

§ 3.5. Homestead exemption for qualifying senior citizens and disabled veterans

(1) For property tax years commencing on or after January 1, 2002, fifty percent of the first two hundred thousand dollars of actual value of residential real property, as defined by law, that, as of the assessment date, is owner-occupied and is used as the primary residence of the owner-occupier shall be exempt from property taxation if:

(a) The owner-occupier is sixty-five years of age or older as of the assessment date and has owned and occupied such residential real property as his or her primary residence for the ten years immediately preceding the assessment date;

(b) The owner-occupier is the spouse or surviving spouse of an owner- occupier who previously qualified for a property tax exemption for the same residential real property under paragraph (a) of this subsection (1); or

(c) For property tax years commencing on or after January 1, 2007, only, the owner-occupier, as of the assessment date, is a disabled veteran.

(1.3) An owner-occupier may claim only one exemption per property tax year even if the owner-occupier qualifies for an exemption under both paragraph (c) of subsection (1) of this section and either paragraph (a) or paragraph (b) of subsection (1) of this section.

(1.5) For purposes of this section, "disabled veteran" means an individual who has served on active duty in the United States armed forces, including a member of the Colorado national guard who has been ordered into the active military service of the United States, has been separated therefrom under honorable conditions, and has established a service-connected disability that has been rated by the federal department of veterans affairs as one hundred percent permanent disability through disability retirement benefits or a pension pursuant to a law or regulation administered by the department, the department of homeland security, or the department of the army, navy, or air force.

(2) Notwithstanding the provisions of subsection (1) of this section, section 20 of this article, or any other constitutional provision, for any property tax year commencing on or after January 1, 2003, the general assembly may raise or lower by law the maximum amount of actual value of residential real property of which fifty percent shall be exempt under subsection (1) of this section.

(3) For any property tax year commencing on or after January 1, 2002, the general assembly

shall compensate each local governmental entity that receives property tax revenues for the net amount of property tax revenues lost as a result of the property tax exemption provided for in this section. For purposes of section 20 of article X of this constitution, such compensation shall not be included in local government fiscal year spending and approval of this section by the voters statewide shall constitute a voter-approved revenue change to allow the maximum amount of state fiscal year spending for the 2001- 02 state fiscal year to be increased by forty-four million one hundred twenty-three thousand six hundred four dollars and to include said amount in state fiscal year spending for said state fiscal year for the purpose of calculating subsequent state fiscal year spending limits. Payments made from the state general fund to compensate local governmental entities for property tax revenues lost as a result of the property tax exemption provided for in this section shall not be subject to any statutory limitation on general fund appropriations because the enactment of this section by the people of Colorado constitutes voter approval of a weakening of any such limitation.

CREDIT(S)

Added by 2000, H.C.R.00-1002, § 1, eff. Dec. 28, 2000. Amended by 2006, S.C.R. 06-001, § 1, eff. upon proclamation of the governor, Dec. 31, 2006.

HISTORICAL AND STATUTORY NOTES

2007 Electronic Update

Senate Concurrent Resolution 06-001, in par. (1)(a), deleted "or" following "date;"; in par. (1)(b), added "or" following "(1);" and added par. (1)(c) and subsecs. (1.3) and (1.5).

Sections 2 and 3 of S.C.R. 06-001 provide:

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: 'An amendment to section 3.5 of article X of the constitution of the state of Colorado, concerning the extension of the existing property tax exemption for qualifying seniors to any United States military veteran who is one hundred percent permanently disabled due to a service-connected disability.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted 'Yes', the said amendment shall become a part of the state constitution."

2001 Main Volume

Sections 2 and 3 of H.C.R. 00-1002 provide:

"Section 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either 'Yes' or 'No' on the proposition: 'An amendment to article X of the Constitution of the state of Colorado, establishing a homestead exemption for a specified percentage of a limited amount of the actual value of owner-occupied residential real property that is the primary residence of an owner-occupier who is sixty-five years of age or older and has resided in such property for ten years or longer, and, in connection therewith, allowing the general assembly by law to adjust the maximum amount of value to such residential real property which such specified percentage shall be exempt, requiring the aggregate statewide valuation for assessment that is attributable to residential real property to be calculated as if the full actual value of all owner-occupied primary residences that are partially exempt from taxation was subject to taxation for the purpose of determining the biennial adjustment to be made to the ratio of valuation for assessment for residential real property, requiring the general assembly to compensate local governmental entities for the net amount of property tax revenues lost as a result of the homestead exemption, specifying that said compensation shall not be included in local government fiscal year spending, authorizing a permanent increase in state and fiscal year spending to defray the cost to the state of said compensation, and specifying that said compensation shall not be subject to any statutory limitation on general fund appropriations.'

"Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution."

The adoption of this section proposed by 2000, H.C.R. 00-1002, § 1, was ratified by the electorate at the general election on November 7, 2000, effective upon the proclamation of the governor, December 28, 2000.

CROSS REFERENCES

Property tax exemption for qualifying seniors,

Auditing of property tax exemption program, see § 39-3-208.

Legislative declaration, see § 39-3-201.

Reporting of exemptions reimbursement to local governmental entities, see § 39-3-207.

Current with amendments adopted through the Nov. 7, 2006 General Election.