



Final Legislative Report | May 12, 2016

Bill: [HB16-1005](#)

Title: Residential Precipitation Collection

Position: Monitor

House Sponsors: [D. Esgar](#) (D)

[J. Danielson](#) (D)

Senate Sponsors: [M. Merrifield](#) (D)

Official
Summary

Section 1 of the bill allows the collection of precipitation from a residential rooftop if:

- A maximum of 2 rain barrels with a combined storage capacity of 110 gallons or less are used;
- Precipitation is collected from the rooftop of a building that is used primarily as a single-family residence or a multi-family residence with 4 or fewer units;
- The collected precipitation is used on the residential property on which the precipitation is collected; and
- The collected precipitation is applied to outdoor purposes such as lawn irrigation and gardening.

Section 1 also requires the state engineer, to the extent practicable within existing resources, to provide information on the permitted use of rain barrels on the state engineer's website.

Section 2 requires the department of public health and environment, to the extent practicable within existing resources, to develop best practices for nonpotable usage of collected precipitation and vector control and to post any best practices developed on the department's website.

Section 3 prevents a homeowners' association from prohibiting a unit owner from using rain barrels for precipitation collection.

House
Committee

Agriculture, Livestock and Natural Resources

Senate
Committee

Agriculture, Natural Resources, and Energy

Hearing Date

Status

Sent to the Governor (05/05/2016)

Fiscal Notes

[Fiscal Notes](#) (03/16/2016)

Comment

Bill: [HB16-1006](#)

Title: Clarify Tax Exemptions For Housing Authorities

Position Support

House Sponsors [K. Becker](#) (D)
[A. Garnett](#) (D)Senate Sponsors [O. Hill](#) (R)

Official Summary The bill clarifies that the exemption from government charges for property owned by or leased to a housing authority, an entity that is wholly owned by an authority, an entity in which an authority has an ownership interest, or an entity in which an entity wholly owned by an authority has an ownership interest applies to all taxes levied and all fees imposed by the state or any county, city and county, municipality, or other political subdivision of the state.

House Committee Finance

Senate Committee Finance

Hearing Date

Status Sent to the Governor (05/11/2016)

Fiscal Notes [Fiscal Notes](#) (02/24/2016)

Comment

Bill: [HB16-1069](#)

Title: Allow City To Set Housing Auth Commn Term Length

Position Support

House Sponsors [D. Moreno](#) (D)
[B. Rankin](#) (R)Senate Sponsors [K. Grantham](#) (R)

Official Summary Currently, for those housing authorities not comprised exclusively of members of the city's governing body who are serving ex officio, housing authority commissioner terms are 5 years in length. The bill allows the governing body to set, by resolution, the length of commissioner terms.

House Committee Local Government

Senate Committee Local Government

Hearing Date

Status Governor Signed (03/09/2016)
 Fiscal Notes [Fiscal Notes](#) (01/20/2016)
 Comment

Bill: [HB16-1088](#)

Title: Fire Protection Dist Impact Fee On New Development
 Position Monitor
 House Sponsors [T. Dore](#) (R)
 Senate Sponsors [E. Roberts](#) (R)

Official Summary
 The bill authorizes the board of a fire protection district to impose an impact fee on the construction of new buildings, structures, facilities, or improvements, including oil and gas wells, on previously improved or on unimproved real property, if the impact fee is:

- Reasonably related to the overall cost of the fire protection district's services; and
- Imposed in accordance with a fee schedule that is legislatively adopted by the board and that applies to all construction of new buildings, structures, facilities, or improvements.

At least 60 days before imposing the impact fee, a district shall notify in writing overlapping municipalities and counties of their right to comment on the district imposing impact fees.

House Committee Local Government

Senate Committee Local Government

Hearing Date

Status Sent to the Governor (05/05/2016)

Fiscal Notes [Fiscal Notes](#) (03/29/2016)

Comment

Bill: [HB16-1133](#)

Title: HOA Managers Profl Responsibility & Disclosure
 Position Monitor
 House Sponsors [J. Windholz](#) (R)
 Senate Sponsors

Official Summary
 Current law requires licensure of community association managers, also known as CAMs or managers, who contract with homeowners' associations (HOAs) to carry out specialized functions such as preparing budgets, hiring landscapers to maintain common areas, etc.

Section 1 of the bill defines a small HOA community association manager as one who services one or more HOAs with a combined total of 30 or fewer homes or condominium units. Section 1 also removes an existing exemption from the CAM licensing requirements for managers of time-share communities.

Sections 2 and 5 require the director of the division of real estate (director) to adopt less stringent credentialing, educational, and continuing educational requirements and lower license fees for small HOA managers.

Section 3 requires all managers to provide detailed disclosures of fees and charges, including any transfer fees that are payable upon sale of a unit in an HOA. A detailed listing of, and justification for, transfer fees must be provided to the parties to a purchase and sale at least 3 days before closing. The manager must also provide to any HOA with which the manager has or wishes to have a management contract, at least annually, a certified copy of his or her current and valid manager's license.

Section 4 requires the director to publish on the division of real estate's website a searchable list of CAMs and the HOAs they serve, including addresses, license status, and any pending complaints or disciplinary actions.

Section 6 adds the following acts or omissions to the grounds for discipline of a licensed manager:

- Knowingly violating or directing others to violate the covenants or rules of an HOA;
 - Failing to notify and recommend corrective action to an HOA board member if the manager believes the board member is violating the law or rules governing the HOA;
 - Failing to report to the director any board member who continues to violate the law or rules after being notified;
- and
- Violating the disclosure requirements imposed by section 3 of the bill.

House
Committee

State, Veterans, & Military Affairs

Senate
Committee

Hearing Date

Status

House Committee on State, Veterans, & Military Affairs Postpone Indefinitely (02/22/2016)

Fiscal Notes

[Fiscal Notes](#) (02/19/2016)

Comment

Bill: [HB16-1145](#)

Title: Documentary Fee For Residential Real Property

Position Monitor

House Sponsors [S. Lebsock](#) (D)

Senate Sponsors [J. Tate](#) (R)

Official
Summary

Currently, a person filing a real property conveyance document with a county clerk and recorder must pay a documentary fee if the consideration for the conveyance is more than \$500. The amount of the fee is based on the consideration paid, which is the total sales price to the purchaser, unless there is evidence of a separate consideration paid for personal property.

For purposes of the documentary fee, the bill changes the determination of the consideration paid for the grant or conveyance of residential real property as follows:

- Eliminates any reduction for a separate consideration paid for personal property from the total sales price;
- Generally requires the consideration amount listed on the grant or conveyance document to be used to determine the documentary fee; and
- If there is no consideration amount or the amount listed on the grant or conveyance document is \$500 or less, and there is a related declaration filed, then the total sales price listed on the declaration is used to determine the documentary fee.

The bill also specifies that, unless indicated as commercial or industrial real property at the time of recording, a grant or conveyance is deemed to be of residential real property for the purpose of determining the documentary fee.

House Committee Business, Affairs & Labor

Senate Committee Local Government

Hearing Date

Status Governor Signed (04/15/2016)

Fiscal Notes [Fiscal Notes](#) (02/04/2016)

Comment

Bill: [HB16-1149](#)

Title: Remove Budget Reporting Exemption HOAs Predate Act

Position Monitor

House Sponsors [J. Melton](#) (D)

Senate Sponsors [L. Newell](#) (D)

Official Summary	Common interest communities created before the July 1, 1992, enactment of the Colorado Common Interest Ownership Act (Act) are exempt from many of the Act's provisions, including a provision requiring a common interest community's executive board to give notice to all unit owners of, and hold a meeting about, the executive board's adoption of a new proposed budget. Commencing July 1, 2018, the bill requires common interest communities that predate the Act to comply with the budget reporting provision.
House Committee	Local Government
Senate Committee	Local Government
Hearing Date	
Status	Governor Signed (04/15/2016)
Fiscal Notes	Fiscal Notes (03/11/2016)
Comment	

Bill: [HB16-1175](#)

Title: Property Tax Exemption Administration

Position: Monitor

House Sponsors: [D. Primavera](#) (D)
[D. Nordberg](#) (R)

Senate Sponsors: [C. Jahn](#) (D)
[T. Neville](#) (R)

Official Summary	<p>Legislative Audit Committee. The Colorado constitution and state statutes exempt 50% of the first \$200,000 of actual value of the owner-occupied primary residence of a qualifying senior or disabled veteran from property taxation. In addition to other limitations on the exemption, no matter how many residences a senior or a disabled veteran owns, the senior or disabled veteran may claim an exemption for only one primary residence and a married couple may claim an exemption for only one primary residence even if they own multiple residences or live apart in separate residences.</p> <p>During the 2015 legislative interim, the office of the state auditor presented an audit of the senior and disabled veteran property tax exemption program to the legislative audit committee. The audit identified several statutory and administrative process deficiencies that have made it difficult for the state to prevent individual seniors and disabled veterans and married couples from claiming and being allowed multiple exemptions and from claiming and receiving exemptions for</p>
------------------	--

residences other than owner-occupied primary residences. The bill implements audit recommendations as follows:

- The department of revenue, after receiving from the property tax administrator (administrator) a list of individuals who are claiming the exemption, is required to share with the administrator certain taxpayer information pertaining to the listed individuals, including their names, social security numbers, marital and income tax filing status, and residency status, needed by the administrator to prevent exemption applicants who claim multiple exemptions or exemptions for residential real property that they do not own and occupy as their primary residence from receiving the exemption;
- The administrator must work with the state registrar of vital statistics to annually identify individuals who have received exemptions and have died so that the administrator and county assessors can terminate exemptions for which no living individual qualifies;
- The scope of the administrator's exemption application review responsibilities is expanded and the timelines and process by which the review is conducted is modified in order to enhance the ability of the administrator to prevent exemptions from being erroneously allowed;
- The administrator is required to annually conduct a second review of exemptions allowed in each county for the immediately preceding property tax year, to identify any exemptions that should not have been allowed, and to advise the state treasurer to reduce the amount of reimbursement paid to each county treasurer to account for any disallowed exemptions; and
- In addition, if the administrator identifies any exemption improperly allowed for a prior property tax year commencing on or after January 1, 2016, for which the state treasurer reimbursed a county treasurer or identifies any exemption properly allowed for such a prior property tax year for which the state treasurer did not reimburse a county treasurer, the administrator must advise the state treasurer to adjust the current year reimbursement to the county treasurer to correct the error.

House
Committee

Finance

Senate
Committee

Finance

Hearing Date

Status

Senate Third Reading Passed - No Amendments (05/06/2016)

Fiscal Notes [Fiscal Notes](#) (02/16/2016)

Comment

Bill: [HB16-1191](#)

Title: Bill Of Rights For Persons Who Are Homeless

Position Support

House Sponsors [J. Salazar](#) (D)

[J. Melton](#) (D)

Senate Sponsors

Official Summary The bill creates the Colorado Right to Rest Act, which establishes basic rights for persons experiencing homelessness, including, but not limited to, the right to use and move freely in public spaces without discrimination, to rest in public spaces without discrimination, to eat or accept food in any public space where food is not prohibited, to occupy a legally parked vehicle, and to have a reasonable expectation of privacy of one's property. The bill does not create an obligation for a provider of services for persons experiencing homelessness to provide shelter or services when none are available.

House Committee Local Government

Senate Committee

Hearing Date

Status House Committee on Local Government Postpone Indefinitely (02/24/2016)

Fiscal Notes [Fiscal Notes](#) (02/18/2016)

Comment

Bill: [HB16-1217](#)

Title: Implement HOA Info Office Study Recommendations

Position Monitor

House Sponsors [S. Ryden](#) (D)

Senate Sponsors [M. Carroll](#) (D)

Official Summary Under House Bill 13-1134, enacted in 2013, the director of the division of real estate (director) conducted a study of the functions and duties of other states' homeowners' association (HOA) offices. The director developed a report of the resulting study entitled the 2013 Study of Comparable HOA Information and Resource Centers (report). The bill implements the following recommendations included in the report:

- Replace the per-HOA fee paid by HOAs to fund the HOA information and resource center (center) with a per-unit fee, to be calculated by the director;
- Require the HOA information officer (officer), who is the head of the center, to develop, maintain, and publish a statewide election monitoring referral list consisting of independent contractors who can monitor HOA elections; and
- Require the officer to develop, maintain, and publish a statewide referral list containing the names and contact information for independent contractors who provide mediation or arbitration services on HOA matters.

House Committee	State, Veterans, & Military Affairs
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/02/2016)
Fiscal Notes	Fiscal Notes (03/15/2016)
Comment	

Bill: [HB16-1304](#)

Title:	Transportation Priorities Community Conversations
Position	Monitor
House Sponsors	M. Tyler (D)
Senate Sponsors	R. Heath (D)

Official Summary	<p>The bill requires the department of transportation (CDOT) to hold at least one community conversation in each transportation planning region of the state (TPR) no later than October 1, 2016, in order to allow members of the public to testify and be questioned regarding their top priorities for transportation funding and their preferred means of raising the revenue needed to fund those priorities. To ensure maximum public participation for each community conversation, CDOT and the Colorado office of economic development must provide extensive public notice of each community conversation and CDOT must hold each community conversation at a time outside of regular business hours or most convenient to the local community and at a location that is convenient for as much of the population of the TPR as feasible and allow remote testimony.</p> <p>Within each TPR, the representative of the TPR on the statewide transportation advisory committee must convene an open house meeting</p>
------------------	--

or panel of individuals with expertise in transportation and economic development to interact with and receive testimony from the public at any community conversation. The representative of the TPR must lead the meeting or serve as the chair of the panel, and the meeting or panel must also include any member of the transportation commission and any regional transportation director for CDOT whose district or region includes any portion of the TPR and a representative of any regional economic development district that includes any portion of the TPR. The representative of the TPR shall also ensure that each state legislator, county commissioner, and municipal mayor and council member whose district, county, or municipality includes any portion of the TPR receives an invitation to participate in any community conversation held in the TPR.

After all community conversations in a TPR are held, and no later than November 1, 2016, the representative of the TPR who convened the community conversations must develop and submit to the executive director of CDOT a regional community conversation report that ranks both the top transportation priorities for the TPR and the preferred means of raising the revenue needed to fund those priorities. The executive director must compile the regional reports into a statewide report that ranks the top transportation priorities for the state and the preferred means of raising the revenue to fund those priorities. The executive director must present the report during CDOT's SMART Act presentation made before the commencement of the 2017 regular legislative session.

House Committee	Transportation & Energy
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/04/2016)
Fiscal Notes	Fiscal Notes (04/19/2016)
Comment	

Bill: [HB16-1306](#)

Title: Mortgage Loan Originators SAFE Act

Position: Monitor

House Sponsors: [A. Williams](#) (D)

Senate Sponsors: [C. Holbert](#) (R)

Official Summary	<p>The bill amends, relocates, and repeals provisions of Colorado's mortgage loan originator licensing statutes that either:</p> <ul style="list-style-type: none"> • Conflict with or have been rendered superfluous by recent changes to federal law and rules; or • No longer reflect current national standards of practice in the mortgage lending industry.
House Committee	Business, Affairs & Labor
Senate Committee	Business, Labor and Technology
Hearing Date	
Status	Governor Signed (04/21/2016)
Fiscal Notes	Fiscal Notes (03/07/2016)
Comment	
Bill: HB16-1334	
Title:	Inclusionary Zoning County Unincorporated Areas
Position	Support
House Sponsors	F. Winter (D)
Senate Sponsors	M. Hodge (D)
Official Summary	<p>The bill authorizes the board of county commissioners of any county, by duly enacted ordinances, resolutions, or other forms of binding law, to establish and create a program that implements inclusionary zoning within an unincorporated area of the county. The bill defines inclusionary zoning program to mean a program adopted by a county government that encourages or requires a given share of the housing units in a proposed development to be priced in a way that is affordable for low- and moderate-income households. Nothing in the bill is intended to challenge or to affect the legal status of any such program implemented and in effect prior to the effective date of the bill.</p>
House Committee	Local Government
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (04/25/2016)
Fiscal Notes	Fiscal Notes (03/16/2016)

Comment

Bill: [HB16-1340](#)

Title: Cnty Planning Commission Approval Reqmnt Exemption

Position Monitor

House Sponsors [M. Tyler](#) (D)Senate Sponsors [R. Scott](#) (R)Official
Summary

Under current law, a county or regional planning commission that has adopted a master plan for a county or part of the county is required to review the proposed location of a public project if the location falls within the unincorporated territory of the county. The bill exempts from the review requirement a proposed public project that is permitted under existing zoning laws or contemplated by a plan, proposal, or application, that the planning commission has already approved.

House
Committee

Local Government

Senate
Committee

Local Government

Hearing Date

Status Senate Committee on Local Government Postpone Indefinitely
(04/26/2016)Fiscal Notes [Fiscal Notes](#) (03/22/2016)

Comment

Bill: [HB16-1394](#)

Title: Aligning Issues Around At-risk Persons

Position Amend

House Sponsors [D. Young](#) (D)Senate Sponsors [K. Grantham](#) (R)Official
Summary

The bill implements the following recommendations of the at-risk adults with intellectual and developmental disabilities mandatory reporting implementation task force:

- Standardizing statutory definitions among the Colorado Criminal Code, the adult protective services in the department of human services, and the office of community living in the department of health care policy and financing;
- Specifying that enhanced penalties for crimes against an at-risk person apply to all persons 70 years of age or older and to all persons with a disability; and

- Clarifying and expanding the definitions of persons who are required to report instances of mistreatment of at-risk elders or at-risk adults with an intellectual and developmental disability (adults with IDD).

The bill also:

- Reduces the time when a law enforcement agency or county department is required to prepare a written report from 48 hours to 24 hours;
- Specifies that a county department of human or social services is to conduct an investigation of allegations of mistreatment of an at-risk adult; and
- Clarifies that the human rights committee is responsible for ensuring that an investigation of mistreatment of an adult with IDD occurred.

House Committee	Health, Insurance, & Environment
Senate Committee	Finance
Hearing Date	
Status	House Considered Senate Amendments - Result was to Concur - Repass (05/05/2016)
Fiscal Notes	Fiscal Notes (04/11/2016)
Comment	

Bill: [HB16-1400](#)

Title: Protection Against Retaliation By Homeowner Assn

Position: Monitor

House Sponsors: [S. Ryden](#) (D)

Senate Sponsors: [N. Todd](#) (D)

Official Summary: The bill prohibits a homeowners' association or other person from retaliating or discriminating against a homeowner who: files a complaint; otherwise acts in furtherance of a complaint, report, or investigation of an alleged violation of the Colorado Common Interest Ownership Act (CCIOA) or a legally enforceable document created under the CCIOA; exercises or attempts to exercise any right as a homeowner; or inquires about or provides feedback on a homeowners' association matter.

House Committee: State, Veterans, & Military Affairs

Senate Committee: State, Veterans, and Military Affairs

Hearing Date:

Status Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/02/2016)

Fiscal Notes [Fiscal Notes](#) (04/11/2016)

Comment

Bill: [HB16-1405](#)

Title: 2016-17 Long Appropriation Bill

Position Monitor

House Sponsors [M. Hamner](#) (D)

Senate Sponsors [P. Steadman](#) (D)

Official
Summary

House
Committee Appropriations

Senate
Committee Appropriations

Hearing Date

Status Governor Signed (05/03/2016)

Fiscal Notes

Comment

Bill: [HB16-1409](#)

Title: Unclaimed Prop Fund Transfer For State Programs

Position Monitor

House Sponsors [M. Hamner](#) (D)

Senate Sponsors [K. Lambert](#) (R)

Official
Summary

Joint Budget Committee. On June 30, 2016, the state treasurer is required to transfer \$8 million from the unclaimed property trust fund (trust fund) to the general fund. On the same day, the state treasurer is also required to transfer \$34.8 million from the trust fund to the adult dental fund. This transfer will be used to implement the adult dental benefit for the fiscal year 2016-17. The bill also clarifies that any amount from the trust fund that is credited to the adult dental fund or the general fund constitutes fiscal year spending for purposes of the state constitution.

House
Committee Appropriations

Senate
Committee Appropriations

Hearing Date

Status Governor Signed (05/04/2016)

Fiscal Notes [Fiscal Notes](#) (03/28/2016)

Comment

Bill: [HB16-1420](#)

Title: CO Healthcare Affordability & Sustainability Enter

Position Support

House Sponsors [D. Hullinghorst](#) (D)

Senate Sponsors [L. Crowder](#) (R)

Official
Summary

The bill creates the Colorado healthcare affordability and sustainability enterprise (enterprise) as a **type 2** agency and government-owned business within the department of health care policy and financing (HCPF) for the purpose of participating in the implementation and administration of a state Colorado healthcare affordability and sustainability program (program) on and after July 1, 2016, and creates a board consisting of 13 members appointed by the governor with the advice and consent of the senate to govern the enterprise. The business purpose of the enterprise is, in exchange for the payment of a new healthcare affordability and sustainability fee (fee) by hospitals to the enterprise, to administer the program and thereby support hospitals that provide uncompensated medical services to uninsured patients and participate in publicly funded health insurance programs by:

- Participating in a federal program that provides additional matching money to states;
- Using fee revenue, which must be credited to a newly created healthcare affordability and sustainability fee fund and used solely for purposes of the program, and federal matching money to:
 - Reduce the amount of uncompensated care that hospitals provide by increasing the number of individuals covered by publicly funded health insurance; and
 - Increase publicly funded insurance reimbursement rates to hospitals; and
 - Providing or contracting for or arranging advisory and consulting services to hospitals and coordinating services to hospitals to help them more effectively and efficiently participate in publicly funded insurance programs.

The bill does not take effect if the federal centers for medicare and medicaid services determine that it does not comply with federal law. The enterprise is designated as an enterprise for purposes of the taxpayer's bill of rights (TABOR) so long as it meets TABOR

requirements. The primary powers and duties of the enterprise are to:

- Charge and collect the fee from hospitals;
- Leverage fee revenue collected to obtain federal matching money;
- Utilize and deploy both fee revenue and federal matching money in furtherance of the business purpose of the enterprise;
- Issue revenue bonds payable from its revenues;
- Enter into agreements with HCPF as necessary to collect and expend fee revenue;
- Engage the services of private persons or entities serving as contractors, consultants, and legal counsel for professional and technical assistance and advice and to supply other services related to the conduct of the affairs of the enterprise, including the provision of additional business services to hospitals; and
- Adopt and amend or repeal policies for the regulation of its affairs and the conduct of its business.

The existing hospital provider fee program is repealed and the existing hospital provider fee oversight and advisory board is abolished, effective July 1, 2016.

The bill specifies that so long as the enterprise qualifies as a TABOR-exempt enterprise, fee revenue does not count against either the TABOR state fiscal year spending limit or the referendum C cap, the higher statutory state fiscal year spending limit established after the voters

of the state approved referendum C in 2005. The bill clarifies that the creation of the new enterprise to charge and collect the fee is the creation of a new government-owned business that provides business services to hospitals as an enterprise for purposes of TABOR and related statutes and

does not constitute the qualification of an existing government-owned business as a new enterprise that would require or authorize downward adjustment of the TABOR state fiscal year spending limit or the referendum C cap.

In order to compensate for a proposed reduction in the amount of the fiscal year 2016-17 long bill appropriation of revenue from fees collected by HCPF from hospitals and federal matching money, the bill appropriates \$146,693,573 in healthcare affordability and sustainability fees and federal funds to the enterprise for fiscal year 2016-17.

House
Committee

Appropriations

Senate
Committee

Finance

Hearing Date

Status Senate Committee on Finance Postpone Indefinitely (05/10/2016)
 Fiscal Notes [Fiscal Notes](#) (05/10/2016)
 Comment

Bill: [HB16-1421](#)

Title: Allocate Additional FY 2016-17 Gen Fund Revenues

Position Monitor

House Sponsors [D. Hullinghorst](#) (D)

Senate Sponsors

Contingent upon the passage of legislation (the CHASE Act) that eliminates the hospital provider fee at the end of fiscal year 2015-16, the bill:

- Requires legislative council staff, as part of its 2016 economic and revenue forecast, to estimate the total amount of general fund revenues that the state would have been required to make unavailable for expenditure in fiscal year 2016-17 and refund in fiscal year 2017-18 but for the enactment of the CHASE Act; and
- Requires the amount estimated by legislative council staff to be allocated as follows:
 - On September 30, 2016, the state treasurer must transfer the lesser of the full amount or \$50 million to the highway users tax fund (HUTF);
 - On September 30, 2016, the state treasurer must transfer the lesser of the full amount remaining after the HUTF transfer has been made or a total amount of \$16.2 million in equal parts to the state severance tax trust fund and the local government severance tax fund as repayment of money diverted from those funds to the general fund in fiscal year 2014-15;
 - The lesser of the full amount remaining after the HUTF and severance tax fund transfers have been made or a total amount of \$40 million must be used to reduce the 2016-17 public school finance negative factor; and
 - The lesser of the full amount remaining after the HUTF and severance tax fund transfers and the negative factor allocation have been made or \$49.5 million is allocated to governing boards of state-supported institutions of higher education to reduce fiscal year 2017-18 tuition increases and provide additional student financial assistance.

Official
 Summary

House Committee Appropriations
 Senate Committee
 Hearing Date
 Status House Second Reading Laid Over to 05/12/2016 - No Amendments (05/11/2016)
 Fiscal Notes [Fiscal Notes](#) (03/28/2016)
 Comment

Bill: [HB16-1450](#)

Title: Allocate Additional Available State Revenues

Position Monitor

House Sponsors [D. Hullinghorst](#) (D)

Senate Sponsors [P. Steadman](#) (D)
[L. Guzman](#) (D)

Contingent upon the passage of legislation (the CHASE Act) that eliminates the hospital provider fee at the end of fiscal year 2015-16, the bill:

- Requires annual estimation for each of the fiscal years 2016-17 through 2020-21 of the total amount of general fund revenues that the state would have been required to make unavailable for expenditure in the fiscal year and refund in the next fiscal year but for the enactment of the CHASE Act;

- Requires the amount that is estimated for each fiscal year and relied upon by the general assembly in developing and enacting the state budget for the next fiscal year to be allocated in specified amounts and percentages to:

Official Summary

- Repayment of the state severance tax trust fund and the local government severance tax fund for money diverted from those funds since July 1, 2006;

- The state education fund;
- The college opportunity fund program and institutions of higher education to offset student tuition costs, improve student services and academic quality, address controlled maintenance needs, and provide additional need-based student financial assistance;

- The general fund;
- The capital construction fund;
- The highway users tax fund for allocation to the state highway fund for expenditure by the

department of transportation (CDOT) for specified transportation projects.

House
Committee

Appropriations

Senate
Committee

Finance

Hearing Date

Status

Senate Committee on Finance Postpone Indefinitely (05/10/2016)

Fiscal Notes

[Fiscal Notes](#) (05/10/2016)

Comment

Bill: [HB16-1457](#)

Title:

Sales & Use Tax Exemption Residential Energy

Position

Support

House Sponsors

[J. Wilson](#) (R)
[A. Garnett](#) (D)

Senate Sponsors

[T. Neville](#) (R)
[L. Garcia](#) (D)

Official
Summary

The bill codifies the department of revenue's rule regarding the existing sales and use tax exemption for the sale, storage, use, or consumption, for residential use, of electricity, coal, wood, gas, fuel oil, or coke in order to clarify that the sales and use tax exemption applies to residences either billed under a single utility meter or a master utility meter and either charged at a residential, commercial, or other nonresidential utility rate, so long as the electricity, coal, wood, gas, fuel oil, or coke is used for powering lights, refrigerators, stoves, water heaters, space heaters, air conditioners, or other domestic items that require power or fuel in a residence. The bill also states, consistent with current practice, that residential use is presumed when a utility company charges a residential utility rate.

House
Committee

Finance

Senate
Committee

Finance

Hearing Date

Status

House Considered Senate Amendments - Result was to Concur - Repass (05/05/2016)

Fiscal Notes

[Fiscal Notes](#) (04/27/2016)

Comment

Bill: [HB16-1461](#)

Title:	Tenancies One Month To One Year
Position	Monitor
House Sponsors	D. Pabon (D)
Senate Sponsors	M. Johnston (D)
Official Summary	Under current law, a tenancy of one month or more but less than 6 months may be terminated by either party with 7 days' notice. The bill extends the notice to 28 days. The bill also requires 28 days' notice for a landlord to increase rent in tenancies of one month or longer but less than one year.
House Committee	Local Government
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/09/2016)
Fiscal Notes	Fiscal Notes (05/09/2016)
Comment	

Bill: [HB16-1465](#)

Title:	Modifications Low-income Housing Tax Credit
Position	Support
House Sponsors	C. Duran (D) J. Becker (R)
Senate Sponsors	J. Ulibarri (D) J. Cooke (R)
Official Summary	<p>The bill makes the following modifications to the existing Colorado low-income housing tax credit:</p> <ul style="list-style-type: none"> • Extends from 2 years to 5 years, through the calendar year ending December 31, 2019, the period during which the Colorado housing and finance authority may allocate low-income housing tax credits; and • Deletes provisions added in 2014 that exempted credit allocations to developments located in counties impacted by a natural disaster from the overall aggregate annual limitation on the amount of credits that may be allocated, but clarifies that the exemption from the overall annual limitation still applies to credit allocations for such purposes allocated in 2015 and 2016.

House Committee Transportation & Energy
 Senate Committee Finance
 Hearing Date
 Status Senate Third Reading Passed - No Amendments (05/10/2016)
 Fiscal Notes [Fiscal Notes](#) (05/05/2016)
 Comment

Bill: [HB16-1466](#)

Title: Promoting Affordable Housing

Position Support

House Sponsors [M. Tyler](#) (D)
[K. Becker](#) (D)

Senate Sponsors [J. Ulibarri](#) (D)

Official
 Summary

Section 1 of the bill requires the state treasurer, on or before June 30, 2016, to transfer \$40 million from the state's unclaimed property trust fund (unclaimed property moneys) to the division of housing in the department of local affairs (division) and to the Colorado housing and finance authority (authority). Of the moneys to be transferred, the bill requires the state treasurer to transmit:

- \$30 million to the division to be deposited by the division into the housing development grant fund (HDG fund) to improve, preserve, or expand the supply of affordable housing in Colorado, which includes rental assistance for persons in households with low and very low incomes; and
- \$10 million to the authority to be deposited by the authority into the affordable housing assistance fund (affordable housing fund) to support new or existing programs that provide financial assistance to persons in households with an income of 80% or less of the area median income for the purpose of allowing such persons to finance, purchase, or rehabilitate single family residential homes as well as to provide financial assistance to any nonprofit entity and political subdivision that makes loans to persons in such households to enable such persons to finance, purchase, or rehabilitate single family residential homes.

If the economic and revenue forecast prepared by legislative council staff in June 2016 shows that the transfer required by the bill will result in the state exceeding the constitutional spending limit for the state fiscal year 2015-16, then the transfer must be reduced by the amount that causes the state to exceed the spending limit.

Section 2 creates the affordable housing fund in the authority,

which fund is to be administered by the authority. This section specifies the source of moneys to be deposited into such fund, restricts the use of the moneys in the fund, and gives the authority the sole administrative discretion to determine how best to expend moneys deposited into the affordable housing fund that support the programs that it administers under the bill.

Sections 3 and 4 direct the division to administer all new or existing programs to improve, preserve, or expand the supply of affordable housing in Colorado that are supported by the \$30 million transfer from the unclaimed property trust fund to the HDG fund under the bill. In administering such programs, the division is authorized, with the approval of the state housing board, to allocate such moneys to new or existing programs as it determines will best satisfy the purposes specified in the bill.

House Committee	Transportation & Energy
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	Senate Committee on Appropriations Postpone Indefinitely (05/09/2016)
Fiscal Notes	Fiscal Notes (05/05/2016)
Comment	

Bill: [HB16-1467](#)

Title: First-time Home Buyer Savings Acct Tax Deduction

Position: Support

House Sponsors: [C. Duran](#) (D)
[J. Salazar](#) (D)

Senate Sponsors: [M. Scheffel](#) (R)
[B. Martinez Humenik](#) (R)

The starting point for determining state income tax liability is federal taxable income. This number is adjusted for additions and subtractions (deductions) that are used to determine Colorado taxable income, which amount is multiplied by the state's 4.63% income tax rate. The bill allows an individual taxpayer to claim a deduction for the interest and other income earned on contributions made to a first-time home buyer savings account (account). Beginning January 1, 2017, any individual may create a first-time home buyer savings account with a financial institution to be used to pay or reimburse a qualified beneficiary's eligible expenses for the purchase of a primary residence in Colorado. To qualify as a beneficiary, a person must never have owned a single-family, owner-occupied primary residence or, as a result of the

Official
Summary

individual's dissolution of marriage, must have been off title for at least 3 years. There are annual and total limits on the contributions to an account and on the interest and other income earned in the account that is deductible.

An individual may be the account holder of multiple accounts and may jointly own the account with another individual, if they file a joint income tax return. An account holder must designate a qualified beneficiary by April 15 of the following year and may designate himself or herself as the qualified beneficiary. An account holder may change the designated qualified beneficiary at any time, but there may not be more than one qualified beneficiary at any time. An account holder cannot have

multiple accounts with the same beneficiary, but an individual may be designated as the qualified beneficiary of multiple accounts.

Money must stay in the account for at least one year before it is used. After that time, the money in the account that is used for a down payment and closing costs related to a qualified beneficiary's purchase of his or her primary residence in the state is exempt from the state income tax, as are several other uses. If the money in the account is used for any other purpose, then a pro rata share is subject to recapture in the taxable year in which it is used. In addition, the account holder is liable for a penalty that is a percentage of the amount recaptured, unless a qualified beneficiary purchases a home outside of the state or the qualified beneficiary dies and is not replaced.

The department of revenue is required to establish a form that an account holder must complete and file with his or her state income tax return.

House Committee	Transportation & Energy
Senate Committee	Finance
Hearing Date	
Status	Senate Third Reading Passed - No Amendments (05/10/2016)
Fiscal Notes	Fiscal Notes (05/05/2016)
Comment	

Bill: [SB16-012](#)

Title: Time To Reconstruct Residential Improvements

Position: Monitor

House Sponsors: [J. Singer](#) (D)

Senate Sponsors: [R. Heath](#) (D)

	<p>In 2011, legislation was enacted that specified that when residential improvements are destroyed, demolished, or relocated as a result of a natural cause on or after January 1, 2010, despite such destruction, demolition, or relocation, the residential land classification is to remain in place for the year of destruction, demolition, or relocation and up to 4 subsequent property tax years if the assessor determines there is evidence the owner intends to rebuild or relocate a residential improvement on the land. In 2015, the general assembly enacted similar legislation if the productivity of agricultural land is destroyed by a natural cause on or after January 1, 2012.</p>
Official Summary	<p>The 2015 legislation was modeled after the 2011 legislation, except there was a concern presented in the later legislation that in certain situations the 5-year period for rehabilitating the land for agricultural use would not be sufficient. In order to address that concern, the 2015 legislation allowed the owner to provide documentary evidence to the assessor that efforts were made to rehabilitate the land but more time was necessary.</p> <p>The bill adds the same flexibility to the time period for those situations where the residential improvements are destroyed, demolished, or relocated as a result of a natural cause and the owners of such land need more documented time to reconstruct or relocate their residential improvements on their land.</p>
House Committee	Local Government
Senate Committee	Local Government
Hearing Date	
Status	Governor Signed (04/05/2016)
Fiscal Notes	Fiscal Notes (02/11/2016)
Comment	
Bill:	SB16-032
Title:	Working Group For Econ Dev In Distressed Regions
Position	Monitor
House Sponsors	
Senate Sponsors	M. Merrifield (D) R. Heath (D)
Official Summary	<p>The bill creates the economic development working group for highly distressed urban regions of the state (working group). The working</p>

group consists of:

- Four members of the general assembly appointed by leadership in each house in such a way to ensure that the 4 members represent urban regions of the state;
- The executive director of the Colorado office of economic development (office), or his or her designee; and
- Four other members appointed by the legislative members of the working group and the representative of the office with consideration for county issues, municipal issues, and issues related to economic development in urban areas.

The working group must select data that is appropriate, consistently available, timely, and reflective of current reality, which data will then be used to ascertain the highly distressed urban regions of the state.

The bill requires the working group to:

- Establish the regions and post their names and boundaries on the office's website;
- Discuss and evaluate other economic development efforts in the regions and their best practices;
- Discuss and evaluate the possibility of creating tax-free zones or other economic development tools for the regions; and
- Make detailed legislative recommendations to the general assembly in order to quickly improve the economic vitality of those regions.

House
Committee

Senate
Committee

State, Veterans, and Military Affairs

Hearing Date

Status

Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (02/17/2016)

Fiscal Notes

[Fiscal Notes](#) (02/12/2016)

Comment

Bill: [SB16-044](#)

Title:

Contested Conservation Easement Tax Credit Claims

Position

Monitor

House Sponsors

Senate Sponsors [J. Sonnenberg](#) (R)

Official

Summary

Under current law, a state income tax credit is allowed for a portion of the value of a perpetual conservation easement that is granted

by a taxpayer on real property located in Colorado. The bill prohibits the executive director of the department of revenue from contesting certain claims for conservation easement credits unless the valuation for the easement is supported by an appraisal from an appraiser convicted of fraud or misrepresentation in connection with preparing the appraisal. The executive director is further directed to refund any amount of tax, interest, or penalties paid by a taxpayer in connection with a claim that was previously denied if the claim would have been allowed pursuant to the provisions of the bill.

House
Committee

Senate
Committee

Finance

Hearing Date

Status

Senate Committee on Finance Postpone Indefinitely (03/10/2016)

Fiscal Notes

[Fiscal Notes](#) (02/08/2016)

Comment

Bill: [SB16-057](#)

Title:

Mobile Home Owners Leasing Space Mobile Home Parks

Position

Support

House Sponsors

[M. Tyler](#) (D)
[J. Ginal](#) (D)

Senate Sponsors

[J. Kefalas](#) (D)

Section 1 of the bill grants new powers to the division of housing within the department of local affairs (division) in connection with the promotion of the mutual interests of landlords and home owners within mobile home parks, pursuant to its statutory authority and subject to available appropriations. These powers include:

- Safeguarding and promoting the mutual interests of management or landlords and home owners;
- Collecting economic and demographic data annually about mobile home parks across the state, including vacancy and rental survey data, data concerning landlord-home owner disputes over alleged violations of the Mobile Home Park Act (act), demographic data about home owners within mobile home parks, including income levels, ages, and racial and ethnic identities, and proscribing the form of collection of such data that may include partnering with academia, the private sector, and nonprofit organizations;

Official
Summary

- Providing continuing educational opportunities for landlords of, and home owners within, mobile home parks concerning their respective rights and responsibilities under the law and under any other applicable laws of the state in addition to, without limitation, information concerning the formation of home owner associations and resident-owned communities;

- Administering programs established by the state that are intended to safeguard and promote the maintenance, development, and success of mobile home parks across the state;

- Fostering collaboration with local governments; and

- Creating and administering a dispute resolution program that will provide landlords and home owners with a cost-effective and time-efficient process to resolve disputes concerning alleged violations of the act. The bill requires the division to create the dispute resolution program by July 1, 2017.

Section 1 of the bill further requires the division to maintain for public dissemination a list of local government agencies and community-based nonprofit organizations that are created and empowered

to mediate disputes between or among landlords, management, and home owners within mobile home parks. The list must be made publicly available on the website of the division.

Sections 4 and 5 of the bill make changes to the act as follows:

- Section 4 requires the management of a mobile home park to adopt reasonable written rules and regulations concerning all home owners' use and occupancy of the premises. The bill further specifies that such rules and regulations are deemed to be unreasonable and unenforceable against a home owner unless the management is able to establish that the rules satisfy a number of criteria specified in the act.

- In any controversy between the management and a home owner of a mobile home park arising out of the act, except for the nonpayment of rent or in cases in which the health or safety of other home owners is in imminent danger, section 5 requires the parties to submit to either mediation or another form of alternative dispute resolution prior to the filing of a forcible entry and detainer lawsuit. The choice of alternative dispute resolution methods is dependent upon agreement of the parties.

Senate Committee State, Veterans, and Military Affairs
 Hearing Date
 Status Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (02/10/2016)
 Fiscal Notes [Fiscal Notes](#) (02/08/2016)
 Comment

Bill: [SB16-059](#)

Title: Authority Of Local Govs Promote Afford Housing

Position Support

House Sponsors

Senate Sponsors [J. Ulibarri](#) (D)

In 1981, the general assembly enacted legislation that prohibits counties and municipalities (local governments) from enacting any ordinance or resolution that would control rent on private residential property (rent control statute).

The bill clarifies that a program enacted by a local government through an ordinance or resolution requires a land developer to mitigate the effects of new development by proving to a significant extent that affordable housing for new employees created by the development does not constitute rent control and, therefore, is not prohibited by the rent control statute if the program satisfies each of the following requirements:

- The program is adopted to address, and the shortage of affordable housing results from, the adverse effects of high levels of economic development within the local government;
- The program applies only to the new construction of residential housing units;
- The application of any rental rate restriction imposed by the program has no relationship to the characteristics or zoning classification of a particular unit but rather is based upon the number of employees generated by a particular development; and
- If the program requires the land developer to generate a certain number of affordable housing units for a set percentage of new employees created by the development, the program also allows the land developer to select from among alternatives to such requirement. The alternative methods of mitigation may include:
 - The imposition of deed restrictions on the title of newly constructed housing units that designates

Official Summary

such units as affordable housing;

- The imposition of deed restrictions on the title of existing residential housing units constructed prior to the effective date of the ordinance, resolution, or other form of legislation enacted by the local government that designates such units as affordable housing;

- The payment by the land developer of a fee to the local government in lieu of deed restricted housing;

or

- The conveyance by the developer of real property to the local government with a fair market value that is equivalent to a fee paid in lieu of deed restricted housing.

1

House
Committee

Senate
Committee

Finance

Hearing Date

Status

Senate Committee on Finance Postpone Indefinitely (02/02/2016)

Fiscal Notes

[Fiscal Notes](#) (01/29/2016)

Comment

Bill: [SB16-082](#)

Title:

HOA Whistleblower Protection

Position

Monitor

House Sponsors

[S. Ryden](#) (D)

Senate Sponsors

[M. Carroll](#) (D)

Official

Summary

The bill prohibits a homeowners' association or other person from retaliating or discriminating against a homeowner who files a complaint; otherwise acts in furtherance of a complaint, report, or investigation of an alleged violation of the Colorado Common Interest Ownership Act (CCIOA) or a legally enforceable document created under the CCIOA; or exercises or attempts to exercise any right as a homeowner.

House
Committee

Senate
Committee

Business, Labor and Technology

Hearing Date

Status Senate Committee on Business, Labor, & Technology Postpone Indefinitely (03/02/2016)

Fiscal Notes [Fiscal Notes](#) (02/05/2016)

Comment

Bill: [SB16-115](#)

Title: Electronic Recording Technology Board

Position Monitor

House Sponsors [K. Conti](#) (R)
[D. Moreno](#) (D)

Senate Sponsors [B. Martinez Humenik](#) (R)

The bill creates the electronic recording technology board (board) in the department of state. The board, which is authorized to issue revenue bonds, is established as an enterprise. So long as it constitutes an enterprise, the board is not subject to any provisions of section 20 of article X of the state constitution. The board sunsets in 6 years, but prior to that sunset, it is subject to a sunset review.

The board is authorized to impose a surcharge of up to \$2 on all documents that a clerk and recorder receives for recording or filing. If imposed, counties are required to collect the surcharge on behalf of the board and transmit it to the state treasurer for deposit in the newly created

electronic recording technology fund (fund).

The board is required to:

- Develop a strategic plan incorporating the core goals of security, accuracy, sequencing, online public access, standardization, and preservation of public records;
- Determine functionality standards for an electronic filing system that support the core goals;
- Issue a request for proposal for electronic filing system equipment and software that will be available to counties on an optional basis;
- Develop best practices for an electronic filing system;
- Provide training to clerk and recorders related to electronic filing systems; and
- Make grants to counties to establish, maintain, improve, or replace electronic filing systems for documents that are recorded with a clerk and recorder. In awarding grants, the board is required to give priority for grants to counties that do not have sufficient revenue from the surcharge proceeds to maintain their existing electronic filing systems.

The money in the fund is continuously appropriated to the board to be used for these purposes.

Official
Summary

The bill repeals the secretary of state's powers to ensure uniformity related to electronic filing systems, which powers become the board's responsibility, and requires the department of state to prepare an annual report that is published online about the grants that the board made in the prior fiscal year.

The bill also extends the one-dollar surcharge that a county clerk and recorder is currently required to collect and use for the county's core or electronic filing system for 9.5 years. The definition of electronic filing system is expanded to include elements of the core filing system, which term is repealed.

House Committee	Local Government
Senate Committee	Local Government
Hearing Date	
Status	House Third Reading Passed - No Amendments (05/10/2016)
Fiscal Notes	Fiscal Notes (03/29/2016)
Comment	

Bill: [SB16-177](#)

Title: Modify 2015 Urban Renewal Legislation

Position Support

House Sponsors [D. Hulinghorst](#) (D)
[P. Lawrence](#) (R)

Senate Sponsors [B. Martinez Humenik](#) (R)
[R. Heath](#) (D)

The bill makes technical modifications to statutory provisions enacted by the general assembly in 2015 (2015 legislation) that addressed urban renewal plan allocating of tax revenue. Among the modifications, the bill:

- In various places, substitutes the term authority for the terms governing body or municipality and taxing entity for the term public body. Defines taxing entity to mean any county, special district, or other public body that levies an ad valorem property tax on property within the urban renewal area subject to a tax allocation provision.
- Clarifies that the subject of the agreement about which the authority and the taxing bodies are required to negotiate under the 2015 legislation concerns the sharing of incremental property tax revenue allocated to the special fund of the authority.
- Clarifies that the shared tax revenues governed by the

Official Summary

agreement are limited to incremental revenue generated by the taxes levied upon taxable property by the taxing entity within the area covered by the urban renewal plan in addition to any incremental sales tax generated within the area included within the urban renewal plan by the imposition of the municipal sales tax and, at the option of any other taxing entity levying a sales tax within the area covered by the urban renewal plan, any incremental sales tax revenues of such other taxing entity that is included within the agreement.

- Deletes language from the 2015 legislation that permitted the municipality to delegate to the authority the responsibility for negotiating the subject agreement.

- In connection with the subject of the required mediation between the authority and taxing entities, clarifies that the main issue of the mediation is the sharing of incremental property tax revenues and urban renewal project costs among the authority and any such taxing entities whose incremental property tax revenues will be allocated pursuant to an urban renewal plan and with whom an intergovernmental agreement with the authority has not been reached.

- Requires the mediation to be conducted by a mediator jointly selected by the parties. Specifies the method of selecting a 3-mediator panel if the parties are unable to agree on the selection of a single mediator. Specifies the minimum qualifications of the mediator and the method for allocating the payment of the fees and costs of the mediation.

- Clarifies that the mediator must issue his or her findings of fact as to the appropriate sharing of costs and incremental property tax revenues. Strikes language from the 2015 legislation that required the municipality to either agree to the mediator's findings by including in the urban renewal plan cost allocation provisions determined by the mediator or by entering into an intergovernmental agreement with the taxing entity providing an alternative cost allocation methodology. Instead, specifies that, with respect to the use of incremental property tax revenues of each other taxing entity, following the issuance of findings by the mediator, the municipality is required to:

- Incorporate the mediator's findings on the use of incremental property tax revenues of any taxing body into the urban renewal plan and proceed to adopt the plan;

- Amend the urban renewal plan to delete

authorization of the use of the incremental property tax revenues of any taxing body with whom an agreement has not been reached; or

- Direct the authority to either incorporate the mediator's findings into one or more intergovernmental agreements with other taxing entities or to enter into new negotiations with one or more taxing entities and to enter into one or more intergovernmental agreements with such taxing entities that incorporate such new or different provisions concerning the sharing of costs and incremental property tax revenues with which the parties are in agreement.
- Clarifies that nothing in the 2015 legislation is intended to impair, jeopardize, or put at risk any existing bonds, investments, loans, contracts, or financial obligations of an urban renewal authority outstanding as of December 31, 2015, or the pledge of pledged revenues or assets to the payment thereof that occurred on or before December 31, 2015.

House Committee State, Veterans, & Military Affairs

Senate Committee Local Government

Hearing Date

Status Sent to the Governor (05/09/2016)

Fiscal Notes [Fiscal Notes](#) (04/12/2016)

Comment

Bill: [SB16-213](#)

Title: Construction Defect Litigation Study Group

Position Monitor

House Sponsors [B. DelGrosso](#) (R)
[J. Singer](#) (D)

Senate Sponsors [M. Scheffel](#) (R)
[J. Ulibarri](#) (D)

Official Summary The bill establishes a construction defect litigation study group (study group) to investigate construction defect litigation and to create a report recommending statutory changes and a pilot program within the judicial department for managing construction defect claims. The study group shall report by March 1, 2017, to the judiciary committees of the general assembly and to the chief justice.

The chief justice may adopt a pilot program through a chief justice directive. If adopted:

- The pilot program terminates December 31, 2018, unless extended by the chief justice; and
- The judicial department shall contract for a study of the pilot program to be completed within 15 months after the pilot program commences and, within 14 days after receiving the report, must forward it to the chief justice and the judiciary committees of the general assembly.

The bill establishes a construction defect litigation cash fund to pay expenses for the study group, and, if adopted, the pilot program and report on the pilot program.

House Committee	State, Veterans, & Military Affairs
Senate Committee	State, Veterans, and Military Affairs
Hearing Date	
Status	House Committee on State, Veterans, & Military Affairs Postpone Indefinitely (05/10/2016)
Fiscal Notes	Fiscal Notes (05/06/2016)
Comment	

Bill: [SB16-SCR004](#)

Title:	Real Estate Transfer Tax For Affordable Housing
Position	Support
House Sponsors	
Senate Sponsors	J. Ulibarri (D)

Official Summary	<p>The concurrent resolution deletes the prohibition in the state constitution on new or increased transfer tax rates on real property. The resolution imposes a tax upon the recording of each real property deed at the rate of 1/10 of 1% of the value of the real property as specified in the deed for the privilege of transferring the title to real property. A conveyance from one spouse or other marital partner to another or a correction deed are exempt from payment of the tax. At the time any deed evidencing a transfer of title subject to the tax imposed is offered for recording, the county clerk and recorder is required to ascertain and compute the amount of the tax due and to collect the same from the purchaser of the real property as a prerequisite to acceptance of the deed for recording. The amount of tax is computed on the basis of the value of the transferred property as specified in the deed. The county clerk and recorder is required to collect the amount due</p>
------------------	--

under the tax and certify the date of payment and the amount collected on the deed. The county clerk and recorder is authorized to retain 5% of the amount collected as his or her fee for collection and to further remit the balance on a quarterly basis to the county treasurer. The county treasurer is then required to transmit the same to the state treasurer for the deposit of such moneys into the state affordable housing trust fund (fund). The fund is created in the Colorado housing and finance authority (authority). The concurrent resolution requires that moneys in the fund be used to support new or existing programs that expand the provision of affordable housing. The programs are to be administered by the authority.

The resolution contains additional requirements governing the use of moneys in the fund.

The resolution specifies that its approval by the registered electors of the state voting on the ballot issue at the general election held in November 2016 constitutes a voter-approved revenue change to allow the

retention and expenditure of state revenues in excess of the limitation on state fiscal year spending.

The general assembly may modify any of the provisions as necessary in order to facilitate a more effective administration of the provisions. However, such legislation shall not limit or restrict the imposition of the tax or the use of the moneys raised by the tax for affordable housing.

House
Committee

Senate
Committee

State, Veterans, and Military Affairs

Hearing Date

Status

Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely (04/20/2016)

Fiscal Notes

[Fiscal Notes](#) (04/19/2016)

Comment