

**“Church Property Tax Fairness Act”
SB18-070**

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I am general counsel for Timber Ridge Church, located in Conifer CO. I have a letter from the co-pastor, Ron Klopfenstein, requesting your support of SB 070. Timber Ridge Church spends some \$1,000 per month on passed-through property taxes, despite the fact that they use the entire space for tax-exempt purposes.

The Colorado legislature has previously made a legislative declaration (in C.R.S. 39-3-106) noting “the constitutional guarantees regarding establishment of religion and the free exercise of religion” and its impact on property tax-exemptions for religious purposes”.

The Colorado Supreme Court has long recognized the constitutionality of tax exemptions for religious organizations, and that tax exemptions in and of themselves do not violate the establishment clause of the federal constitution. *General Conference of Church of God – 7th Day v. Carper*, 192 Colo. 178, 557 P.2d 832 (1976).

A recent Colorado Court of Appeals case recognized that the legislature can codify and clarify the principles of religious neutrality and non-entanglement. *Grand County Bd. Of Comm’rs. v. Prop. Tax Adm’r*, 2016 COA 02 (Colo. App. 2016).

The current C.R.S. 39-3-106 requires ownership in addition to use, which has preferential effect on religious organizations that can afford to purchase their property, and a non-neutral impact on congregations, mosques, and/or temples that cannot afford to. As is the case with Timber Ridge Church, a small and fledgling Colorado nonprofit church, they pay property taxes when an exactly identical use by a larger, wealthier religious organization would not. The ownership requirement is not necessary, inequitable, and should be removed.

It is for the foregoing reasons that we SUPPORT the adoption of SB18-070, and respectfully request this House Committee to do the same. Thank you.