## 2nd Draft

# Proposition HH: Reduce Property Taxes and Retain State Revenue

Placed on the ballot by the legislature • Passes with a majority of the vote

## 1 **Proposition HH, if approved, would:**

2 3	•	lower property taxes owed for homes and businesses for at least ten years, compared to what would be owed under current law;
4 5 6 7	•	allow the state to retain money that would otherwise be refunded to taxpayers through at least 2032, with the money spent on education, reimbursements to local governments for some of their reduced property tax revenue, and rental assistance programs;
8 · 9 10	•	authorize the state legislature to retain revenue after 2032 without further voter approval, if property tax decreases equivalent to those in the measure are maintained;
11 · 12	•	distribute TABOR refunds to taxpayers in equal amounts for tax year 2023; and
13 o 14	•	create a new limit on the growth of property tax revenue for some local governments.

## 15 What Your Vote Means

YES 16 A "yes" vote on 17 Proposition HH lowers 18 property taxes owed, allows the state 19 to keep additional revenue that would 20 otherwise be refunded to taxpayers,

- 21 temporarily changes how taxpayer
- 22 TABOR refunds are distributed, and
- 23 creates a new property tax limit for
- 24 some local governments.

**NO** A "no" vote on Proposition HH maintains current law for property taxes, TABOR refunds, and state and local government revenue limits.

## 25 For more information on these provisions, see the following:

26	•	Overview of Proposition HH	Page 2
27	•	Impacts on Taxpayers	Dago 2
28	٠	Changes to Property Taxes	Ŭ,
29	•	Retained State Revenue	Dago 5
30	•	Changes to TABOR Refunds	Dogo 7
31	•	Changes for Local Governments	Page 8
32	•	Arguments For Proposition HH	Page 9
33	•	Arguments Against Proposition HH	Page 10
34	•	Fiscal Impact of Proposition HH	Page 10

## 1 Summary and Analysis of Proposition HH

## 2 Overview of Proposition HH

#### 3 What does Proposition HH do?

Proposition HH reduces property taxes owed, resulting in smaller increases in
property taxes beginning in 2023, while allowing the state to keep additional
revenue that would otherwise be refunded to taxpayers.

The measure lowers property taxes by reducing the portion of a property's
market value that is subject to taxes, allowing seniors who have qualified for the
existing homestead exemption to receive the same benefit at a new home, and
creating a new limit on property tax revenue for some local governments. It
requires that local governments exceeding the limit either go through a public
process to waive the limit or lower tax rates to stay below the limit.

The measure creates a new cap on state revenue that grows by the same rate as
the existing cap, plus an additional 1 percent each year. The revenue retained
from the new cap is used to fund education, reimburse local governments for a

16 portion of the lost property tax revenue, and provide rental assistance.

#### 17 How long will the changes under the measure last?

18 Most changes under Proposition HH remain in effect through state budget year

19 2031-32, and may be extended by the state legislature for subsequent budget

20 years without further voter approval. If extended, the state may continue to retain

additional revenue in subsequent years, as long as the state legislature extends

property tax reductions equal to or greater than those in the measure. The
 amount retained grows by 1 percent more each year, and continues to grow if the

24 measure is extended.

In addition, if Proposition HH passes, another state law distributes refunds under
the Taxpayer's Bill of Rights (TABOR) in equal amounts in tax year 2023 only.

- Figure 1 shows the measure's changes through at least 2032.
- 28
- 29

Lower property taxes owed for residential and most nonresidential properties, compared to what would be owed without the measure				
Portable senior property tax exemption, reduced property tax benefit for other residential property				
	Small additional decrease for some nonresidential properties			
2025	2027	2032		
State retains some additional revenue that would otherwise be used for TABOR refunds, to be spent on education, local government reimbursements, and rental assistance The state legislature may decide to continue retaining additional revenue, with the 1%				
	Portable tax bene 2025 some addit s, to be spe	Pared to what would be owed without the measure         Portable senior property tax exemption, reduced property tax benefit for other residential property         Small additional decrease for some nonresidential properties         2025       2027         some additional revenue that would otherwise be used for s, to be spent on education, local government reimbursements,	Pared to what would be owed without the measure         Portable senior property tax exemption, reduced property tax benefit for other residential property         Small additional decrease for some nonresidential properties         2025       2027       2032         some additional revenue that would otherwise be used for s, to be spent on education, local government reimbursements, stance       The state legislature may decide to continue retaining additional	

## Figure 1. Proposition HH Timeline

## 1 Impacts on Taxpayers

## 2 How does Proposition HH impact taxpayers?

3 The measure primarily impacts taxpayers in two ways: reducing the amount

4 owed in property taxes and changing the amount of TABOR refunds. Figure 2

summarizes the impacts on various taxpayers. Each of these impacts is
 described in more detail later in this analysis.

7 For 2023, TABOR refunds increase for low-income and middle-income

8 taxpayers, while property owners also see a savings in their property taxes. For

9 higher-earning homeowners, a reduction in TABOR refunds likely offsets the

- 10 savings from the property tax changes. In 2024 and later years, the reduction in
- 11 TABOR refunds could, over time, offset the amount of property tax savings
- 12 depending on the value of the property and economic conditions.

13

#### 14

#### Figure 2. Summary of Taxpayer Impacts

#### All Taxpayers – TABOR Refunds

#### 2023

- Income less than \$100,000: TABOR refunds increase
- Income greater than \$100,000: TABOR refunds decrease

#### 2024 through 2032

- TABOR refunds decrease, and could be eliminated, for all taxpayers.
- To see how state revenue affects the amount of the decrease, see Figure 7.

## Property Owners - all changes are for 2023 through 2032 unless otherwise noted

Primary residence, multifamily property	<ul> <li>Reduction in property taxes compared to what would be paid otherwise</li> </ul>		
Seniors	<ul> <li>Same reduction in property taxes as for primary residences</li> <li>Beginning in 2025: Seniors who have qualified for the homestead exemption can receive the same benefit if they purchase and move to a new house.</li> </ul>		
Other single-family residential properties (second homes, rental properties, etc.)	<ul> <li>2023 and 2024: Same reduction in property taxes as primary residences</li> <li>Beginning in 2025: Smaller property tax reduction than primary residences</li> </ul>		
Nonresidential properties	<ul> <li>Reduction in property taxes, compared to what would be paid otherwise, for most property types</li> <li>Amount of reduction depends on type of property</li> </ul>		
Renters			
- Do not directly benefit from property tax decreases			

- Additional funding for rental assistance to qualifying renters

## Changes to Property Taxes

## 1 How does Proposition HH change property taxes?

- 2 Proposition HH lowers the property taxes owed by
- 3 property owners, compared to what would be owed
- 4 without the measure. Property values are
- 5 increasing significantly in most areas of the state,
- 6 resulting in higher property taxes owed. The
- 7 measure results in a smaller increase in property
- 8 taxes than under current law.

## Online Calculation Tool:

To see how the combination of the property tax changes and TABOR refund changes impact a taxpayer in your area, please scan the QR code below, or visit: [will be included in a future draft]

- 9 Property taxes are paid on a portion of a property's
- market value. This portion is known as the taxable value or assessed value, and
  is calculated by multiplying the market value by the assessment rate. To lower
  property taxes, the measure:
- lowers assessment rates for residential property and most nonresidential
   property and subtracts a set amount from most properties' values before
   applying the new assessment rates;
- allows a senior aged 65 and older who has qualified for the senior homestead
  exemption to receive the same property tax benefit in any home they
  purchase and live in as their primary residence, beginning in 2025;
- distinguishes owner-occupied primary residences and multifamily properties from other residential properties, resulting in a larger subtraction for primary residences and multifamily properties than other properties, beginning in 2025; and
- establishes a cap on local government property tax revenue, including
   mechanisms to lower tax rates to comply with the limit or to waive the limit.
   This cap is discussed further below.

Figure 3 shows the impact of the changes on different property types and values in 2023. Changes continue through 2032 unless otherwise noted. The impact on an individual property owner depends on the type and value of the property and the tax rates for the jurisdictions where the property is located. Tables with the exact assessment rates and subtractions for different property classes are available in <u>the fiscal note.</u>

#### Figure 3. Average Property Tax Impacts Under Prop HH\*

Type of Property	Property Value	2023 Average Change in Property Tax**	2024-2032	
<b>Residential Property</b>				
Primary residences	\$100,000	-\$166 to -\$172	Further reductions in 2024	
and multifamily properties	\$350,000	-\$177 to -\$212	and 2025. Beginning in 2025, there is a smaller	
	\$500,000	-\$184 to -\$236	reduction for non-primary	
	\$700,000	-\$193 to -\$268	residences and a larger reduction for qualifying	
	\$1,000,000	-\$206 to -\$317	seniors.	
Nonresidential Property				
Lodging and commercial	\$1,000,000	-\$34 to -\$503	Further reductions in 2024, 2027, 2029, 2031	
Industrial, natural resources, state- assessed properties	\$1,000,000	-\$35 to -\$518	Further reductions in 2024, 2027, 2029, 2031	
Agriculture and renewable energy	\$1,000,000	-\$0 to -\$459	Further reduction in 2031. Beginning in 2024, there is also a larger reduction for renewable energy agricultural land.	
Vacant land	\$1,000,000	-\$35 to -\$518	Change in 2023 only.	
Oil and gas and mines	\$1,000,000	No change.		

\* This example shows the estimated reduction in property taxes for a hypothetical property, based on 2022 statewide average mill levies, including those affected by the local property tax limit. Actual change in property tax will depend on local tax rates, changes in property values, and changes in local government property tax policy.

7 \*\* The range of property tax savings reflects all the difference between local governments that are subject to the limit all abiding by the property tax limit (high end) and waiving the limit (low end).

## 9 Retained State Revenue

1

2

34 56

## 10 What is the state's revenue limit, known as the TABOR limit?

11 The Colorado Constitution includes a section, "The Taxpayer's Bill of Rights," 12 commonly known as TABOR, that limits the amount of money that the state 13 government can collect and spend or save each year. If money is collected 14 above the state revenue limit, sometimes referred to as a surplus, it must be 15 refunded to taxpayers. This is called a TABOR refund.

16 Currently, a portion of this money is refunded through existing property tax

17 reductions, and the remainder is distributed as a tiered sales tax refund using the

18 state income tax return. For last year only, part of the TABOR refund was

- 19 distributed to taxpayers through checks in the amount of \$750 for a single filer
- and \$1,500 for a joint filer, rather than through the tiered system. Flat refunds

- 1 provide larger amounts for lower-income taxpayers and smaller refunds for
- 2 higher-income taxpayers when compared with the tiered refund system.

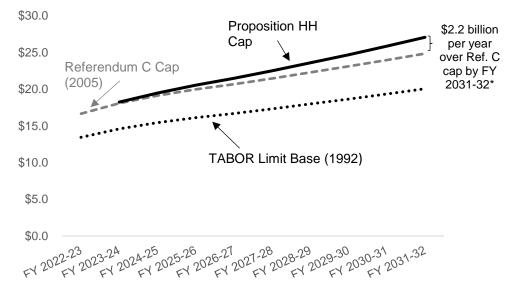
## 3 What happens to the state revenue limit if Proposition HH passes?

- 4 Proposition HH creates a new cap on the amount of money the state may retain
- 5 over its revenue limit that is higher than the current cap established by
- 6 Referendum C in 2005. Proposition HH allows the state to retain additional
- 7 revenue up to the new cap, which grows by population growth and inflation, plus
- 8 1 percent, each year. Figure 4 shows the new cap over the next ten years.
- 9
- 10

11

12

Figure 4. Proposition HH Cap on State Revenue The measure allows the state to retain an estimated \$170 million in state budget year 2023-24 and \$360 million in state budget year 2024-25.



\*Assumes inflation through 2025 from the June 2023 Legislative Council Staff forecast and
 2.5 percent annual inflation for 2025 to 2031. Population growth projections from the Colorado
 State Demography Office.

#### 16 How will the retained revenue be spent?

17 The retained money will be used for the following purposes:

- up to 20 percent to reimburse local governments for lost property tax
   revenue;
- up to \$20 million for rental assistance; and
- the remaining funds to reimburse school districts for reduced property tax
   revenue as a result of the measure, and for education-related programs,
   estimated at \$125 million in state budget year 2024-25, and up to
   \$2.16 billion in state budget year 2031-32.

Over ten years, local reimbursements are expected to decrease, rental
assistance will reach its \$20 million limit, and the amount retained by the state
will increase. As a result, the amount allocated to education funding will increase,
assuming consistent revenue growth. The new education funding must not
replace current General Fund spending for public school finance.

## 1 Changes to TABOR Refunds

## 2 How does the measure impact TABOR refunds in the short term?

**2023 TABOR refunds.** A separate bill passed by the legislature changes the
 way that refunds are distributed for tax year 2023 only if Proposition HH passes.

5 Under current law, TABOR refunds to taxpayers are typically distributed through 6 the state income tax, based on the taxpayer's adjusted gross income. Under

- 7 Proposition HH, the refunds are distributed in an equal amount for each taxpayer,
- 8 estimated at \$820 for single filers and \$1,640 for joint filers. Figure 5 shows the
- 9 change in the refund amount forecasted for tax year 2023 under Proposition HH.
- 10
- 11
- 12

#### Figure 5. 2023 TABOR Refunds Under Prop HH

Compared to current law

ent of	Change in Refund		
ayers*	Single	Joint	
35%	+\$233	+\$466	
27%	+\$37	+\$74	
18%	-\$81	-\$162	
9%	-\$251	-\$502	
4%	-\$332	-\$664	
7%	-\$1,034	-\$2,068	
	35% 27% 18% 9% 4%	ayers*         Single           35%         +\$233           27%         +\$37           18%         -\$81           9%         -\$251           4%         -\$332	

\*Totals may not sum due to rounding

14 **2024 and 2025 TABOR refunds.** In 2024 and 2025, TABOR refunds are

15 expected to decrease, compared to what would be distributed under current law.

16 Refunds will be distributed based on a taxpayer's adjusted gross income.

17 Figure 6 shows the change in the refund amount forecasted for tax year 2024

18 and 2025 under Proposition HH.

## 19

20

#### 21

22

#### Figure 6. Projected Change in TABOR Refunds for 2024 and 2025 Under Prop HH

Compared to current law

	Percent of		Change in Refund	
Adjusted Gross Income	Taxpayers*	Single	Joint	
2024 Refunds				
Up to \$52,000	35%	-\$31	-\$62	
\$52,001 to \$103,000	27%	-\$42	-\$84	
\$103,001 to \$163,000	17%	-\$48	-\$96	
\$163,001 to \$226,000	9%	-\$57	-\$114	
\$226,001 to \$289,000	4%	-\$62	-\$124	
\$289,001 and up	7%	-\$100	-\$200	
2025 Refunds				
Up to \$53,000	35%	-\$67	-\$134	
\$53,001 to \$105,000	27%	-\$90	-\$180	
\$105,001 to \$167,000	17%	-\$103	-\$206	
\$167,001 to \$231,000	9%	-\$122	-\$244	
\$231,001 to \$297,000	4%	-\$132	-\$264	
\$297,001 and up	7%	-\$212	-\$424	

\*Totals may not sum due to rounding

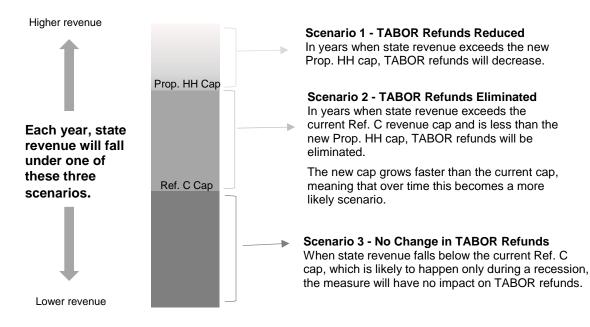
23

<sup>13</sup> 

### 1 How does the measure impact TABOR refunds in the long term?

- 2 The measure's impact on TABOR refunds in the long-term depends on
- 3 population growth, inflation and state revenue collections. Absent future policy
- 4 changes, state revenue collections are largely driven by economic activity.
- 5 Figure 7 shows scenarios for state revenue collection and the impact on TABOR
- 6 refunds. The changes in Proposition HH are in place until 2032, but the measure
- 7 allows the state legislature to extend them without additional voter approval.
- 8
- 9

Figure 7. Scenarios for TABOR Refund Changes



## 10 Changes for Local Governments

## 11 How does the measure impact local governments?

- 12 Revenue growth for local governments will slow due to a new property tax
- 13 revenue limit and reduced property taxes, which is partially offset by
- 14 reimbursements from the state. Cities, counties, school districts, and special
- 15 districts collect property taxes to fund public schools and local services such as
- 16 road maintenance, police departments, fire protection, water and sewer
- 17 infrastructure, parks, and libraries. Not all local governments that collect property
- 18 taxes are treated the same by Proposition HH, as explained below.

19 Property tax revenue limit. Under Proposition HH, some local governments that 20 are not currently subject to other local revenue limits cannot collect property tax 21 revenue above the amount they collected in the prior year plus inflation. If a local 22 government will exceed this limit, it may waive the limit by annually notifying the 23 public, allowing for public comment and hearing, and adopting an ordinance or 24 resolution. Otherwise, it must lower its tax rate (mill levy) for one year or refund to 25 taxpayers any property tax revenue collected above the limit. School districts and 26 home-rule jurisdictions are not subject to this limit.

Reimbursements. Under Proposition HH, the state reimburses local
 governments for some of the revenue lost due to property tax reductions. This is
 and from the revenue that the state retains under the new revenue can and

- paid from the revenue that the state retains under the new revenue cap, andother state funds, with some limitations.
- 5 Reimbursements range from 65 percent to 100 percent of lost revenue, based on
- 6 the type of local government, the size of the county in which the local
- government is located, and growth of property values in the jurisdiction. Smaller
  counties and those with slower property value growth generally receive higher
  reimbursement rates.

Most counties, cities, and special districts are initially eligible for reimbursement;
however, most local governments are not reimbursed if their assessed value
exceeds 2022 levels by 20 percent, which is expected to happen at some point
between 2023 and 2031 depending on the local government. School districts are
fully reimbursed through the public school funding formula under current law,
using money retained by the state.

For information on those issue committees that support or oppose the measures on the ballot at the November 7, 2023, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

https://www.sos.state.co.us/pubs/elections/Initiatives/ballot/contacts/2023 .html

## 16 Arguments For Proposition HH

- With Colorado facing a historic increase in residential property values, Proposition HH provides long-term property tax relief for homeowners and businesses. In doing so, the measure also limits the impact on local services, makes Colorado a more competitive environment for businesses, and allows seniors to downsize or move without losing the benefits of their homestead exemption.
- 2) The new property tax limit makes local taxing entities more accountable to
   their constituents. By requiring a public process to waive the limit,
   Proposition HH gives people a say in how much they are taxed while
   providing flexibility for local governments to retain revenue needed to provide
   important services.
- 3) By allowing the state to retain additional revenue, the measure benefits public
  schools. The state's spending cap has limited Colorado's ability to fully fund
  education for years. Proposition HH provides a funding source for at least ten
  years, using money the state already collects.
- Proposition HH benefits low- and middle-income people, many of whom are
  renters, by providing a more equitable distribution of TABOR refunds in 2023.
  With recent high inflation and housing costs, this puts more money in the
  pockets of those who need it most.

## 1 Arguments Against Proposition HH

- Proposition HH effectively increases taxes, growing the state budget by up to
   \$2.2 billion in 2032 at the expense of TABOR refunds. It removes important
   taxpayer protections and gives the state legislature the power to extend the
   new revenue cap forever without asking voters.
- Property taxes are increasing regardless of whether Proposition HH passes
  or fails. Taxpayers get some property tax relief, but in the long term, the loss
  to taxpayers from the reduction or elimination of TABOR refunds is likely to
  exceed the property tax savings over time. The measure is also costly for
  renters, who do not own property and do not directly benefit from property tax
  relief. Property tax relief is needed, but not at the cost of TABOR refunds.
- Property taxes are a local issue, best handled by local governments.
   Proposition HH pushes state priorities and an unnecessary new revenue limit onto local governments, instead of letting them find solutions that work for their community.
- 4) Proposition HH adds unnecessary complexity to an increasingly confusing
  property tax system, with new classes of property and an additional
  administrative burden for homeowners, seniors, county assessors, and
  potential homebuyers. As a result, the measure makes it harder for people to
  access their tax benefits and navigate the housing market, opening the door
  to unintended consequences.

## 22 Fiscal Impact of Proposition HH

This measure decreases local government property tax revenue, creates new
state spending requirements, and reduces the amount refunded to taxpayers in
years when state revenue is over the Referendum C cap, which is then available
to increase state spending. These impacts are discussed below. The state
budget year runs from July 1 to June 30.

Taxpayer impacts. Proposition HH impacts taxpayers in two ways by changing
 the amount of TABOR refunds and reducing the amount owed in property taxes.

TABOR refund changes. Proposition HH results in a change in how state
 revenue is returned to taxpayers in state budget year 2023-24, then reduces the
 amount potentially returned to taxpayers by larger amounts each year through at
 least state budget year 2032-33, depending on how much state revenue is
 collected over the Referendum C cap each year.

- For state budget year 2023-24, an estimated additional \$125 million will be refunded to taxpayers through an existing property tax refund mechanism as a result of this measure. The remaining money that would otherwise be refunded through the six-tier sales tax refund mechanism is instead refunded in equal amounts to qualifying taxpayers, as shown in Figure 5 and discussed above.
- Beginning for state budget year 2024-25, the measure will reduce revenue returned to taxpayers by an estimated \$170 million, with this reduction increasing to \$360 million for the next state budget year.

- Property tax changes. The measure will also reduce property taxes owed
   compared with current law through changes in assessment rates and
   reductions in value, and possibly through the local government revenue limit,
   as estimated below.
- Lower assessment rates and value reductions are estimated to reduce
  property taxes owed statewide by \$350 million in 2024, \$790 million in 2025,
  and \$970 million in 2026. Decreases are larger in later years due to
  scheduled increases in assessment rates and the expiration of certain value
  reductions that would occur if the measure does not pass.
- The local government revenue limit may decrease property taxes owed by an additional \$310 million in 2024, \$250 million in 2025, and \$330 million in 2026, depending on how many local governments waive the limitation.

Local government impact. After accounting for both the reduced property tax
 collections and state reimbursements to school districts and other local tax
 jurisdictions, Proposition HH is estimated to decrease revenue to local
 governments statewide by at least \$110 million in 2024, \$350 million in 2025, and
 \$550 million in 2026.

- 18 The revenue decreases are larger in later years due to scheduled increases in 19 assessment rates and the expiration of certain property value reductions that 20 would occur if the measure does not pass, and smaller reimbursements paid to 21 local governments over time. Additionally, the local government revenue limit in 22 the measure may decrease revenue further, as noted above in the taxpayer 23 impacts section.
- The revenue impact will vary among local governments across the state, and the specific impact on each city, county, school district, or special district will depend on several factors including mill levies, local policy decisions, and the composition of properties in each local area.
- The measure increases local spending for county treasurers and assessors to
   implement the property tax changes in the bill. County assessors will require
   additional staff to administer the measure's provisions.
- State transfers. Proposition HH transfers \$128 million from the state's General
   Fund to a fund that will be used to reimburse local governments for lost property
   tax revenue, and transfers \$72 million to the State Public School Fund. Further,
   state revenue retained under the Proposition HH cap will be transferred, as
   estimated below:
- Funding for rental assistance. In state budget year 2024-25, an estimated \$8
   million will be transferred to the Housing Development Grant Fund for rental assistance programs. In FY 2025-26, an estimated \$18 million will be transferred in FY 2025-26. Transfers to the fund are expected to grow, but are capped at \$20 million.
- *Education funding.* Transfers to the State Education Fund will total an
   estimated \$125 million in state budget year 2024-25, and \$270 million in state
   budget year 2025-26. In future years, larger amounts are expected to be
   transferred to the State Education Fund depending on revenue retained
   under the Proposition HH cap.

State spending. The measure increases state spending to reimburse local
 governments for a portion of their lost property tax revenue, replace lost property
 tax revenue to school districts, and to pay for increased workload for the state to
 administer the measure's provisions, as estimated below:

- *Reimbursements to local governments.* The measure increases state
  spending by an estimated \$160 million in state budget year 2024-25 and
  \$70 million in state budget year 2025-26 to reimburse local governments for
  lost property tax revenue. Reimbursements are limited to a certain amount of
  money retained under the Proposition HH cap, as well as by eligibility
  requirements for local governments as described above.
- School district funding. The measure will increase the state aid obligation for
   public schools by an estimated \$120 million in state budget year 2023-24,
   \$280 million in state budget year 2024-25, \$350 million in state budget year
   2025-26, and larger amounts in future years as some nonresidential
   assessment rates decrease.
- Administrative costs. The measure will increase General Fund spending in the Department of Local Affairs by an estimated \$62,426 in state budget year 2023-24, \$195,498 in state budget year 2024-25, and \$159,779 in state budget year 2025-26 for the Division of Property Taxation to develop software systems, hire additional staff, and to update procedures, forms, manuals, and technical assistance to local governments.