

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

REREVISED

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

LLS NO. 19-0998.01 Jason Gelender x4330

HOUSE BILL 19-1272

HOUSE SPONSORSHIP

Bird, Arndt, Becker, Buentello, Cutter, Exum, Garnett, Gray, Hooton, Jackson, Jaquez
Lewis, Kennedy, Lontine, Michaelson Jenet, Mullica, Snyder, Valdez A., Weissman

SENATE SPONSORSHIP

Winter and Priola, Moreno, Pettersen, Story, Todd

House Committees
Energy & Environment

Senate Committees
Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING HOUSING AUTHORITY PARTICIPATION IN THE COLORADO**
102 **NEW ENERGY IMPROVEMENT DISTRICT PROGRAM.**

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 Colorado new energy improvement district (NEID) administers a commercial property assessed clean energy program through which an owner of eligible real property, which includes residential properties having at least 5 dwelling units (eligible property), may finance energy improvements to the eligible property by joining the NEID and agreeing to pay a NEID special assessment against the eligible

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.

SENATE
3rd Reading Unamended
May 1, 2019

SENATE
2nd Reading Unamended
April 30, 2019

HOUSE
3rd Reading Unamended
April 11, 2019

HOUSE
Amended 2nd Reading
April 10, 2019

property. A city, county, or multijurisdictional housing authority (housing authority) and its property, whether owned or leased, are generally exempt from the payment of special assessments to the state or any political subdivision of the state. The bill clarifies that this exemption does not preclude a housing authority, an entity in which a housing authority has an ownership interest, or a lessor who leases real property to or from a housing authority from voluntarily applying to include eligible real property that it owns into the boundaries of the NEID and accepting the levying of a NEID special assessment against the eligible property.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-1-204.5, **amend**
3 (10) as follows:

4 **29-1-204.5. Establishment of multijurisdictional housing**
5 **authorities.** (10) An authority and the property of an authority ~~shall be~~
6 IS exempt from all taxes and special assessments on the same basis and
7 subject to the same conditions as provided for city housing authorities in
8 sections 29-4-226 and 29-4-227. LIKE A CITY HOUSING AUTHORITY, AN
9 AUTHORITY MAY VOLUNTARILY APPLY TO INCLUDE ELIGIBLE REAL
10 PROPERTY, AS DEFINED IN SECTION 32-20-103 (4), ~~IN WHICH IT HAS AN~~
11 ~~INTEREST AS DESCRIBED IN SECTION 29-4-226 (2)~~ INTO THE BOUNDARIES
12 OF THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT CREATED IN
13 SECTION 32-20-104 (1) AND ACCEPT THE LEVYING BY THE DISTRICT OF A
14 SPECIAL ASSESSMENT, AS DEFINED IN SECTION 32-20-103 (14), AGAINST
15 THE ELIGIBLE REAL PROPERTY.

16 **SECTION 2.** In Colorado Revised Statutes, 29-4-226, **amend** (1)
17 introductory portion; and **add** (2) as follows:

18 **29-4-226. Exemption from special assessments.** (1) EXCEPT AS
19 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, the following
20 ~~shall be~~ ARE exempt from the payment of any special assessments to the

1 state, any county, city and county, municipality, or other political
2 subdivision of the state:

3 (2) THE EXEMPTIONS FROM THE PAYMENT OF SPECIAL
4 ASSESSMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION DO NOT
5 PRECLUDE A HOUSING AUTHORITY, THE OWNER OF PROPERTY THAT IS
6 LEASED TO OR FROM A HOUSING AUTHORITY, OR AN ENTITY IN WHICH AN
7 AUTHORITY HAS AN OWNERSHIP INTEREST FROM VOLUNTARILY APPLYING
8 TO INCLUDE ITS ELIGIBLE REAL PROPERTY, AS DEFINED IN SECTION
9 32-20-103 (4), INTO THE BOUNDARIES OF THE COLORADO NEW ENERGY
10 IMPROVEMENT DISTRICT CREATED IN SECTION 32-20-104 (1) AND
11 ACCEPTING THE LEVYING BY THE DISTRICT OF A SPECIAL ASSESSMENT, AS
12 DEFINED IN SECTION 32-20-103 (14), AGAINST THE ELIGIBLE REAL
13 PROPERTY.

14 **SECTION 3.** In Colorado Revised Statutes, 29-4-227, **amend**
15 (1)(a) as follows:

16 **29-4-227. Tax exemptions.** (1) (a) EXCEPT FOR THE
17 ADMINISTRATIVE FEES COLLECTIBLE IN CONNECTION WITH THE INCLUSION
18 OF PROPERTY WITHIN THE BOUNDARIES OF THE COLORADO NEW ENERGY
19 IMPROVEMENT DISTRICT AS AUTHORIZED BY SECTION 29-4-226 (2), an
20 authority is exempt from the payment of any taxes or fees to the state or
21 any county, city and county, municipality, or other political subdivision
22 of the state. All property of an authority is exempt from all local and
23 municipal taxes. Bonds, notes, debentures, and other evidences of
24 indebtedness of an authority are declared to be issued for a public purpose
25 and to be public instruments, and, together with interest thereon, are
26 exempt from taxes. All property leased to an authority for the purposes of
27 a project is also exempt from taxation, as is the income derived from the

1 authority by the lessor under the lease.

2 **SECTION 4.** In Colorado Revised Statutes, **amend** 29-4-507 as
3 follows:

4 **29-4-507. Exemption from special assessments - tax**
5 **exemptions.** The authority and the property of the authority ~~shall be~~ IS
6 exempt from all taxes and special assessments on the same basis and
7 subject to the same conditions as provided for city housing authorities in
8 sections 29-4-226 and 29-4-227. LIKE A CITY HOUSING AUTHORITY, AN
9 AUTHORITY MAY VOLUNTARILY APPLY TO INCLUDE ELIGIBLE REAL
10 PROPERTY, AS DEFINED IN SECTION 32-20-103 (4), IN WHICH IT HAS AN
11 INTEREST AS DESCRIBED IN SECTION 29-4-226 (2) INTO THE BOUNDARIES
12 OF THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT CREATED IN
13 SECTION 32-20-104 (1) AND MAY ACCEPT THE LEVYING BY THE DISTRICT
14 OF A SPECIAL ASSESSMENT, AS DEFINED IN SECTION 32-20-103 (14),
15 AGAINST THE ELIGIBLE REAL PROPERTY. In lieu of taxes on its property,
16 the authority may agree to make such annual payments to the taxing
17 bodies in which the projects are situated as it finds consistent with the
18 maintenance of the low rent character of the projects or the achievement
19 of the purposes of this part 5.

20 **SECTION 5. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.