

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-0628.01 Bob Lackner x4350

SENATE BILL 18-007

SENATE SPONSORSHIP

Tate and Guzman, Court, Fenberg, Fields, Jones, Merrifield, Todd, Zenzinger

HOUSE SPONSORSHIP

Duran and Becker J.,

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE COLORADO AFFORDABLE HOUSING TAX CREDIT,
102 AND, IN CONNECTION THEREWITH, RENAMING THE LOW-INCOME
103 HOUSING TAX CREDIT THE COLORADO AFFORDABLE HOUSING
104 TAX CREDIT AND EXTENDING THE PERIOD DURING WHICH THE
105 COLORADO HOUSING AND FINANCE AUTHORITY MAY ALLOCATE
106 AFFORDABLE HOUSING TAX CREDITS.

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 changes the name of the existing low-income housing tax

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.

HOUSE
Amended 2nd Reading
April 24, 2018

SENATE
3rd Reading Unamended
February 22, 2018

SENATE
2nd Reading Unamended
February 21, 2018

credit to the affordable housing tax credit. This change is reflected in sections 1 and 3 of the bill.

Section 2 extends the period during which the Colorado housing and finance authority may allocate affordable housing tax credits from December 31, 2019, to December 31, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-2101, **amend**
3 (4) as follows:

4 **39-22-2101. Definitions.** As used in this part 21, unless the
5 context otherwise requires:

6 (4) "Credit" means the Colorado ~~low-income~~ AFFORDABLE
7 housing tax credit allowed pursuant to section 39-22-2102.

8 **SECTION 2.** In Colorado Revised Statutes, 39-22-2102, **amend**
9 (3), (4), and (7) introductory portion as follows:

10 **39-22-2102. Credit against tax - affordable housing**
11 **developments.** (3) If an owner of a qualified development receiving an
12 allocation of a credit is a partnership, limited liability company, S
13 corporation, or similar pass-through entity, the owner may allocate the
14 credit among its partners, shareholders, members, or other ~~constituent~~
15 QUALIFIED taxpayers in any manner agreed to by such persons
16 REGARDLESS OF WHETHER ANY SUCH PERSONS ARE DEEMED A PARTNER
17 FOR FEDERAL INCOME TAX PURPOSES. The owner shall certify to the
18 department the amount of credit allocated to each ~~constituent~~ PARTNER,
19 SHAREHOLDER, MEMBER, OR OTHER QUALIFIED taxpayer. Each ~~constituent~~
20 PARTNER, SHAREHOLDER, MEMBER, OR OTHER QUALIFIED taxpayer ~~shall~~
21 ~~be~~ ADMITTED AS A PARTNER, SHAREHOLDER, MEMBER, OR OTHER
22 QUALIFIED TAXPAYER OF THE OWNER PRIOR TO THE FILING OF A TAX
23 CREDIT CLAIMING THE CREDIT IS allowed to claim such amount subject to

1 any restrictions set forth in this part 21.

2 (4) No credit shall be allocated pursuant to this part 21 unless the
3 qualified development is the subject of a recorded restrictive covenant
4 requiring the development to be maintained and operated as a qualified
5 development, and is in accordance with the accessibility and adaptability
6 requirements of the federal tax credits and Title VIII of the "Civil Rights
7 Act of 1968", as amended by the "Fair Housing Amendments Act of
8 1988", for a period of fifteen taxable years, or such longer period as may
9 be agreed to between the authority and the owner, beginning with the first
10 taxable year of the credit period UNLESS CORRECTED WITHIN THE TIME
11 PROVIDED BY SEC. 42(h)(6)(J) OF THE INTERNAL REVENUE CODE AS
12 APPLICABLE TO THE COVENANT DESCRIBED IN THIS SUBSECTION (4).

13 (7) During each calendar year of the ~~five-year~~ period beginning
14 January 1, 2015, and ending ~~December 31, 2019~~ DECEMBER 31, 2024, the
15 authority may allocate a credit, the full amount of which may be claimed
16 against the taxes imposed by this ~~article~~ ARTICLE 22 for each taxable year
17 of the six-year credit period. The aggregate amount of all credits allocated
18 by the authority in each calendar year of the ~~five-year~~ period beginning
19 January 1, 2015, and ending ~~December 31, 2019~~ DECEMBER 31, 2024,
20 shall not exceed the amount of:

21 **SECTION 3.** In Colorado Revised Statutes, 39-22-2108, **amend**
22 (1) introductory portion as follows:

23 **39-22-2108. Report to the general assembly.** (1) For each
24 allocation year, the authority shall, by December 31 of that year, provide
25 a written report to the general assembly and shall further make the report
26 available to the public. With respect to allocated state ~~low-income~~
27 AFFORDABLE housing tax credits under section 39-22-2102, the report

1 must:

2 **SECTION 4. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.