

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0248.02 Esther van Mourik

HOUSE BILL 11-1042

HOUSE SPONSORSHIP

Levy,

SENATE SPONSORSHIP

Nicholson,

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CLASSIFICATION OF RESIDENTIAL LAND WHEN THE
102 RESIDENTIAL IMPROVEMENT IS TEMPORARILY REMOVED.

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://www.leg.state.co.us/billsummaries>.)

The bill specifies that when residential improvements are destroyed, demolished, or relocated on or after January 1, 2010, that, were it not for their destruction, demolition, or relocation, would have qualified the land upon which the improvements were located as residential land for the following property tax year, the residential land classification is

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

to remain in place for the year of destruction, demolition, or relocation and the 2 subsequent property tax years unless:

- ! A new residential improvement is not constructed or placed on the land in accordance with applicable land use regulations before the end of the period;
- ! The assessor determines that the classification at the time of destruction, demolition, or relocation was erroneous; or
- ! A change of use, other than the destruction, demolition, or relocation of the residential improvement, has occurred.

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

2 **SECTION 1.** 39-1-102 (14.4), Colorado Revised Statutes, is
3 amended to read:

4 **39-1-102. Definitions.** As used in articles 1 to 13 of this title,
5 unless the context otherwise requires:

6 (14.4) (a) "Residential land" means a parcel or contiguous parcels
7 of land under common ownership upon which residential improvements
8 are located and that is used as a unit in conjunction with the residential
9 improvements located thereon. The term includes parcels of land in a
10 residential subdivision, the exclusive use of which land is established by
11 the ownership of such residential improvements. The term does not
12 include any portion of the land that is used for any purpose that would
13 cause the land to be otherwise classified, except as provided for in section
14 39-1-103 (10.5). The term also does not include land underlying a
15 residential improvement located on agricultural land.

16 (b) (I) NOTWITHSTANDING SECTION 39-1-103 (5) (c) AND EXCEPT
17 AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), WHEN
18 RESIDENTIAL IMPROVEMENTS ARE DESTROYED, DEMOLISHED, OR
19 RELOCATED ON OR AFTER JANUARY 1, 2010, THAT, WERE IT NOT FOR THEIR
20 DESTRUCTION, DEMOLITION, OR RELOCATION, WOULD HAVE QUALIFIED

1 THE LAND UPON WHICH THE IMPROVEMENTS WERE LOCATED AS
2 RESIDENTIAL LAND FOR THE FOLLOWING PROPERTY TAX YEAR, THE
3 RESIDENTIAL LAND CLASSIFICATION SHALL REMAIN IN PLACE FOR THE
4 YEAR OF DESTRUCTION, DEMOLITION, OR RELOCATION AND THE TWO
5 SUBSEQUENT PROPERTY TAX YEARS.

6 (II) THE RESIDENTIAL LAND CLASSIFICATION OF THE LAND
7 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) SHALL CHANGE
8 ACCORDING TO CURRENT USE IF:

9 (A) A NEW RESIDENTIAL IMPROVEMENT OR PART OF A NEW
10 RESIDENTIAL IMPROVEMENT IS NOT CONSTRUCTED OR PLACED ON THE
11 LAND IN ACCORDANCE WITH APPLICABLE LAND USE REGULATIONS PRIOR
12 TO THE JANUARY 1 AFTER THE PERIOD DESCRIBED IN SUBPARAGRAPH (I)
13 OF THIS PARAGRAPH (b);

14 (B) THE ASSESSOR DETERMINES THAT THE CLASSIFICATION AT THE
15 TIME OF DESTRUCTION, DEMOLITION, OR RELOCATION WAS ERRONEOUS; OR

16 (C) A CHANGE OF USE HAS OCCURRED. FOR PURPOSES OF THIS
17 SUB-SUBPARAGRAPH (C), A CHANGE OF USE SHALL NOT INCLUDE THE
18 TEMPORARY LOSS OF THE RESIDENTIAL USE DUE TO THE DESTRUCTION,
19 DEMOLITION, OR RELOCATION OF THE RESIDENTIAL IMPROVEMENT.

20 **SECTION 2.** 39-1-103 (5) (c), Colorado Revised Statutes, is
21 amended to read:

22 **39-1-103. Actual value determined - when.** (5) (c) EXCEPT AS
23 PROVIDED IN SECTION 39-1-102 (14.4) (b), once any property is classified
24 for property tax purposes, it shall remain so classified until such time as
25 its actual use changes or the assessor discovers that the classification is
26 erroneous. The property owner shall endeavor to comply with the
27 reasonable requests of the assessor to supply information which cannot

1 be ascertained independently but which is necessary to determine actual
2 use and properly classify the property when the assessor has evidence that
3 there has been a change in the use of the property. Failure to supply such
4 information shall not be the sole reason for reclassifying the property.
5 Any such request for such information shall be accompanied by a notice
6 that states that failure on the part of the property owner to supply such
7 information will not be used as the sole reason for reclassifying the
8 property in question. Subject to the availability of funds under the
9 assessor's budget for such purpose, no later than May 1 of each year, the
10 assessor shall inform each person whose property has been reclassified
11 from agricultural land to any other classification of property of the
12 reasons for such reclassification including, but not limited to, the basis for
13 the determination that the actual use of the property has changed or that
14 the classification of such property is erroneous.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.