

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0621.01 Jason Gelender x4330

SENATE BILL 20-049

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Carver and Beckman,

Senate Committees

State, Veterans, & Military Affairs
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PRESERVATION OF THE SENIOR PROPERTY TAX
102 EXEMPTION OF A SENIOR WHO CHANGES PRIMARY RESIDENCES
103 DUE TO MEDICAL NECESSITY.

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>.)

The bill specifies that for property tax years commencing on or after January 1, 2021, a senior is deemed to be a 10-year owner-occupier of a primary residence that the senior has owned and occupied for less than 10 years and therefore qualifies for the senior property tax exemption for the residence if:

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

- ! The senior would have qualified for the senior property tax exemption for the senior's former primary residence but for the fact that medical necessity required the senior to stop occupying the former primary residence;
- ! The senior has not previously received the exemption for a former primary residence on the basis of medical necessity; and
- ! The senior has not owned and occupied another primary residence since the senior first stopped occupying his or her former primary residence due to medical necessity.

"Medical necessity" is defined as a medical condition of a senior that a physician licensed to practice medicine in Colorado has certified, on a form developed by the state property tax administrator, as having required the senior to stop occupying the senior's prior primary residence.

When applying for such an exemption, a senior must provide the form establishing proof of medical necessity.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-3-203, **amend**
 3 (6)(a) introductory portion, (6)(a)(I.5), and (6)(a)(II); and **add** (6)(a)(I.7)
 4 as follows:

5 **39-3-203. Property tax exemption - qualifications - definition.**

6 (6) (a) Notwithstanding the ten-year occupancy requirement set forth in
 7 ~~subparagraph (I) of paragraph (a) of subsection (1)~~ SUBSECTION (1)(a)(I)
 8 of this section, an owner-occupier who has not actually owned and
 9 occupied residential real property for which the owner-occupier has
 10 claimed an exemption under ~~said~~ subsection (1) OF THIS SECTION for the
 11 ten years preceding the assessment date ~~shall be~~ IS deemed to have met
 12 the ten-year requirement and ~~shall be~~ IS allowed an exemption under ~~said~~
 13 subsection (1) OF THIS SECTION with respect to the property if:

14 (I.5) For property tax years commencing on or after January 1,
 15 2015, the owner-occupier would have qualified for the exemption with
 16 respect to other residential real property that the owner-occupier owned

1 and occupied as his or her primary residence before moving to the
2 residential real property for which an exemption is claimed but for the
3 fact that a natural disaster destroyed the former primary residence or
4 otherwise rendered it uninhabitable; ~~and~~ OR

5 (I.7) (A) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER
6 JANUARY 1, 2021, THE OWNER-OCCUPIER WOULD HAVE QUALIFIED FOR
7 THE EXEMPTION WITH RESPECT TO OTHER RESIDENTIAL REAL PROPERTY
8 THAT THE OWNER-OCCUPIER OWNED AND OCCUPIED AS HIS OR HER
9 PRIMARY RESIDENCE BEFORE MOVING TO THE RESIDENTIAL REAL
10 PROPERTY FOR WHICH AN EXEMPTION IS CLAIMED BUT FOR THE FACT THAT
11 MEDICAL NECESSITY REQUIRED THE OWNER-OCCUPIER TO STOP OCCUPYING
12 THE OTHER RESIDENTIAL REAL PROPERTY AS HIS OR HER PRIMARY
13 RESIDENCE, SO LONG AS THE OWNER-OCCUPIER HAS NOT PREVIOUSLY
14 RECEIVED THE EXEMPTION DUE TO THE OPERATION OF THIS SUBSECTION
15 (6)(a)(I.7)(A) FOR PROPERTY OTHER THAN THE RESIDENTIAL REAL
16 PROPERTY FOR WHICH AN EXEMPTION IS CLAIMED AND THE
17 OWNER-OCCUPIER PRESENTS TO THE ASSESSOR WHEN APPLYING FOR THE
18 EXEMPTION THE FORM ESTABLISHING PROOF OF MEDICAL NECESSITY THAT
19 IS DESCRIBED IN SUBSECTION (6)(a)(I.7)(B) OF THIS SECTION.

20 (B) FOR PURPOSES OF THIS SUBSECTION (6)(a), "MEDICAL
21 NECESSITY" MEANS A MEDICAL CONDITION OF AN OWNER-OCCUPIER THAT
22 A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN THE STATE PURSUANT TO
23 ARTICLE 240 OF TITLE 12 HAS CERTIFIED, ON A FORM DEVELOPED BY THE
24 ADMINISTRATOR AND MADE AVAILABLE ON THE WEBSITE OF THE DIVISION
25 OF PROPERTY TAXATION OF THE DEPARTMENT OF LOCAL AFFAIRS, AS
26 HAVING REQUIRED THE OWNER-OCCUPIER TO STOP OCCUPYING THE
27 OWNER-OCCUPIER'S PRIMARY RESIDENCE.

1 (II) WITH RESPECT TO AN EXEMPTION CLAIMED PURSUANT TO
2 SUBSECTION (6)(a)(I) OR (6)(a)(I.7) OF THIS SECTION, the owner-occupier
3 has not owned and occupied residential property as his or her primary
4 residence other than the residential real property for which an exemption
5 is claimed since the condemnation occurred OR SINCE THE
6 OWNER-OCCUPIER FIRST STOPPED OCCUPYING HIS OR HER FORMER
7 PRIMARY RESIDENCE DUE TO MEDICAL NECESSITY.

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2020 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.