

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

INTRODUCED

LLS NO. 23-0489.01 Zach Blaes x4348

SENATE BILL 23-052

SENATE SPONSORSHIP

Hinrichsen,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING A MUNICIPAL PRIORITY LIEN THAT SURVIVES THE**
102 **ISSUANCE OF A TREASURER'S DEED.**

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>.)

Under current law, a municipality may levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. The lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. After a foreclosure action is initiated for unpaid property taxes, a person may obtain a treasurer's deed, which provides a purchaser

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

title to real property that is free and clear of most prior encumbrances, including liens, if certain conditions are met. The bill specifies that a municipal lien for the costs of removing weeds, brush, and other rubbish survives the issuance of a treasurer's deed.

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

2 **SECTION 1.** In Colorado Revised Statutes, 31-15-401, **amend**
3 (1)(d) as follows:

4 **31-15-401. General police powers.** (1) In relation to the general
5 police power, the governing bodies of municipalities have the following
6 powers:

7 (d) (I) To provide for and compel the removal of weeds, brush,
8 and rubbish of all kinds from lots and tracts of land within such
9 municipalities and from the alleys behind and from the sidewalk areas in
10 front of such property at such time, upon such notice, and in such manner
11 as such municipalities prescribe by ordinance, and to assess the whole
12 cost thereof, including five percent for inspection and other incidental
13 costs in connection therewith, upon the lots and tracts of land from which
14 the weeds, brush, and rubbish are removed. The assessment ~~shall be~~ IS a
15 lien against each lot or tract of land until paid and ~~shall have~~ HAS priority
16 over all other liens except general taxes and prior special assessments. A
17 DEED ISSUED PURSUANT TO SECTION 39-11-120 OR 39-11-143 DOES NOT
18 EXTINGUISH A LIEN PURSUANT TO THIS SUBSECTION.

19 (II) In case such assessment is not paid within a reasonable time
20 specified by ordinance, it may be certified by the clerk to the county
21 treasurer who shall collect the assessment, together with a ten percent
22 penalty for cost of collection, in the same manner as other taxes are
23 collected. The laws of this state for assessment and collection of general

1 taxes, including the laws for the sale and redemption of property for taxes
2 shall apply to the collection of such assessments.

3 **SECTION 2.** In Colorado Revised Statutes, 39-11-136, **amend**
4 (3) as follows:

5 **39-11-136. Treasurer to execute deed - effect.** (3) Execution of
6 a deed pursuant to this section shall DOES not affect the existence of:

7 (a) Any public or private roads, rights-of-way, conservation
8 easements, other easements, or equitable servitudes that run with land and
9 have both benefits and burdens, all as claimed or existing prior to the
10 execution of such deed; OR

11 (b) ANY LIEN LEVIED PURSUANT TO SECTION 31-15-401 (1)(d).

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 39-11-146 as
13 follows:

14 **39-11-146. Lien of special assessment not affected.** Nothing in
15 sections 39-11-143 to 39-11-145 shall be construed to affect in any
16 manner or degree whatsoever the lien of any special assessment OR ANY
17 LIEN LEVIED PURSUANT TO SECTION 31-15-401 (1)(d) to which such real
18 estate and the conveyance thereof by the treasurer is subject under law.

19 **SECTION 4. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.