

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0746.01 Esther van Mourik x4215

HOUSE BILL 19-1135

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

(None),

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION THAT THE INCOME TAX CREDIT FOR**
102 **RETROFITTING A RESIDENCE TO INCREASE A RESIDENCE'S**
103 **ACCESSIBILITY IS AVAILABLE FOR CHANGES MADE TO A**
104 **RESIDENCE THAT BENEFIT A QUALIFIED INDIVIDUAL'S**
105 **DEPENDENT.**

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 clarifies that the income tax credit for retrofitting a residence is available for changes made to a residence that benefit a

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.

qualified individual's dependent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-541, **amend**
3 (2)(d), (3)(a)(I), (3)(b)(II), and (4) as follows:

4 **39-22-541. Credit for retrofitting a residence to increase a**
5 **residence's visitability - legislative declaration - definitions - repeal.**

6 (2) As used in this section:

7 (d) "Retrofit" means changes made to a residence that must:

8 (I) Be necessary to ensure the health, welfare, and safety of a
9 qualified individual OR A DEPENDENT;

10 (II) Increase the residence's visitability;

11 (III) Enable greater accessibility and independence in the
12 residence for a qualified individual OR A DEPENDENT;

13 (IV) Be required due to a qualified individual's OR DEPENDENT'S
14 illness, impairment, or disability; and

15 (V) Allow a qualified individual OR DEPENDENT to age in place.

16 (3) (a) (I) Except as provided in subsection (3)(b)(III) of this
17 section, for income tax years commencing on or after January 1, 2019, but
18 prior to January 1, 2024, ~~an~~ A QUALIFIED individual who retrofits or hires
19 someone to retrofit the QUALIFIED individual's residence and who meets
20 any additional requirements established by the division of housing is
21 allowed a credit against the income taxes imposed by this article 22 in an
22 amount equal to the cost of the retrofit or five thousand dollars,
23 whichever is less.

24 (b) (II) To claim the credit under this section, the QUALIFIED
25 individual must include the credit certificate with the income tax return

1 filed with the department of revenue.

2 (4) If the amount of the credit allowed in this section exceeds the
3 amount of income taxes otherwise due on the QUALIFIED individual's
4 income in the income tax year for which the credit is being claimed, the
5 amount of the credit not used as an offset against income taxes in the
6 current income tax year may be carried forward and used as a credit
7 against subsequent years' income tax liability for a period not to exceed
8 five years and must be applied first to the earliest income tax years
9 possible. Any credit remaining after the period may not be refunded or
10 credited to the QUALIFIED individual.

11 **SECTION 2. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2020 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.