Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0189.01 Nicole Hoffman **HOUSE BILL** 02-1170

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A BILL FOR AN ACT

101 **CONCERNING THE HOMESTEAD PROPERTY TAX DEFERRAL PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Allows any taxpayer who is a person with a disability to elect to defer his or her real property taxes pursuant to the homestead tax deferral program.

Encourages the state treasurer and the treasurer of each county to promote the homestead property tax deferral program to those taxpayers who are eligible to participate.

Authorizes county treasurers, under specific circumstances, to allow taxpayers an extension of the deadline for filing a claim for deferral of property taxes. States that it is within the discretion of the county

treasurer to determine a new deadline for each taxpayer who has been granted a filing extension. Specifies that the extension for filing a claim for deferral of property tax shall not extend beyond September 1 of the year in which the taxpayer claims the deferral.

In the event that a county treasurer extends the deadline for filing a claim for deferral of property tax, allows the county treasurer to waive any penalties and interest owed by the taxpayer for the year for which the claim for property tax deferral is to be filed.

Specifies that if a county treasurer allows a taxpayer an extension of the deadline to file a claim for deferral of property tax, such county shall waive its right to collect interest from the state treasurer for payments distributed on behalf of such taxpayer after May 1 of the calendar year in which the claim for deferral was filed.

Defines a term.

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

SECTION 1. 39-3.5-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

39-3.5-101. Definitions. As used in this article, unless the context otherwise requires:

(1.7) "PERSON WITH A DISABILITY" MEANS ANY PERSON ELIGIBLE FOR OR RECEIVING SOCIAL SECURITY DISABILITY INSURANCE BENEFITS UNDER TITLE II OF THE FEDERAL "SOCIAL SECURITY ACT", AS AMENDED.

SECTION 2. 39-3.5-102 (1), Colorado Revised Statutes, is amended, and the said 39-3.5-102 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-3.5-102. Deferral of tax on homestead - qualifications - filing of claim. (1) Subject to the provisions of this article, a person who is sixty-five years of age or older OR WHO IS A PERSON WITH A DISABILITY PURSUANT TO SECTION 39-3.5-101 (1.7), on January 1 of the year in which he OR SHE files ~~his~~ A claim under this section may elect to defer his OR HER real property taxes. To exercise his OR HER option, such taxpayer

shall file a claim for deferral with the treasurer of the county in which his OR HER homestead is located. The claim shall be filed after January 1 and on or before April 1 of each year in which ~~he~~ THE TAXPAYER claims the deferral UNLESS SUCH TAXPAYER IS ALLOWED AN EXTENSION OF THE APRIL 1 FILING DEADLINE PURSUANT TO SECTION 39-3.5-102.5.

(4) THE STATE TREASURER AND TREASURER OF EACH COUNTY ARE ENCOURAGED TO PROMOTE THE HOMESTEAD PROPERTY TAX DEFERRAL PROGRAM TO ALL TAXPAYERS WHO QUALIFY FOR SUCH DEFERRAL PURSUANT TO THIS SECTION.

SECTION 3. Article 3.5 of title 39, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

39-3.5-102.5. Authority of county treasurer - extension of filing deadline - waiver of penalties and interest. (1) THE TREASURER OF THE COUNTY IN WHICH A TAXPAYER'S HOMESTEAD IS LOCATED SHALL HAVE THE AUTHORITY TO ALLOW SUCH TAXPAYER AN EXTENSION OF THE DEADLINE FOR FILING A CLAIM FOR DEFERRAL OF PROPERTY TAXES SPECIFIED IN SECTION 39-3.5-102 (1). IT IS WITHIN THE DISCRETION OF THE COUNTY TREASURER TO DETERMINE A NEW DEADLINE FOR EACH TAXPAYER WHO HAS BEEN GRANTED A FILING EXTENSION; EXCEPT THAT UNDER NO CIRCUMSTANCES SHALL A TAXPAYER BE ALLOWED TO FILE A CLAIM FOR DEFERRAL OF PROPERTY TAX AFTER SEPTEMBER 1 OF THE YEAR IN WHICH THE TAXPAYER CLAIMS THE DEFERRAL.

(2) IN THE EVENT THAT THE COUNTY TREASURER EXTENDS THE DEADLINE FOR FILING A CLAIM FOR DEFERRAL OF PROPERTY TAX PURSUANT TO SUBSECTION (1) OF THIS SECTION, SUCH COUNTY TREASURER SHALL HAVE THE AUTHORITY TO WAIVE ALL OR A PORTION OF ANY PENALTIES AND INTEREST OWED BY THE TAXPAYER FOR THE YEAR FOR

WHICH THE CLAIM FOR DEFERRAL OF PROPERTY TAX IS FILED.

SECTION 4. 39-3.5-106 (1), Colorado Revised Statutes, is amended, and the said 39-3.5-106 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

39-3.5-106. County treasurer to receive from state amount equivalent to deferred taxes plus interest accrued thereon. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, by July 15, 1992, and by each July 15 thereafter, the state treasurer shall pay to the county treasurer the amount certified as deferred in the certificate of deferral, together with interest accrued thereon, at the rate specified in section 39-3.5-105 (5), from May 1 to date of payment. The total amount paid shall be distributed by the county treasurer in the same manner the tax would have been if regularly paid.

(3) IN THE EVENT THAT A COUNTY TREASURER ALLOWS A TAXPAYER AN EXTENSION OF THE DEADLINE TO FILE A CLAIM FOR DEFERRAL OF PROPERTY TAX PURSUANT TO SECTION 39-3.5-102.5, THE FOLLOWING PROCEDURES SHALL APPLY:

(a) THE COUNTY SHALL WAIVE ITS RIGHT TO COLLECT INTEREST FROM THE STATE TREASURER PURSUANT TO SUBSECTION (1) OF THIS SECTION, FOR PAYMENTS DISTRIBUTED ON BEHALF OF SUCH TAXPAYER AFTER MAY 1 OF THE CALENDAR YEAR IN WHICH THE DEFERRAL WAS FILED; AND

(b) THE STATE TREASURER SHALL PAY THE COUNTY TREASURER THE AMOUNT CERTIFIED AS DEFERRED IN THE CERTIFICATE OF DEFERRAL NOT LATER THAN THIRTY DAYS AFTER RECEIPT OF THE CLAIM FOR DEFERRAL.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.