

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0489.01 Zach Blaes x4348

SENATE BILL 23-052

SENATE SPONSORSHIP

Hinrichsen, Gonzales, Marchman

HOUSE SPONSORSHIP

Martinez and Mauro, Duran, Ricks, Snyder

Senate Committees
Finance

House Committees
Finance

HOUSE
3rd Reading Unamended
March 23, 2023

A BILL FOR AN ACT

101 **CONCERNING A MUNICIPAL PRIORITY LIEN THAT A COUNTY**
102 **TREASURER IS REQUIRED TO ACCEPT FOR COLLECTION IF A**
103 **MUNICIPALITY FOLLOWS A SPECIFIED PROCEDURE.**

HOUSE
2nd Reading Unamended
March 22, 2023

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>.)

SENATE
3rd Reading Unamended
February 22, 2023

Under current law, a municipality may levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. The lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. After a foreclosure action is initiated for unpaid property

SENATE
Amended 2nd Reading
February 21, 2023

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.

taxes, a person may obtain a treasurer's deed, which provides a purchaser title to real property that is free and clear of most prior encumbrances, including liens, if certain conditions are met. The bill specifies that a municipal lien for the costs of removing weeds, brush, and other rubbish survives the issuance of a treasurer's deed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-15-401, **amend**
3 **(1)(d)(II); and add (1)(d)(III) as follows:**

4 **31-15-401. General police powers.** (1) In relation to the general
5 police power, the governing bodies of municipalities have the following
6 powers:

7 (d) (II) ~~In case such~~ IF AN assessment is not paid within a
8 reasonable time specified by ordinance ~~it~~ AND A MUNICIPALITY COMPLIES
9 WITH THE RECORDING AND CERTIFICATION REQUIREMENTS SPECIFIED IN
10 SUBSECTION (1)(d)(III) OF THIS SUBSECTION, THE AMOUNT OF THE UNPAID
11 ASSESSMENT may be certified ~~by the clerk~~ to the county treasurer who
12 shall collect the assessment, together with a ten percent penalty for cost
13 of collection, in the same manner as other taxes are collected. The laws
14 of this state for assessment and collection of general taxes, including the
15 laws for the sale and redemption of property for taxes, ~~shall~~ apply to the
16 collection of such assessments.

17 (III) A COUNTY TREASURER SHALL ACCEPT FOR COLLECTION
18 PURSUANT TO SUBSECTION (1)(d)(II) OF THIS SECTION AND SECTION
19 31-20-105 A LIEN LEVIED PURSUANT TO SUBSECTION (1)(d)(I) OF THIS
20 SECTION IF:

21 (A) WITHIN FOUR MONTHS OF ABATING A NUISANCE PURSUANT TO
22 SUBSECTION (1)(d)(I) OF THIS SUBSECTION, A MUNICIPALITY FILES FOR
23 RECORDING A NOTICE OF LIEN WITH THE COUNTY CLERK AND RECORDER

1 OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED; AND
2 (B) WITHIN ONE YEAR OF FILING THE NOTICE OF LIEN FOR
3 RECORDING SPECIFIED BY SUBSECTION (1)(d)(III)(A) OF THIS SECTION, A
4 MUNICIPALITY CERTIFIES THE AMOUNT OF THE UNPAID ASSESSMENT FOR
5 WHICH THE LIEN WAS LEVIED TO THE COUNTY TREASURER OF THE COUNTY
6 IN WHICH THE REAL PROPERTY IS LOCATED.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.