

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0510.01 Bob Lackner x4350

SENATE BILL 15-079

SENATE SPONSORSHIP

Ulibarri,

HOUSE SPONSORSHIP

(None),

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE DOCUMENT RECORDING FEE
102 IMPOSED BY COUNTIES FOR THE PURPOSE OF FINANCING A
103 STATEWIDE AFFORDABLE HOUSING INVESTMENT FUND.

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/bills summaries>.)

Section 1 of the bill raises to \$2 the surcharge to be imposed by each county clerk and recorder (clerk) for each document received for recording or filing in his or her office on or after July 1, 2015. The surcharge is in addition to any other fees permitted by statute.

Out of each \$2 collected, the bill requires the clerk to retain one

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.

dollar to be used to defray the costs of an electronic or core filing system in accordance with existing law. The bill requires the clerk to transmit the other dollar collected to the state treasurer, who is to credit the same to the statewide affordable housing investment fund (fund).

Section 2 of the bill creates the fund in the Colorado housing and finance authority (authority). The bill specifies the source of moneys to be deposited into the fund and that the authority is to administer the fund. Moneys in the fund are to be expended by the authority for the development and preservation of affordable housing on a statewide basis.

Section 2 of the bill also requires the authority to submit a report, no later than June 1 of each year, specifying the use of the fund during the prior calendar year to the governor and to the senate and house finance committees.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-10-421, **amend**
3 (1) (b); and **add** (1) (b.5) as follows:

4 **30-10-421. Filing surcharge - definitions.** (1) (b) Beginning July
5 1, 2004, and through ~~June 30, 2017~~ JUNE 30, 2015, the county clerk and
6 recorder shall collect a surcharge of one dollar for each document
7 received for recording or filing in his or her office. The surcharge ~~shall~~
8 ~~be~~ IS in addition to any other fees permitted by statute.

9 (b.5) (I) BEGINNING JULY 1, 2015, AND THROUGH JUNE 30, 2024,
10 THE COUNTY CLERK AND RECORDER SHALL COLLECT A SURCHARGE OF
11 TWO DOLLARS FOR EACH DOCUMENT RECEIVED FOR RECORDING OR FILING
12 IN HIS OR HER OFFICE. THE SURCHARGE IS IN ADDITION TO ANY OTHER FEES
13 PERMITTED BY STATUTE.

14 (II) OF THE TWO-DOLLAR SURCHARGE COLLECTED BY THE COUNTY
15 CLERK AND RECORDER PURSUANT TO SUBPARAGRAPH (I) OF THIS
16 PARAGRAPH (b.5), THE CLERK SHALL RETAIN ONE DOLLAR TO BE USED TO
17 DEFRAID THE COSTS OF THE ITEMS SPECIFIED IN PARAGRAPH (b) OF
18 SUBSECTION (3) OF THIS SECTION. THE CLERK SHALL TRANSMIT THE OTHER

1 DOLLAR COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE
2 SAME TO THE STATEWIDE AFFORDABLE HOUSING INVESTMENT FUND
3 CREATED IN SECTION 29-4-736 (1), C.R.S.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 29-4-736 as
5 follows:

6 **29-4-736. Statewide affordable housing investment fund - uses**
7 **- administration - report.** (1) THERE IS HEREBY CREATED IN THE
8 AUTHORITY THE STATEWIDE AFFORDABLE HOUSING INVESTMENT FUND,
9 REFERRED TO IN THIS SECTION AS THE "FUND". THE AUTHORITY SHALL
10 DEPOSIT INTO THE FUND:

11 (a) ANY MONEYS APPROPRIATED AND MADE AVAILABLE BY THE
12 STATE FOR PURPOSES OF THE FUND;

13 (b) ANY MONEYS TRANSMITTED BY THE COUNTY CLERK AND
14 RECORDERS TO THE STATE TREASURER FOR DEPOSIT INTO THE FUND IN
15 ACCORDANCE WITH THE PROVISIONS OF SECTION 30-10-421, C.R.S.; AND

16 (c) ANY MONEYS THAT MAY BE MADE AVAILABLE TO THE
17 AUTHORITY FROM ANY OTHER SOURCES FOR THE PURPOSES OF SUCH FUND.

18 (2) THE AUTHORITY IS TO ADMINISTER THE FUND.

19 (3) MONEYS IN THE FUND MUST BE EXPENDED BY THE AUTHORITY
20 FOR THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE HOUSING ON
21 A STATEWIDE BASIS.

22 (4) NOT LATER THAN JUNE 1, 2016, AND NOT LATER THAN JUNE 1
23 OF EACH YEAR THEREAFTER, THE AUTHORITY SHALL SUBMIT A REPORT
24 SPECIFYING THE USE OF THE FUND DURING THE PRIOR CALENDAR YEAR TO
25 THE GOVERNOR AND TO THE FINANCE COMMITTEES OF THE SENATE AND
26 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

27 **SECTION 3. Safety clause.** The general assembly hereby finds,

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