

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

**REVISED**

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

LLS NO. 23-0489.01 Zach Blaes x4348

**SENATE BILL 23-052**

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**SENATE SPONSORSHIP**

**Hinrichsen**, Gonzales, Marchman

**HOUSE SPONSORSHIP**

**Martinez and Mauro**,

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**Senate Committees**  
Finance

**House Committees**  
Finance

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**A BILL FOR AN ACT**

101      **CONCERNING A MUNICIPAL PRIORITY LIEN THAT        A COUNTY**  
102                    **TREASURER IS REQUIRED TO ACCEPT FOR COLLECTION IF A**  
103                    **MUNICIPALITY FOLLOWS A SPECIFIED PROCEDURE.**

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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>.)*

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

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.

HOUSE  
2nd Reading Unamended  
March 22, 2023

SENATE  
3rd Reading Unamended  
February 22, 2023

SENATE  
Amended 2nd Reading  
February 21, 2023

taxes, a person may obtain a treasurer's deed, which provides a purchaser 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.

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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)(II); and add (1)(d)(III) 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) (II) ~~In case such~~ IF AN assessment is not paid within a  
8 reasonable time specified by ordinance ~~it~~ AND A MUNICIPALITY COMPLIES  
9 WITH THE RECORDING AND CERTIFICATION REQUIREMENTS SPECIFIED IN  
10 SUBSECTION (1)(d)(III) OF THIS SUBSECTION, THE AMOUNT OF THE UNPAID  
11 ASSESSMENT may be certified ~~by the clerk~~ to the county treasurer who  
12 shall collect the assessment, together with a ten percent penalty for cost  
13 of collection, in the same manner as other taxes are collected. The laws  
14 of this state for assessment and collection of general taxes, including the  
15 laws for the sale and redemption of property for taxes, ~~shall~~ apply to the  
16 collection of such assessments.

17 (III) A COUNTY TREASURER SHALL ACCEPT FOR COLLECTION  
18 PURSUANT TO SUBSECTION (1)(d)(II) OF THIS SECTION AND SECTION  
19 31-20-105 A LIEN LEVIED PURSUANT TO SUBSECTION (1)(d)(I) OF THIS  
20 SECTION IF:

21 (A) WITHIN FOUR MONTHS OF ABATING A NUISANCE PURSUANT TO  
22 SUBSECTION (1)(d)(I) OF THIS SUBSECTION, A MUNICIPALITY FILES FOR  
23 RECORDING A NOTICE OF LIEN WITH THE COUNTY CLERK AND RECORDER

1 OF THE COUNTY IN WHICH THE REAL PROPERTY IS LOCATED; AND  
2 (B) WITHIN ONE YEAR OF FILING THE NOTICE OF LIEN FOR  
3 RECORDING SPECIFIED BY SUBSECTION (1)(d)(III)(A) OF THIS SECTION, A  
4 MUNICIPALITY CERTIFIES THE AMOUNT OF THE UNPAID ASSESSMENT FOR  
5 WHICH THE LIEN WAS LEVIED TO THE COUNTY TREASURER OF THE COUNTY  
6 IN WHICH THE REAL PROPERTY IS LOCATED.

7 **SECTION 2. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly; except  
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
11 of the state constitution against this act or an item, section, or part of this  
12 act within such period, then the act, item, section, or part will not take  
13 effect unless approved by the people at the general election to be held in  
14 November 2024 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.