

CHAPTER 43

TAXATION

HOUSE BILL 19-1175

BY REPRESENTATIVE(S) Gray, Bird, Buentello, Galindo, Valdez A.;
also SENATOR(S) Gonzales.

AN ACT**CONCERNING THE PROPERTY TAX VALUATION APPEAL PROCESS.**

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

SECTION 1. In Colorado Revised Statutes, 39-5-122, **amend** (2); and **add** (2.5) as follows:

39-5-122. Taxpayer's remedies to correct errors. (2) If any person is of the opinion that his or her property has been valued too high, has been twice valued, or is exempt by law from taxation or that property has been erroneously assessed to such person, he or she may appear before the assessor and object, complete the form mailed with his or her notice of valuation pursuant to section 39-5-121 (1) or (1.5), or file a written letter of objection and protest by mail with the assessor's office before the last day specified in the notice, stating in general terms the reason for the objection and protest. Reasons for the objection and protest may include, but shall not be limited to, the installation and operation of surface equipment relating to oil and gas wells on agricultural land. Any change or adjustment of any ratio of valuation for assessment for residential real property pursuant to ~~the provisions of~~ section 39-1-104.2 shall not constitute grounds for an objection. If the form initiating an appeal or the written letter of objection and protest is filed by mail, it shall be presumed that it was received as of the day it was postmarked. If the form initiating an appeal or the written letter of objection and protest is hand-delivered, the date it was received by the assessor shall be stamped on the form or letter. As stated in the public notice given by the assessor pursuant to subsection (1) of this section, the taxpayer's notification to the assessor of his or her objection and protest to the adjustment in valuation must be delivered, postmarked, or given in person by June 1 in the case of real property. In the case of personal property, the notice must be postmarked or physically delivered by June 30. All such forms and letters

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

received from protesters shall be presumed to be on time unless the assessor can present evidence to show otherwise. The county shall not prescribe the written form of objection and protest to be used. The protester shall have the opportunity on the days specified in the public notice to present his or her objection in writing or protest in person and be heard, whether or not there has been a change in valuation of such property from the previous year and whether or not any change is the result of a determination by the assessor for the current year or by the state board of equalization for the previous year. If the assessor finds any valuation to be erroneous or otherwise improper, the assessor shall correct the error. If the assessor declines to change any valuation that the assessor has determined, the assessor shall state his or her reasons in writing on the form described in section 39-8-106, shall insert the information otherwise required by the form, and shall mail two copies of the completed form to the person presenting the objection and protest so denied on or before the last regular working day of the assessor in June in the case of real property and on or before July 10 in the case of personal property; except that, if a county has made an election pursuant to section 39-5-122.7 (1), the assessor shall mail the copies on or before the last working day of the assessor in August AUGUST 15 in the case of both real and personal property.

(2.5) IF THE PROPERTY THAT IS THE SUBJECT OF AN OBJECTION AND PROTEST IS RENT-PRODUCING COMMERCIAL REAL PROPERTY LOCATED IN A COUNTY THAT HAS MADE AN ELECTION PURSUANT TO SECTION 39-5-122.7 (1), THEN, ON OR BEFORE JULY 15, THE TAXPAYER SHALL PROVIDE TO THE ASSESSOR THE INFORMATION DESCRIBED IN SECTION 39-8-107 (5)(a)(I).

SECTION 2. In Colorado Revised Statutes, 39-8-107, **amend** (5)(a)(I)(D), (5)(a)(II), and (5)(b)(I) as follows:

39-8-107. Hearings on appeal. (5) (a) (I) On and after August 10, 2011, in addition to any other requirements under law, any petitioner appealing either a valuation of rent-producing commercial real property to the board of assessment appeals pursuant to section 39-8-108 (1) or a denial of an abatement of taxes pursuant to section 39-10-114 shall provide to the county board of equalization or to the board of county commissioners of the county in the case of an abatement, and not to the board of assessment appeals, the following information, if applicable:

(D) Rent roll data AS OF THE VALUATION DATE, including the name of any tenants, the address, unit, or suite number of the subject property, lease start and end dates, option terms, base rent, square footage leased, and vacant space for two full years including the base year for the relevant property tax year OF THE VALUATION DATE AND THE PRIOR YEAR.

(II) The petitioner shall provide the information required by subparagraph (I) of this paragraph (a) SUBSECTION (5)(a)(I) OF THIS SECTION within ninety days after the appeal has been filed with the board of assessment appeals; EXCEPT THAT A PETITIONER WHO HAS ALREADY PROVIDED INFORMATION TO AN ASSESSOR IN ACCORDANCE WITH SECTION 39-5-122 (2.5) IS NOT REQUIRED TO PROVIDE ANY ADDITIONAL INFORMATION UNDER THIS SUBSECTION (5)(a).

(b) (I) The assessor, the county board of equalization, or the board of county commissioners of the county, as applicable, shall, upon request made by the

petitioner, provide to a petitioner who has filed an appeal with the board of assessment appeals not more than ninety days after receipt of the petitioner's request, the following information:

~~(A) All of the underlying data used by the county in calculating the value of the subject property that is being appealed, including the capitalization rate for such property~~ THE PRIMARY METHOD USED BY THE COUNTY TO DETERMINE THE VALUE OF THE SUBJECT PROPERTY; and

~~(B) The names of any commercially available and copyrighted publications used in calculating~~ THE RATES USED BY THE COUNTY TO DETERMINE the value of the subject property UNDER THE METHOD IDENTIFIED IN ACCORDANCE WITH SUBSECTION (5)(b)(I)(A) OF THIS SECTION.

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

Approved: March 21, 2019