

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0506.01 Jessica Herrera x4218

HOUSE BILL 22-1051

HOUSE SPONSORSHIP

Bird and McKean,

SENATE SPONSORSHIP

Zenzinger and Hisey,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATION OF THE COLORADO AFFORDABLE
102 HOUSING TAX CREDIT, AND, IN CONNECTION THEREWITH,
103 EXTENDING THE TIME DURING WHICH THE CREDIT MAY BE
104 CLAIMED AND INCREASING THE YEARLY AMOUNT OF CREDITS
105 THAT CAN BE ALLOCATED.

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>.)

The Colorado housing and finance authority (CHFA), under the Colorado affordable tax credit program, may allocate income tax credits

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

in an annual aggregate amount of up to \$10 million for the years beginning on January 1, 2020, and ending on December 31, 2024. The bill extends this period to December 31, 2034, and increases the annual aggregate cap for the years beginning on January 1, 2023, and ending on December 31, 2034, to \$15 million.

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

2 **SECTION 1.** In Colorado Revised Statutes, 39-22-2102, **amend**
3 (7) introductory portion and (7)(a.5); and **add** (7)(a.7) and (9) as follows:

4 **39-22-2102. Credit against tax - affordable housing**
5 **developments - legislative declaration.** (7) During each calendar year
6 of the period beginning January 1, 2015, and ending ~~December 31, 2024~~
7 DECEMBER 31, 2034, the authority may allocate a credit, the full amount
8 of which may be claimed against the taxes imposed by this article 22 for
9 each taxable year of the six-year credit period. The aggregate amount of
10 all credits allocated by the authority in each calendar year of the period
11 beginning January 1, 2015, and ending ~~December 31, 2024~~ DECEMBER
12 31, 2034, shall not exceed the amount of:

13 (a.5) Ten million dollars for credits allocated annually beginning
14 on January 1, 2020, and ending on ~~December 31, 2024~~ DECEMBER 31,
15 2022, pursuant to subsection (1) of this section and section 39-22-2105
16 combined;

17 (a.7) FIFTEEN MILLION DOLLARS FOR CREDITS ALLOCATED
18 ANNUALLY BEGINNING ON JANUARY 1, 2023, AND ENDING ON DECEMBER
19 31, 2034, PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SECTION
20 39-22-2105 COMBINED;

21 (9) IN ACCORDANCE WITH SECTION 39-21-304 (1), WHICH
22 REQUIRES EACH BILL THAT CREATES A NEW TAX EXPENDITURE OR
23 EXTENDS AN EXPIRING TAX EXPENDITURE TO INCLUDE A TAX PREFERENCE

1 PERFORMANCE STATEMENT AS PART OF A STATUTORY LEGISLATIVE
2 DECLARATION, THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES
3 THAT:

4 (a) THE GENERAL LEGISLATIVE PURPOSES OF THE INCOME TAX
5 CREDIT ALLOWED BY THIS SECTION ARE:

6 (I) TO INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS;
7 AND

8 (II) TO PROVIDE TAX RELIEF FOR CERTAIN BUSINESSES OR
9 INDIVIDUALS;

10 (b) THE SPECIFIC LEGISLATIVE PURPOSE OF THE INCOME TAX
11 CREDIT ALLOWED BY THIS SECTION IS TO ADDRESS THE SHORTAGE OF
12 AFFORDABLE HOUSING IN THE STATE AND INCREASE ACCESS TO
13 AFFORDABLE HOUSING BY ENCOURAGING DEVELOPERS TO BUILD UNITS
14 SPECIFICALLY RESTRICTED FOR RESIDENTS WITH INCOMES BELOW THE
15 AREA MEDIAN INCOME AND ALSO TO ENCOURAGE PRIVATE SECTOR
16 INVESTMENT INTO THE DEVELOPMENT AND PRESERVATION OF
17 AFFORDABLE HOUSING; AND

18 (c) IN ORDER TO ALLOW THE GENERAL ASSEMBLY AND THE STATE
19 AUDITOR TO MEASURE THE EFFECTIVENESS OF ACHIEVING THE PURPOSES
20 SPECIFIED IN SUBSECTIONS (9)(a) AND (9)(b) OF THIS SECTION, THE
21 COLORADO HOUSING AND FINANCE AUTHORITY IS REQUIRED TO PROVIDE
22 THE ANNUAL REPORT DETAILED IN SECTION 39-22-2108 TO THE GENERAL
23 ASSEMBLY AND THE COLORADO STATE AUDITOR.

24 **SECTION 2. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.