

## CHAPTER 360

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**GOVERNMENT - COUNTY**

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## HOUSE BILL 26-1233

BY REPRESENTATIVE(S) Lukens and Zokaie, Bacon, Brown, Carter, Lindsay, Nguyen, McCluskie;  
also SENATOR(S) Roberts, Bridges, Cutter, Jodeh, Kipp, Wallace, Coleman.

**AN ACT****CONCERNING PROPERTY TAX PROCEDURES FOR NONRESIDENTIAL PROPERTIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 39-5-115, **add** (3) as follows:

**39-5-115. Taxpayer to furnish information - affidavit on mineral leases.**

(3) (a) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2027, ANY PERSON WHO, IN CONNECTION WITH NONRESIDENTIAL PROPERTY, WILLFULLY MAKES AND SUBSCRIBES ANY INFORMATION REQUIRED BY THIS SECTION THAT IS VERIFIED BY A WRITTEN DECLARATION CERTIFYING THE TRUTH AND ACCURACY OF THE INFORMATION BUT THAT IS NOT TRUE AND ACCURATE AS TO EVERY MATERIAL MATTER, COMMITS A PETTY OFFENSE.

(b) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2027, ANY PERSON WHO, IN CONNECTION WITH NONRESIDENTIAL PROPERTY, WILLFULLY AIDS OR ASSISTS IN, OR PROCURES, COUNSELS, OR ADVISES THE PREPARATION OR PRESENTATION OF ANY INFORMATION REQUIRED BY THIS SECTION THAT IS FRAUDULENT OR FALSE, COMMITS A PETTY OFFENSE.

(c) CONVICTION OF A PETTY OFFENSE PURSUANT TO THIS SUBSECTION (3) IS LIMITED TO THE PERSON WHO FILES OR ASSISTS IN FILING INFORMATION THAT IS NOT TRUE AND ACCURATE AS SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION OR INFORMATION THAT IS FRAUDULENT OR FALSE AS SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION.

(d) ANY PERSON CONVICTED OF A PETTY OFFENSE UNDER THIS SUBSECTION (3) SHALL BE SENTENCED IN ACCORDANCE WITH SECTION 18-1.3-503.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(e) THE COUNTY ATTORNEY IS AUTHORIZED TO FILE AND PROSECUTE ANY ACTION ARISING UNDER THIS SUBSECTION (3) IN THE COUNTY COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

**SECTION 2.** In Colorado Revised Statutes, 39-8-107, **amend** (1) and (5)(a)(I) as follows:

**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 PETITIONER SHALL PAY the costs of producing the petitioner's witnesses shall be paid by the petitioner, and THE COUNTY SHALL PAY 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~~ THE 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~~ THE notice shall state that, if the appeal is to the board of assessment appeals, the hearing before the board of assessment appeals ~~shall~~ WILL 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~~ WILL 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~~ THE findings and recommendations OF THE REFEREE 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~~ THE findings and recommendations OF THE REFEREE, payment of which shall be made prior to providing such findings and recommendations. Upon providing ~~such~~ THE findings and recommendations OF THE REFEREE, 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.

(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) PROPERTY-SPECIFIC actual annual rental income for two full years including the base year for the relevant property tax year;

(B) PROPERTY-SPECIFIC tenant reimbursements for two full years including the base year for the relevant property tax year;

(C) PROPERTY-SPECIFIC itemized expenses for two full years including the base year for the relevant property tax year; and

(D) PROPERTY-SPECIFIC 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.

**SECTION 3.** In Colorado Revised Statutes, 39-8-108, **amend** (1) and (5)(d) as follows:

**39-8-108. Decision - review - opportunity to submit case to arbitration.**

(1) (a) 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.

(b) FOR PROPERTY TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2027, IF A NONRESIDENTIAL PROPERTY OWNER APPEALS A DECISION TO THE BOARD OF ASSESSMENT APPEALS PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE GOVERNING BODY OF THE COUNTY MAY FILE A MOTION WITH THE BOARD OF ASSESSMENT APPEALS NOTING THE COUNTY'S PREFERENCE THAT THE CASE BE HEARD IN THE DISTRICT COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE

COUNTY MUST FILE ITS MOTION WITHIN FORTY-TWO DAYS AFTER THE FILING OF THE PETITION WITH THE BOARD OF ASSESSMENT APPEALS. THE PETITIONER MUST RESPOND WITH THEIR ELECTION WITHIN TWENTY-ONE DAYS AFTER THE COUNTY'S MOTION. THE FILING OF SUCH A MOTION DOES NOT ALTER THE VENUE OF THE CASE, AND THE BOARD OF ASSESSMENT APPEALS RETAINS JURISDICTION UNLESS THE PETITIONER ELECTS TO WITHDRAW THE APPEAL AND FILE IN DISTRICT COURT PURSUANT TO APPLICABLE LAW.

(5) In any appeal authorized by this section or by section 39-5-122, 39-5-122.7, or 39-10-114:

(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)~~ SUBSECTION (5)(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)~~, and SUBSECTION (5)(d);

**SECTION 4.** In Colorado Revised Statutes, 39-10-104.5, **add** (3)(d) as follows:

**39-10-104.5. Payment dates - optional payment dates - failure to pay - delinquency.**

(3) (d) (I) IF A COURT OF COMPETENT JURISDICTION FINDS THAT THE TAXPAYER HAS COMMITTED A PETTY OFFENSE UNDER SECTION 39-5-115 (3), THE TAXPAYER IS NOT ENTITLED TO PENALTY INTEREST PURSUANT TO THIS SUBSECTION (3).

(II) THE BOARD OF ASSESSMENT APPEALS DOES NOT HAVE AUTHORITY TO DETERMINE WHETHER A TAXPAYER HAS FORFEITED THE RIGHT TO PENALTY INTEREST. A DETERMINATION OF WHETHER A TAXPAYER HAS FORFEITED THE RIGHT TO PENALTY INTEREST IS MADE SOLELY BY THE COURT IN CONNECTION WITH A PROSECUTION FOR WILLFUL MISINFORMATION.

**SECTION 5. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 3, 2026