

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0746.01 Esther van Mourik x4215

HOUSE BILL 19-1135

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

(None),

House Committees

Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A CLARIFICATION THAT THE INCOME TAX CREDIT FOR**
102 **RETROFITTING A RESIDENCE TO INCREASE A RESIDENCE'S**
103 **ACCESSIBILITY IS AVAILABLE FOR CHANGES MADE TO A**
104 **RESIDENCE THAT BENEFIT A QUALIFIED INDIVIDUAL'S**
105 **DEPENDENT.**

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>.)

The bill clarifies that the income tax credit for retrofitting a residence is available for changes made to a residence that benefit a

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

qualified individual's dependent.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-541, **amend**
3 **(2)(a), (2)(d), (3)(a)(I), (3)(b)(II), and (4)** as follows:

4 **39-22-541. Credit for retrofitting a residence to increase a**
5 **residence's visitability - legislative declaration - definitions - repeal.**

6 (2) As used in this section:

7 (a) ~~"Dependent" has the same meaning as in section 152 (a)~~
8 **MEANS:**

9 (I) ~~A QUALIFYING CHILD OR QUALIFYING RELATIVE AS DEFINED IN~~
10 ~~SECTIONS 152 (c) AND 152 (d), RESPECTIVELY, of the internal revenue~~
11 ~~code; AND~~

12 (II) ~~A QUALIFIED INDIVIDUAL'S SPOUSE OR THE PERSON IN A CIVIL~~
13 ~~UNION WITH THE QUALIFIED INDIVIDUAL.~~

14 (d) "Retrofit" means changes made to a residence that must:

15 (I) Be necessary to ensure the health, welfare, and safety of a
16 qualified individual OR A DEPENDENT;

17 (II) Increase the residence's visitability;

18 (III) Enable greater accessibility and independence in the
19 residence for a qualified individual OR A DEPENDENT;

20 (IV) Be required due to a qualified individual's OR DEPENDENT'S
21 illness, impairment, or disability; and

22 (V) Allow a qualified individual OR DEPENDENT to age in place.

23 (3) (a) (I) Except as provided in subsection (3)(b)(III) of this
24 section, for income tax years commencing on or after January 1, 2019, but
25 prior to January 1, 2024, ~~an~~ A QUALIFIED individual who retrofits or hires

1 someone to retrofit the QUALIFIED individual's residence and who meets
2 any additional requirements established by the division of housing is
3 allowed a credit against the income taxes imposed by this article 22 in an
4 amount equal to the cost of the retrofit or five thousand dollars,
5 whichever is less.

6 (b) (II) To claim the credit under this section, the QUALIFIED
7 individual must include the credit certificate with the income tax return
8 filed with the department of revenue.

9 (4) If the amount of the credit allowed in this section exceeds the
10 amount of income taxes otherwise due on the QUALIFIED individual's
11 income in the income tax year for which the credit is being claimed, the
12 amount of the credit not used as an offset against income taxes in the
13 current income tax year may be carried forward and used as a credit
14 against subsequent years' income tax liability for a period not to exceed
15 five years and must be applied first to the earliest income tax years
16 possible. Any credit remaining after the period may not be refunded or
17 credited to the QUALIFIED individual.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.