

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 18-0778.01 Esther van Mourik x4215

**HOUSE BILL 18-1267**

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**HOUSE SPONSORSHIP**

**Gray and McKean,**

**SENATE SPONSORSHIP**

**Tate,**

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**House Committees**

Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN INCOME TAX CREDIT FOR RETROFITTING A RESIDENCE**  
102 **TO INCREASE THE RESIDENCE'S VISITABILITY, AND, IN**  
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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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 <http://leg.colorado.gov>.)*

The bill provides an income tax credit to an individual who retrofits or hires someone to retrofit the individual's residence. The bill specifies that the retrofit must:

- ! Be necessary to ensure the health, welfare, and safety of a qualified individual;

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.

- ! Increase the residence's visitability;
- ! Enable greater accessibility and independence in the residence for a qualified individual;
- ! Be required due to illness, impairment, or disability of a qualified individual; and
- ! Allow a qualified individual to age in place.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 39-22-539 as  
3 follows:

4           **39-22-539. Credit for retrofitting a residence to increase a**  
5 **residence's visitability - legislative declaration - definitions - repeal.**

6 (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THE  
7 INTENDED PURPOSE OF THE TAX CREDIT CREATED IN THIS SECTION IS TO  
8 MAKE RETROFITTING A RESIDENCE FOR HEALTH, WELFARE, AND SAFETY  
9 REASONS MORE AFFORDABLE.

10           (2) AS USED IN THIS SECTION:

11           (a) "DEPENDENT" HAS THE SAME MEANING AS IN SECTION 152 (a)  
12 OF THE INTERNAL REVENUE CODE.

13           (b) "DIVISION OF HOUSING" MEANS THE DIVISION OF HOUSING IN  
14 THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704.

15           (c) "QUALIFIED INDIVIDUAL" MEANS AN INDIVIDUAL WITH A  
16 FAMILY INCOME AT OR BELOW FOUR HUNDRED PERCENT OF THE FEDERAL  
17 POVERTY LEVEL, AN INDIVIDUAL'S SPOUSE, OR A DEPENDENT OF THE  
18 INDIVIDUAL.

19           (d) "RETROFIT" MEANS CHANGES MADE TO A RESIDENCE THAT  
20 MUST:

21           (I) BE NECESSARY TO ENSURE THE HEALTH, WELFARE, AND SAFETY  
22 OF A QUALIFIED INDIVIDUAL;

- 1 (II) INCREASE THE RESIDENCE'S VISITABILITY;
- 2 (III) ENABLE GREATER ACCESSIBILITY AND INDEPENDENCE IN THE
- 3 RESIDENCE FOR A QUALIFIED INDIVIDUAL;
- 4 (IV) BE REQUIRED DUE TO A QUALIFIED INDIVIDUAL'S ILLNESS,
- 5 IMPAIRMENT, OR DISABILITY; AND
- 6 (V) ALLOW A QUALIFIED INDIVIDUAL TO AGE IN PLACE.

7 (e) "VISITABILITY" MEANS A MEASURE OF A RESIDENCE'S EASE OF  
8 ACCESS FOR PERSONS WITH DISABILITIES.

9 (3) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(III) OF THIS  
10 SECTION, FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY  
11 1, 2019, BUT PRIOR TO JANUARY 1, 2024, AN INDIVIDUAL WHO RETROFITS  
12 OR HIRES SOMEONE TO RETROFIT THE INDIVIDUAL'S RESIDENCE AND WHO  
13 MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE DIVISION OF  
14 HOUSING IS ALLOWED A CREDIT AGAINST THE INCOME TAXES IMPOSED BY  
15 THIS ARTICLE 22 IN AN AMOUNT EQUAL TO THE COST OF THE RETROFIT OR  
16 FIVE THOUSAND DOLLARS, WHICHEVER IS LESS.

17 (II) THE DIVISION OF HOUSING SHALL CONSULT WITH  
18 STAKEHOLDERS IN ESTABLISHING ANY ADDITIONAL REQUIREMENTS FOR  
19 THE INCOME TAX CREDIT AS REQUIRED IN SUBSECTION (3)(a)(I) OF THIS  
20 SECTION.

21 (b) (I) THE DIVISION OF HOUSING IS RESPONSIBLE FOR ISSUING  
22 CREDIT CERTIFICATES TO QUALIFIED INDIVIDUALS. THE CREDIT  
23 CERTIFICATE MUST IDENTIFY THE TAXPAYER AND CERTIFY THAT THE  
24 INDIVIDUAL MEETS THE REQUIREMENTS SET FORTH IN THIS SECTION.

25 (II) TO CLAIM THE CREDIT UNDER THIS SECTION, THE INDIVIDUAL  
26 MUST INCLUDE THE CREDIT CERTIFICATE WITH THE INCOME TAX RETURN  
27 FILED WITH THE DEPARTMENT OF REVENUE.

1 (III) THE DIVISION OF HOUSING SHALL TRACK ALL THE CREDIT  
2 CERTIFICATES ISSUED UNDER THIS SECTION IN EACH INCOME TAX YEAR  
3 AND, WHEN THE TOTAL AMOUNT OF CREDIT CERTIFICATES ISSUED EQUALS  
4 ONE MILLION DOLLARS PER INCOME TAX YEAR, SHALL CEASE ISSUING  
5 CREDIT CERTIFICATES IN THAT INCOME TAX YEAR. UNTIL THE ONE MILLION  
6 DOLLAR PER INCOME TAX YEAR CAP IS REACHED, THE CREDIT  
7 CERTIFICATES SHALL BE ISSUED IN THE ORDER IN WHICH THEY ARE  
8 REQUESTED.

9 (4) IF THE AMOUNT OF THE CREDIT ALLOWED IN THIS SECTION  
10 EXCEEDS THE AMOUNT OF INCOME TAXES OTHERWISE DUE ON THE  
11 INDIVIDUAL'S INCOME IN THE INCOME TAX YEAR FOR WHICH THE CREDIT  
12 IS BEING CLAIMED, THE AMOUNT OF THE CREDIT NOT USED AS AN OFFSET  
13 AGAINST INCOME TAXES IN THE CURRENT INCOME TAX YEAR MAY BE  
14 CARRIED FORWARD AND USED AS A CREDIT AGAINST SUBSEQUENT YEARS'  
15 INCOME TAX LIABILITY FOR A PERIOD NOT TO EXCEED FIVE YEARS AND  
16 MUST BE APPLIED FIRST TO THE EARLIEST INCOME TAX YEARS POSSIBLE.  
17 ANY CREDIT REMAINING AFTER THE PERIOD MAY NOT BE REFUNDED OR  
18 CREDITED TO THE INDIVIDUAL.

19 (5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2028.

20 **SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal  
21 year, \$132,328 is appropriated to the department of local affairs. This  
22 appropriation is from the general fund. To implement this act, the  
23 department may use this appropriation as follows:

24 (a) \$55,496 for use by the division of housing for personal  
25 services related to community and non-profit services, which amount is  
26 based on an assumption that the division will require an additional 1.0  
27 FTE;

1 (b) \$11,324 for use by the division of housing for operating  
2 expenses; and

3 (c) \$65,508 for the purchase of information technology services.

4 (2) For the 2018-19 state fiscal year, \$65,508 is appropriated to  
5 the office of the governor for use by the office of information technology.  
6 This appropriation is from reappropriated funds received from the  
7 department of local affairs under subsection (1)(c) of this section. To  
8 implement this act, the office may use this appropriation to provide  
9 information technology services for the department of local affairs.

10 **SECTION 3. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2018 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.