

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0092.01 Jed Franklin x5484

SENATE BILL 26-001

SENATE SPONSORSHIP

Roberts, Bridges

HOUSE SPONSORSHIP

Boesenecker and Richardson,

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

101 **CONCERNING HOUSING, AND, IN CONNECTION THEREWITH,**
102 **AUTHORIZING A BOARD OF COUNTY COMMISSIONERS TO**
103 **APPROPRIATE MONEY TO SUPPORT SPECIFIED TYPES OF HOUSING**
104 **AND MAKING THE MIDDLE-INCOME HOUSING TAX CREDIT**
105 **AVAILABLE TO TRANSFEREES WHO DO NOT OWN AN INTEREST IN**
106 **A QUALIFIED DEVELOPMENT.**

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>.)

Currently, a board of county commissioners (board) may not

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

appropriate general fund money from ad valorem taxes for multijurisdictional housing authorities or other housing authorities established in statute (housing authorities). The bill allows a board to use revenue generated by ad valorem taxes that is in the county's general fund or in other specified county funds for housing authorities. In addition, the bill allows a board to use county general fund money from ad valorem taxes or money from other county funds for workforce housing.

Currently, a middle-income housing tax credit (credit) may be transferred from a governmental entity or quasi-governmental entity to a qualified taxpayer. A qualified taxpayer must own an interest in a qualified project to claim the credit. The bill entitles an individual, person, firm, corporation, or other entity subject to income tax and transferred a credit by a governmental entity or quasi-governmental entity to claim the credit without owning an interest in a qualified project.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-11-107, **amend**

3 (1)(s) as follows:

4 **30-11-107. Powers of the board.**

5 (1) The board of county commissioners of each county has power
6 at any meeting:

7 (s) To appropriate ~~moneys from sources other than ad valorem~~
8 ~~taxes to~~ MONEY FOR WORKFORCE HOUSING, multijurisdictional housing
9 authorities, or housing authorities established under part 5 of article 4 of
10 title 29 ~~C.R.S.~~, from the county general fund OR OTHER SPECIFIED FUNDS
11 ESTABLISHED BY THE BOARD;

12 **SECTION 2.** In Colorado Revised Statutes, 39-22-5404, **amend**

13 (1)(b) and (1)(c) as follows:

14 **39-22-5404. Qualified development owned by governmental**
15 **or quasi-governmental entity.**

16 (1) Notwithstanding any other provision of this part 54:

17 (b) (I) A governmental or quasi-governmental entity may transfer

1 credits allocated to it by the authority to ~~any qualified taxpayer~~ AN
2 INDIVIDUAL, PERSON, FIRM, CORPORATION, OR OTHER ENTITY SUBJECT TO
3 THE TAXES IMPOSED BY THIS ARTICLE 22.

4 (II) Such a governmental or quasi-governmental entity shall invest
5 in the qualified development any compensation received in connection
6 with a transfer of credits to a ~~qualified taxpayer~~ TRANSFEREE.

7 (III) A ~~qualified taxpayer~~ TRANSFEREE to which a credit is
8 transferred pursuant to this subsection (1)(b) is entitled to claim the credit
9 in the same manner and subject to the same conditions and allocation
10 rights as an owner of a qualified development to which the authority has
11 allocated a credit.

12 (c) (I) A credit allocated to a governmental or quasi-governmental
13 entity ~~or a transferee thereof~~ is subject to recapture pursuant to section
14 39-22-5405.

15 (II) If a credit transferred to a ~~qualified taxpayer~~ by a
16 governmental or quasi-governmental entity is recaptured pursuant to
17 section 39-22-5405, ~~the governmental or quasi-governmental entity shall~~
18 ~~notify the department of the identity of the qualified taxpayer to which it~~
19 ~~transferred a credit~~ THE TRANSFEREE MUST INCREASE THE TRANSFEREE'S
20 STATE INCOME TAX LIABILITY PURSUANT TO SECTION 39-22-5405 IN THE
21 SAME MANNER AND TO THE SAME EXTENT AS A PARTNER, SHAREHOLDER,
22 MEMBER, OR OTHER QUALIFIED TAXPAYER OF AN OWNER ALLOCATED A
23 CREDIT PURSUANT TO SECTION 39-22-5403 (6).

24 **SECTION 3. Act subject to petition - effective date.** Section
25 39-22-5404, Colorado Revised Statutes, as amended in section 2 of this
26 act, takes effect January 1, 2027, and the remainder of this act takes effect
27 at 12:01 a.m. on the day following the expiration of the ninety-day period

1 after final adjournment of the general assembly; except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2026 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor; except that
8 section 39-22-5404, Colorado Revised Statutes, as amended in section 2
9 of this act, takes effect January 1, 2027, or on the date of the official
10 declaration of the vote thereon by the governor, whichever is later.