied as ~~his or her~~ THE OWNER-OCCUPIER'S primary
13 residence before moving to the residential real property for which an
14 exemption is claimed but for the fact that the other property was
15 condemned by a governmental entity through an eminent domain
16 proceeding; or

17 (I.5) For property tax years commencing on or after January 1,
18 2015, the owner-occupier would have qualified for the exemption with
19 respect to other residential real property that the owner-occupier owned
20 and occupied as ~~his or her~~ THE OWNER-OCCUPIER'S primary residence
21 before moving to the residential real property for which an exemption is
22 claimed but for the fact that a natural disaster destroyed the former
23 primary residence or otherwise rendered it uninhabitable; and

24 (II) The owner-occupier has not owned and occupied residential
25 property as ~~his or her~~ THE OWNER-OCCUPIER'S primary residence other
26 than the residential real property for which an exemption is claimed since
27 the condemnation occurred.

1 **SECTION 2. Act subject to petition - effective date.** (1) Except
2 as otherwise provided in subsections (2) and (3) of this section, this act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly.

5 (2) If a referendum petition is filed pursuant to section 1 (3) of
6 article V of the state constitution against this act or an item, section, or
7 part of this act within the period specified in subsection (1) of this
8 section, then the act, item, section, or part will not take effect unless
9 approved by the people at the general election to be held in November
10 2024 and, in such case, will take effect on the date of the official
11 declaration of the vote thereon by the governor.

12 (3) Section 39-3-203 (1)(a), Colorado Revised Statutes, as
13 amended in section 1 of this act, takes effect only if the ballot title
14 submitted to the registered electors of the state pursuant to House
15 Concurrent Resolution 24-_____ is approved by the people at the next
16 general election, in which case section 39-3-203 (1)(a), Colorado Revised
17 Statutes, as amended in section 1 of this act, takes effect on the date of
18 the official declaration of the vote thereon by the governor.