

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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March 25, 2024  
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB24-1313 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 55, strike lines 4 through 25 and substitute:

2 "SECTION 4. In Colorado Revised Statutes, 39-22-2102, add  
3 (7)(a.7) and (7.5) as follows:

4 **39-22-2102. Credit against tax - affordable housing**  
5 **developments - legislative declaration.** (7) During each calendar year  
6 of the period beginning January 1, 2015, and ending December 31, 2031,  
7 the authority may allocate a credit, the full amount of which may be  
8 claimed against the taxes imposed by this article 22 for each taxable year  
9 of the six-year credit period. The aggregate amount of all credits allocated  
10 by the authority in each calendar year of the period beginning January 1,  
11 2015, and ending December 31, 2031, shall not exceed the amount of:

12 (a.7) IN ADDITION TO THE AMOUNT DESCRIBED IN SUBSECTION  
13 (7)(A.5) OF THIS SECTION:

14 (I) EIGHT MILLION THREE HUNDRED THOUSAND DOLLARS FOR  
15 CREDITS ALLOCATED IN CALENDAR YEAR 2024, PURSUANT TO SUBSECTION  
16 (1) OF THIS SECTION AND SECTION 39-22-2105 COMBINED;

17 (II) SIX MILLION THREE HUNDRED THOUSAND DOLLARS FOR  
18 CREDITS ALLOCATED IN CALENDAR YEAR 2025, PURSUANT TO SUBSECTION  
19 (1) OF THIS SECTION AND SECTION 39-22-2105 COMBINED;

20 (III) SIX MILLION THREE HUNDRED THOUSAND DOLLARS FOR  
21 CREDITS ALLOCATED IN CALENDAR YEAR 2026, PURSUANT TO SUBSECTION  
22 (1) OF THIS SECTION AND SECTION 39-22-2105 COMBINED;

23 (IV) FIVE MILLION SEVEN HUNDRED THOUSAND DOLLARS FOR  
24 CREDITS ALLOCATED IN CALENDAR YEAR 2027, PURSUANT TO SUBSECTION  
25 (1) OF THIS SECTION AND SECTION 39-22-2105 COMBINED;

26 (V) FIVE MILLION DOLLARS FOR CREDITS ALLOCATED IN CALENDAR  
27 YEAR 2028, PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION

1 39-22-2105 COMBINED;

2 (VI) FIVE MILLION DOLLARS FOR CREDITS ALLOCATED IN  
3 CALENDAR YEAR 2029, PURSUANT TO SUBSECTION (1) OF THIS SECTION  
4 AND SECTION 39-22-2105 COMBINED;

5 (VII) FIVE MILLION DOLLARS FOR CREDITS ALLOCATED IN  
6 CALENDAR YEAR 2030, PURSUANT TO SUBSECTION (1) OF THIS SECTION  
7 AND SECTION 39-22-2105 COMBINED; AND

8 (VIII) FIVE MILLION DOLLARS FOR CREDITS ALLOCATED IN  
9 CALENDAR YEAR 2031, PURSUANT TO SUBSECTION (1) OF THIS SECTION  
10 AND SECTION 39-22-2105 COMBINED;

11 (7.5) THE TAXPAYER SHALL NOT CLAIM A CREDIT ALLOCATED AS  
12 PART OF THE CREDITS AVAILABLE PURSUANT TO SUBSECTION (7)(a.7) OF  
13 THIS SECTION RATABLY OVER THE CREDIT PERIOD. INSTEAD, SUCH A  
14 CREDIT MUST BE ACCELERATED AND THE FULL AMOUNT MUST BE CLAIMED  
15 AGAINST THE TAXES IMPOSED BY THIS ARTICLE 22 OVER THE CREDIT  
16 PERIOD ACCORDING TO THE FOLLOWING SCHEDULE:

17 (a) THE AMOUNT OF THE CREDIT ALLOCATED AS PART OF THE  
18 CREDITS AVAILABLE PURSUANT TO SUBSECTION (7)(a.7) OF THIS SECTION  
19 THAT A TAXPAYER CLAIMS IN THE FIRST YEAR OF THE CREDIT PERIOD MUST  
20 EQUAL SEVENTY PERCENT OF THE TOTAL AMOUNT OF THAT CREDIT THAT  
21 THE AUTHORITY ALLOCATES TO THE TAXPAYER; AND

22 (b) THE AMOUNT OF THE CREDIT ALLOCATED AS PART OF THE  
23 CREDITS AVAILABLE PURSUANT TO SUBSECTION (7)(a.7) OF THIS SECTION  
24 THAT A TAXPAYER CLAIMS IN THE SECOND YEAR THROUGH SIXTH YEAR OF  
25 THE CREDIT PERIOD MUST EACH YEAR EQUAL SIX PERCENT OF THE TOTAL  
26 AMOUNT OF THAT CREDIT THAT THE AUTHORITY ALLOCATES TO THE  
27 TAXPAYER;

28 **SECTION 5.** In Colorado Revised Statutes, **add** part 54 to article  
29 22 in title 39 as follows:

30 PART 54

31 COLORADO AFFORDABLE HOUSING IN

32 TRANSIT-ORIENTED COMMUNITIES INCOME TAX CREDIT

33 **39-22-5401. Tax preference performance statement.** (1) IN  
34 ACCORDANCE WITH SECTION 39-21-304 (1), WHICH REQUIRES EACH BILL  
35 THAT CREATES A NEW TAX EXPENDITURE TO INCLUDE A TAX PREFERENCE  
36 PERFORMANCE STATEMENT AS PART OF A STATUTORY LEGISLATIVE  
37 DECLARATION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE  
38 PURPOSE OF THE TAX CREDIT PROVIDED IN THIS SECTION IS TO INDUCE  
39 CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS BY SUPPORTING THE  
40 DEVELOPMENT OF AFFORDABLE HOUSING WITHIN TRANSIT-ORIENTED  
41 COMMUNITIES.

42 (2) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL  
43 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE

1 SPECIFIED IN SUBSECTION (1) OF THIS SECTION BASED ON THE NUMBER AND  
2 VALUE OF CREDITS ISSUED AND HOUSING UNITS BUILT.

3 **39-22-5402. Definitions.** AS USED IN THIS PART 54, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "ALLOCATION CERTIFICATE" MEANS A STATEMENT ISSUED BY  
6 THE AUTHORITY CERTIFYING THAT A GIVEN DEVELOPMENT QUALIFIES FOR  
7 THE CREDIT AND SPECIFYING THE AMOUNT OF THE CREDIT ALLOWED.

8 (2) "ALLOCATION PLAN" MEANS AN ALLOCATION PLAN ADOPTED  
9 BY THE AUTHORITY THAT GOVERNS THE SELECTION CRITERIA AND  
10 PREFERENCES FOR ALLOCATING THE TAX CREDIT ALLOWED PURSUANT TO  
11 THIS PART 54.

12 (3) "AUTHORITY" MEANS THE COLORADO HOUSING AND FINANCE  
13 AUTHORITY CREATED PURSUANT TO SECTION 29-4-704.

14 (4) "COMPLIANCE PERIOD" MEANS THE PERIOD OF FIFTEEN YEARS  
15 BEGINNING WITH THE FIRST TAXABLE YEAR OF A CREDIT PERIOD.

16 (5) "CREDIT" MEANS THE COLORADO TRANSIT-ORIENTED  
17 COMMUNITY HOUSING INCOME TAX CREDIT ALLOWED PURSUANT TO THIS  
18 PART 54.

19 (6) "CREDIT PERIOD" MEANS THE PERIOD OF FIVE INCOME TAX  
20 YEARS BEGINNING WITH THE INCOME TAX YEAR IN WHICH A QUALIFIED  
21 DEVELOPMENT IS PLACED IN SERVICE. IF A QUALIFIED DEVELOPMENT IS  
22 COMPRISED OF MORE THAN ONE BUILDING, THE DEVELOPMENT IS DEEMED  
23 TO BE PLACED IN SERVICE IN THE INCOME TAX YEAR DURING WHICH THE  
24 LAST BUILDING OF THE QUALIFIED DEVELOPMENT IS PLACED IN SERVICE.

25 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

26 (8) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT OF  
27 THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-103.

28 (9) "FEDERAL TAX CREDIT" MEANS THE FEDERAL LOW-INCOME  
29 HOUSING TAX CREDIT PROVIDED BY SECTION 42 OF THE INTERNAL  
30 REVENUE CODE.

31 (10) "METROPOLITAN PLANNING ORGANIZATION" HAS THE SAME  
32 MEANING AS SET FORTH IN SECTION 29-35-103 (12).

33 (11) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET  
34 FORTH IN SECTION 29-35-202 (5).

35 (12) "QUALIFIED BASIS" MEANS THE QUALIFIED BASIS OF THE  
36 DEVELOPMENT AS DETERMINED PURSUANT TO SECTION 42 OF THE  
37 INTERNAL REVENUE CODE.

38 (13) "QUALIFIED DEVELOPMENT" MEANS A "QUALIFIED  
39 LOW-INCOME HOUSING PROJECT", AS THAT TERM IS DEFINED IN SECTION 42  
40 OF THE INTERNAL REVENUE CODE, THAT IS:

41 (a) LOCATED IN COLORADO;

42 (b) DETERMINED BY THE AUTHORITY TO BE ELIGIBLE FOR A  
43 FEDERAL TAX CREDIT WHETHER OR NOT A FEDERAL TAX CREDIT IS

1 ALLOCATED WITH RESPECT TO SAID DEVELOPMENT; AND  
2 (c) LOCATED IN A TRANSIT-ORIENTED CENTER WITHIN A QUALIFIED  
3 TRANSIT-ORIENTED COMMUNITY OR IN A NEIGHBORHOOD CENTER WITHIN  
4 A METROPOLITAN PLANNING ORGANIZATION.  
5 (14) "QUALIFIED TAXPAYER" MEANS AN INDIVIDUAL, A PERSON,  
6 FIRM, CORPORATION, OR OTHER ENTITY THAT OWNS AN INTEREST, DIRECT  
7 OR INDIRECT, IN A QUALIFIED DEVELOPMENT AND IS SUBJECT TO THE  
8 TAXES IMPOSED BY THIS ARTICLE 22.  
9 (15) "QUALIFIED TRANSIT-ORIENTED COMMUNITY" MEANS:  
10 (a) IN CALENDAR YEARS 2024 AND 2025, A TRANSIT-ORIENTED  
11 COMMUNITY AS DEFINED IN SECTION 29-35-202 (13); AND  
12 (b) IN CALENDAR YEAR 2026 AND EACH SUBSEQUENT CALENDAR  
13 YEAR, A TRANSIT-ORIENTED COMMUNITY, AS DEFINED IN SECTION  
14 29-35-202(13), THAT HAS BOTH SUBMITTED THE HOUSING OPPORTUNITY  
15 GOAL REPORT DESCRIBED IN SECTION 29-35-204 (10) TO THE DIVISION AND  
16 HAD THE DIVISION CONFIRM THAT THE TRANSIT-ORIENTED COMMUNITY  
17 HAS MET ITS HOUSING OPPORTUNITY GOAL.  
18 (16) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN  
19 SECTION 29-35-202 (11).  
20 **39-22-5403. Credit against tax - affordable housing located in**  
21 **a transit-oriented community.** (1) FOR INCOME TAX YEARS DURING THE  
22 CREDIT PERIOD, THERE IS ALLOWED TO ANY QUALIFIED TAXPAYER A  
23 CREDIT WITH RESPECT TO THE INCOME TAXES IMPOSED BY THIS ARTICLE  
24 22 IN THE AMOUNT DETERMINED BY THE AUTHORITY PURSUANT TO THIS  
25 PART 54.  
26 (2) THE AGGREGATE AMOUNT OF CREDITS ALLOCATED BY THE  
27 AUTHORITY IN EACH OF THE 2025 THROUGH 2029 CALENDAR YEARS, MUST  
28 NOT EXCEED THE AGGREGATE AMOUNT OF:  
29 (a) CREDITS AUTHORIZED AS FOLLOWS:  
30 (I) FOR THE 2025 CALENDAR YEAR, EIGHT MILLION SIX HUNDRED  
31 THOUSAND DOLLARS;  
32 (II) FOR THE 2026 CALENDAR YEAR, SEVEN MILLION TWO  
33 HUNDRED THOUSAND DOLLARS;  
34 (III) FOR THE 2027 CALENDAR YEAR, FIVE MILLION SIX HUNDRED  
35 THOUSAND DOLLARS;  
36 (IV) FOR THE 2028 CALENDAR YEAR, FIVE MILLION DOLLARS; AND  
37 (V) FOR THE 2029 CALENDAR YEAR, THREE MILLION SIX HUNDRED  
38 THOUSAND DOLLARS; PLUS  
39 (b) UNALLOCATED CREDITS, IF ANY, FOR THE IMMEDIATELY  
40 PRECEDING CALENDAR YEAR; AND  
41 (c) ANY CREDIT RECAPTURED OR OTHERWISE RETURNED TO THE  
42 AUTHORITY IN THE CALENDAR YEAR.  
43 (3) THE AUTHORITY MAY ALLOCATE A CREDIT TO AN OWNER OF A

1 QUALIFIED DEVELOPMENT BY ISSUING TO THE OWNER AN ALLOCATION  
2 CERTIFICATE. THE AUTHORITY MAY DETERMINE THE TIME AT WHICH SUCH  
3 ALLOCATION CERTIFICATE IS ISSUED. THE CREDIT MUST BE IN AN AMOUNT  
4 DETERMINED BY THE AUTHORITY, SUBJECT TO THE FOLLOWING  
5 GUIDELINES:

6 (a) THE CREDIT MUST BE NECESSARY FOR THE FINANCIAL  
7 FEASIBILITY OF SUCH DEVELOPMENT;

8 (b) ALL ALLOCATIONS MUST BE MADE PURSUANT TO THE  
9 ALLOCATION PLAN; AND

10 (c) THE AGGREGATE SUM OF CREDITS ALLOCATED ANNUALLY  
11 MUST NOT EXCEED THE LIMITS SET FORTH IN SUBSECTION (2) OF THIS  
12 SECTION.

13 (4) (a) ON OR AFTER JANUARY 1, 2025, BUT PRIOR TO DECEMBER  
14 31, 2029, THE AUTHORITY MAY ALLOCATE A TOTAL AMOUNT OF THIRTY  
15 MILLION DOLLARS IN CREDITS.

16 (b) THE TAXPAYER SHALL NOT CLAIM THE CREDIT RATABLY OVER  
17 THE CREDIT PERIOD. INSTEAD, THE CREDIT MUST BE ACCELERATED AND  
18 THE FULL AMOUNT MUST BE CLAIMED AGAINST THE TAXES IMPOSED BY  
19 THIS ARTICLE 22 OVER THE CREDIT PERIOD ACCORDING TO THE FOLLOWING  
20 SCHEDULE:

21 (I) THE AMOUNT OF THE CREDIT THAT A TAXPAYER CLAIMS IN THE  
22 FIRST YEAR OF THE CREDIT PERIOD MUST EQUAL SEVENTY PERCENT OF THE  
23 TOTAL AMOUNT OF THE CREDIT THE AUTHORITY ALLOCATES TO THE  
24 TAXPAYER;

25 (II) THE AMOUNT OF THE CREDIT THAT A TAXPAYER CLAIMS IN THE  
26 SECOND YEAR OF THE CREDIT PERIOD MUST EQUAL EIGHT PERCENT OF THE  
27 TOTAL AMOUNT OF THE CREDIT THE AUTHORITY ALLOCATES TO THE  
28 TAXPAYER;

29 (III) THE AMOUNT OF THE CREDIT THAT A TAXPAYER CLAIMS IN  
30 THE THIRD YEAR OF THE CREDIT PERIOD MUST EQUAL EIGHT PERCENT OF  
31 THE TOTAL AMOUNT OF THE CREDIT THE AUTHORITY ALLOCATES TO THE  
32 TAXPAYER;

33 (IV) THE AMOUNT OF THE CREDIT THAT A TAXPAYER CLAIMS IN  
34 THE FOURTH YEAR OF THE CREDIT PERIOD MUST EQUAL SEVEN PERCENT OF  
35 THE TOTAL AMOUNT OF THE CREDIT THE AUTHORITY ALLOCATES TO THE  
36 TAXPAYER; AND

37 (V) THE AMOUNT OF THE CREDIT THAT A TAXPAYER CLAIMS IN THE  
38 FIFTH YEAR OF THE CREDIT PERIOD MUST EQUAL SEVEN PERCENT OF THE  
39 TOTAL AMOUNT OF THE CREDIT THE AUTHORITY ALLOCATES TO THE  
40 TAXPAYER.

41 (5) IF AN OWNER OF A QUALIFIED DEVELOPMENT RECEIVING AN  
42 ALLOCATION OF A CREDIT IS A PARTNERSHIP, LIMITED LIABILITY COMPANY,  
43 S CORPORATION, OR SIMILAR PASS-THROUGH ENTITY, THE OWNER MAY

1 ALLOCATE THE CREDIT AMONG ITS PARTNERS, SHAREHOLDERS, MEMBERS,  
2 OR OTHER QUALIFIED TAXPAYERS IN ANY MANNER AGREED TO BY SUCH  
3 PERSONS REGARDLESS OF WHETHER ANY SUCH PERSONS ARE DEEMED A  
4 PARTNER FOR FEDERAL INCOME TAX PURPOSES. THE OWNER SHALL  
5 CERTIFY TO THE DEPARTMENT THE AMOUNT OF CREDIT ALLOCATED TO  
6 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED TAXPAYER.  
7 EACH PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED TAXPAYER  
8 ADMITTED AS A PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED  
9 TAXPAYER OF THE OWNER PRIOR TO THE FILING OF A TAX RETURN  
10 CLAIMING THE CREDIT IS ALLOWED TO CLAIM SUCH AMOUNT SUBJECT TO  
11 ANY RESTRICTIONS SET FORTH IN THIS PART 54.

12 (6) NO CREDIT SHALL BE ALLOCATED PURSUANT TO THIS PART 54  
13 UNLESS THE QUALIFIED DEVELOPMENT IS THE SUBJECT OF A RECORDED  
14 RESTRICTIVE COVENANT REQUIRING THE DEVELOPMENT TO BE  
15 MAINTAINED AND OPERATED AS A QUALIFIED DEVELOPMENT, AND IS IN  
16 ACCORDANCE WITH THE ACCESSIBILITY AND ADAPTABILITY  
17 REQUIREMENTS OF THE FEDERAL TAX CREDITS AND TITLE VIII OF THE  
18 "CIVIL RIGHTS ACT OF 1968", AS AMENDED BY THE "FAIR HOUSING  
19 AMENDMENTS ACT OF 1988", FOR A PERIOD OF FIFTEEN INCOME TAX  
20 YEARS, OR SUCH LONGER PERIOD AS MAY BE AGREED TO BETWEEN THE  
21 AUTHORITY AND THE OWNER, BEGINNING WITH THE FIRST TAXABLE YEAR  
22 OF THE CREDIT PERIOD UNLESS CORRECTED WITHIN THE TIME THAT IS  
23 APPLICABLE TO DEVELOPMENTS RECEIVING FEDERAL TAX CREDITS  
24 PURSUANT TO SECTION 42(h)(6)(J) OF THE INTERNAL REVENUE CODE AS  
25 APPLICABLE TO THE COVENANT DESCRIBED IN THIS SUBSECTION (6).

26 (7) THE ALLOCATED CREDIT AMOUNT MAY BE TAKEN AGAINST THE  
27 TAXES IMPOSED BY THIS ARTICLE 22 FOR EACH INCOME TAX YEAR OF THE  
28 CREDIT PERIOD AS SET FORTH IN SUBSECTION (4) OF THIS SECTION. ANY  
29 AMOUNT OF CREDIT THAT EXCEEDS THE TAX DUE FOR AN INCOME TAX  
30 YEAR MAY BE CARRIED FORWARD AS A TAX CREDIT AGAINST THE INCOME  
31 TAX LIABILITY FOR THE THREE SUBSEQUENT TAX YEARS AND MUST BE  
32 APPLIED FIRST TO THE EARLIEST YEARS POSSIBLE. ANY AMOUNT OF THE  
33 CREDIT THAT IS NOT USED MUST NOT BE REFUNDED TO THE TAXPAYER.

34 (8) UNLESS OTHERWISE PROVIDED IN THIS PART 54 OR THE  
35 CONTEXT CLEARLY REQUIRES OTHERWISE, THE AUTHORITY SHALL  
36 DETERMINE ELIGIBILITY FOR A CREDIT AND ALLOCATE CREDITS IN  
37 ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS SET FORTH IN  
38 THE ALLOCATION PLAN; HOWEVER, THE AUTHORITY SHALL ADMINISTER  
39 THE CREDIT ALLOWED PURSUANT TO THIS PART 54 CONSISTENTLY WITH  
40 THE CREDIT PURSUANT TO PART 21 OF THIS ARTICLE 22 EXCEPT TO THE  
41 EXTENT THE ALLOCATION PLAN IS INCONSISTENT WITH PART 21 OF THIS  
42 ARTICLE 22, IN WHICH CASE THE ALLOCATION PLAN CONTROLS.  
43 NOTWITHSTANDING THE FOREGOING, ANY COMBINATION OF FEDERAL AND

1 STATE CREDITS, OR STANDALONE AMOUNT OF STATE CREDITS, ALLOWED  
2 MUST BE THE LEAST AMOUNT NECESSARY TO ENSURE THE FINANCIAL  
3 FEASIBILITY OF A QUALIFIED DEVELOPMENT.

4 **39-22-5404. Recapture.** (1) AS OF THE LAST DAY OF ANY  
5 TAXABLE YEAR DURING THE COMPLIANCE PERIOD, IF THE AMOUNT OF THE  
6 QUALIFIED BASIS OF A QUALIFIED DEVELOPMENT WITH RESPECT TO A  
7 TAXPAYER IS LESS THAN THE AMOUNT OF THE QUALIFIED BASIS AS OF THE  
8 LAST DAY OF THE PRIOR TAXABLE YEAR, THEN THE AMOUNT OF THE  
9 TAXPAYER'S STATE INCOME TAX LIABILITY FOR THAT TAXABLE YEAR MUST  
10 BE INCREASED BY THE CREDIT RECAPTURE AMOUNT.

11 (2) FOR PURPOSES OF SUBSECTION (1) OF THIS SECTION, THE  
12 CREDIT RECAPTURE AMOUNT IS AN AMOUNT EQUAL TO THE AGGREGATE  
13 DECREASE IN THE CREDIT ALLOWED TO THE TAXPAYER PURSUANT TO THIS  
14 PART 54 FOR ALL PRIOR TAXABLE YEARS THAT WOULD HAVE RESULTED IF  
15 THE ACCELERATED PORTION OF THE CREDIT WERE NOT ALLOWED BY  
16 REASON OF THIS PART 54 WERE NOT ALLOWED FOR ALL PRIOR TAXABLE  
17 YEARS WITH RESPECT TO THE REDUCED AMOUNT OF QUALIFIED BASIS  
18 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

19 (3) FOR PURPOSES OF SUBSECTION (2) OF THIS SECTION, THE  
20 ACCELERATED PORTION OF THE CREDIT FOR THE PRIOR TAXABLE YEARS  
21 WITH RESPECT TO ANY AMOUNT OF QUALIFIED BASIS IS THE DIFFERENCE  
22 BETWEEN:

23 (a) THE AGGREGATE AMOUNT OF THE CREDIT ALLOWED PURSUANT  
24 TO THIS PART 54, NOTWITHSTANDING THIS SUBSECTION (3), FOR THE YEARS  
25 WITH RESPECT TO SUCH QUALIFIED BASIS; AND

26 (b) THE AGGREGATE AMOUNT OF THE CREDIT THAT WOULD BE  
27 ALLOWED PURSUANT TO THIS PART 54 FOR SUCH YEARS WITH RESPECT TO  
28 THE QUALIFIED BASIS IF THE AGGREGATE CREDIT THAT WOULD HAVE BEEN  
29 ALLOWABLE, BUT FOR THIS SUBSECTION (3), FOR THE ENTIRE COMPLIANCE  
30 PERIOD WERE ALLOWABLE RATABLY OVER FIFTEEN YEARS.

31 (4) IN THE EVENT THAT RECAPTURE OF ANY CREDIT IS REQUIRED  
32 IN ANY TAX YEAR, THE RETURN SUBMITTED FOR THAT TAX YEAR TO THE  
33 DEPARTMENT SHALL INCLUDE THE PROPORTION OF CREDIT REQUIRED TO  
34 BE RECAPTURED, THE IDENTITY OF EACH TAXPAYER SUBJECT TO THE  
35 RECAPTURE, AND THE AMOUNT OF CREDIT PREVIOUSLY ALLOCATED TO  
36 SUCH TAXPAYER.

37 (5) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, CREDITS  
38 ISSUED PURSUANT TO THIS PART 54 MUST NOT BE RECAPTURED IF A  
39 QUALIFIED DEVELOPMENT, AFTER THE INITIAL AWARD OF CREDITS, CEASES  
40 BEING LOCATED IN A TRANSIT-ORIENTED CENTER WITHIN A QUALIFIED  
41 TRANSIT-ORIENTED COMMUNITY OR IN A NEIGHBORHOOD CENTER WITHIN  
42 A METROPOLITAN PLANNING ORGANIZATION.

43 **39-22-5405. Filing requirements.** AN OWNER OF A QUALIFIED

1 DEVELOPMENT TO WHICH A CREDIT HAS BEEN ALLOCATED AND EACH  
2 QUALIFIED TAXPAYER TO WHICH SUCH OWNER HAS ALLOCATED A PORTION  
3 OF SAID CREDIT, IF ANY, SHALL FILE WITH THEIR STATE INCOME TAX  
4 RETURN A COPY OF THE ALLOCATION CERTIFICATE ISSUED BY THE  
5 AUTHORITY WITH RESPECT TO SUCH DEVELOPMENT AND A COPY OF THE  
6 OWNER'S CERTIFICATION TO THE DEPARTMENT AS TO THE ALLOCATION OF  
7 THE CREDIT AMONG THE QUALIFIED TAXPAYERS HAVING OWNERSHIP  
8 INTERESTS IN THE DEVELOPMENT.

9 **39-22-5406. Parallel credits - insurance premium taxes.**

10 (1) ANY TAXPAYER WHO IS SUBJECT TO THE TAX ON INSURANCE  
11 PREMIUMS ESTABLISHED BY SECTIONS 10-3-209, 10-5-111, AND 10-6-128  
12 AND THEREFORE EXEMPT FROM THE PAYMENT OF INCOME TAX AND WHO  
13 IS OTHERWISE ELIGIBLE TO CLAIM A CREDIT PURSUANT TO THIS PART 54  
14 MAY CLAIM SUCH CREDIT AND CARRY SUCH CREDIT FORWARD AGAINST  
15 SUCH INSURANCE PREMIUM TAX ON ITS CALENDAR QUARTER ESTIMATED  
16 TAX PAYMENTS MADE IN ACCORDANCE WITH SECTION 10-3-209 TO THE  
17 SAME EXTENT AS THE TAXPAYER WOULD HAVE BEEN ABLE TO CLAIM OR  
18 CARRY FORWARD SUCH CREDIT OR REFUND AGAINST INCOME TAX. ALL  
19 OTHER PROVISIONS OF THIS PART 54 WITH RESPECT TO THE CREDIT,  
20 INCLUDING THE AMOUNT, ALLOCATION, AND RECAPTURE OF THE CREDIT  
21 AND THE YEARS FOR WHICH THE CREDIT MAY BE CLAIMED, APPLY TO A  
22 CREDIT CLAIMED PURSUANT TO THIS SECTION.

23 (2) FOR PURPOSES OF ADMINISTERING THIS SECTION, ANY  
24 REFERENCE IN THIS ARTICLE 22 TO "INCOME TAX YEAR" MEANS CALENDAR  
25 YEAR.

26 **39-22-5407. Compliance monitoring.** THE AUTHORITY, IN  
27 CONSULTATION WITH THE DEPARTMENT, SHALL MONITOR AND OVERSEE  
28 COMPLIANCE WITH THIS PART 54 AND SHALL REPORT SPECIFIC  
29 OCCURRENCES OF NONCOMPLIANCE TO THE DEPARTMENT.

30 **39-22-5408. Repeal.** THIS PART 54 IS REPEALED, EFFECTIVE  
31 DECEMBER 31, 2049.

32 **SECTION 6.** In Colorado Revised Statutes, 39-26-123, **amend**  
33 (3)(b)(II)(B) and (3)(b)(II)(C); and **add** (3)(b)(II)(D) as follows:

34 **39-26-123. Receipts - disposition - transfers of general fund**  
35 **surplus - sales tax holding fund - creation - definitions.** (3) For any  
36 state fiscal year commencing on or after July 1, 2013, the state treasurer  
37 shall credit eighty-five percent of all net revenue collected under this  
38 article 26 to the old age pension fund created in section 1 of article XXIV  
39 of the state constitution. The state treasurer shall credit to the general fund  
40 the remaining fifteen percent of the net revenue, less:

41 (b) (II) The amount credited to the housing development grant  
42 fund created in section 24-32-721 (1) under subsection (3)(b)(I) of this  
43 section is reduced by the following amounts:



1 (B) Forty million three hundred twenty-three thousand one  
2 hundred fifty-eight dollars for the state fiscal year 2020-21; and

3 (C) Nine hundred eighty-five thousand three hundred thirty-five  
4 dollars for the state fiscal year YEARS 2021-22, and each state fiscal year  
5 thereafter 2022-23, AND 2023-24; AND

6 (D) THIRTY-FIVE MILLION NINE HUNDREDEIGHTY-FIVE THOUSAND  
7 THREE HUNDRED THIRTY-FIVE DOLLARS FOR THE STATE FISCAL YEAR  
8 2024-25 AND EACH STATE FISCAL YEAR THEREAFTER."

9 Renumber succeeding section accordingly.

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