

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0753.02 Jason Gelender x4330

**HOUSE BILL 16-1006**

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**HOUSE SPONSORSHIP**

**Becker K. and Garnett,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CLARIFICATION OF THE SCOPE OF THE EXEMPTION FROM**  
102                    **GOVERNMENT CHARGES FOR PROPERTY OWNED BY OR LEASED**  
103                    **TO A HOUSING AUTHORITY OR OWNED BY, LEASED TO, OR UNDER**  
104                    **CONSTRUCTION BY AN ENTITY THAT IS WHOLLY OWNED BY AN**  
105                    **AUTHORITY, AN ENTITY IN WHICH AN AUTHORITY HAS AN**  
106                    **OWNERSHIP INTEREST, OR AN ENTITY IN WHICH AN ENTITY**  
107                    **WHOLLY OWNED BY AN AUTHORITY OR OF WHICH AN**  
108                    **AUTHORITY IS THE SOLE MEMBER HAS AN OWNERSHIP INTEREST.**

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**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*

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

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill clarifies that the exemption from government charges for property owned by or leased to a housing authority, an entity that is wholly owned by an authority, an entity in which an authority has an ownership interest, or an entity in which an entity wholly owned by an authority has an ownership interest applies to all taxes levied and all fees imposed by the state or any county, city and county, municipality, or other political subdivision of the state.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend 29-4-227** as  
3 follows:

4 **29-4-227. Tax exemptions.** (1) (a) ~~The AN authority is exempt~~  
5 ~~from the payment of any taxes or fees to the state or any subdivision~~  
6 ~~thereof, or to any officer or employee of the state or any subdivision~~  
7 ~~thereof~~ COUNTY, CITY AND COUNTY, MUNICIPALITY, OR OTHER POLITICAL  
8 SUBDIVISION OF THE STATE. ~~The ALL~~ property of an authority ~~shall be~~ IS  
9 exempt from all local and municipal taxes. Bonds, notes, debentures, and  
10 other evidences of indebtedness of an authority are declared to be issued  
11 for a public purpose and to be public instruments, and, together with  
12 interest thereon, ~~shall be~~ ARE exempt from taxes. All property leased to  
13 ~~the AN~~ authority for the purposes of a project ~~shall likewise be~~ IS ALSO  
14 exempt from taxation, as ~~shall~~ IS the income derived from the authority  
15 by the lessor under ~~such~~ THE lease. ~~The portion of a project that is not~~  
16 ~~used as a store, office, or other commercial facility that is occupied by~~  
17 ~~persons of low income and that is owned by or leased to an entity that is~~  
18 ~~wholly owned by an authority, an entity in which an authority has an~~  
19 ~~ownership interest, or an entity in which an entity wholly owned by an~~  
20 ~~authority has an ownership interest shall likewise be exempt from~~

1 ~~taxation, and the income derived from the above entities by the lessor~~  
2 ~~under a lease shall likewise be exempt from taxation.~~

3 (b) A PROJECT THAT IS OWNED BY, LEASED TO, OR UNDER  
4 CONSTRUCTION BY AN ENTITY THAT IS WHOLLY OWNED BY AN AUTHORITY,  
5 AN ENTITY IN WHICH AN AUTHORITY HAS AN OWNERSHIP INTEREST, OR AN  
6 ENTITY IN WHICH AN ENTITY WHOLLY OWNED BY AN AUTHORITY OR OF  
7 WHICH AN AUTHORITY IS THE SOLE MEMBER HAS AN OWNERSHIP INTEREST  
8 IS EXEMPT FROM PROPERTY TAX, AND DURING CONSTRUCTION IS EXEMPT  
9 FROM THE PAYMENT OF SALES TAX AND USE TAX TO THE STATE OR ANY  
10 COUNTY, CITY AND COUNTY, MUNICIPALITY, OR OTHER POLITICAL  
11 SUBDIVISION OF THE STATE IN PROPORTION TO THE PERCENTAGE OF THE  
12 PROJECT THAT IS FOR OCCUPANCY BY PERSONS OF LOW INCOME. THE  
13 DETERMINATION BY AN AUTHORITY OF THE PERCENTAGE OF THE PROJECT  
14 THAT QUALIFIES FOR THE EXEMPTIONS FROM PAYMENT OF SALES AND USE  
15 TAXES MAY BE MADE ON THE BASIS OF EITHER THE RELATIVE SQUARE  
16 FOOTAGE OR COST AND IS PRESUMED VALID ABSENT MANIFEST ERROR.

17 (2) THIS SECTION, AS AMENDED, APPLIES TO PROPERTY OWNED BY  
18 OR LEASED TO AN AUTHORITY AND PROPERTY OWNED BY, LEASED TO, OR  
19 UNDER CONSTRUCTION BY AN ENTITY IN WHICH AN AUTHORITY HAS AN  
20 OWNERSHIP INTEREST, OR AN ENTITY IN WHICH AN ENTITY WHOLLY OWNED  
21 BY AN AUTHORITY OR OF WHICH AN AUTHORITY IS THE SOLE MEMBER HAS  
22 AN OWNERSHIP INTEREST ON OR AFTER AUGUST 2, 2000. NOTHING IN THIS  
23 SECTION, AS AMENDED, ENTITLES OR SHALL BE INTERPRETED TO ENTITLE  
24 ANY ENTITY TO A REFUND OF TAXES FROM THE STATE FOR ANY PERIOD  
25 BEGINNING BEFORE JANUARY 1, 2013, OR TO A REFUND OF TAXES FROM  
26 ANY COUNTY, CITY AND COUNTY, MUNICIPALITY, OR OTHER POLITICAL  
27 SUBDIVISION OF THE STATE PAID PRIOR TO THE EFFECTIVE DATE OF THIS

1 SECTION, AS AMENDED. NOTWITHSTANDING THE PROVISIONS OF SECTION  
2 39-26-703 (2) (d), C.R.S., FROM THE EFFECTIVE DATE OF THIS SECTION, AS  
3 AMENDED, UNTIL DECEMBER 31, 2016, AN ENTITY MAY FILE A CLAIM FOR  
4 A REFUND OF ALL STATE TAXES OVERPAID UNDER THIS SECTION FOR THE  
5 PERIOD FROM JANUARY 1, 2013, TO THE EFFECTIVE DATE OF THIS SECTION,  
6 AS AMENDED. ON AND AFTER JANUARY 1, 2017, ALL CLAIMS FOR REFUND  
7 UNDER THIS SECTION ARE SUBJECT TO THE PROVISIONS OF SECTION  
8 39-26-703 (2) (d) C.R.S.

9 **SECTION 2. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2016 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.