

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0152.01 Ed DeCecco x4216

SENATE BILL 14-014

SENATE SPONSORSHIP

Kefalas, Ulibarri

HOUSE SPONSORSHIP

Pettersen, Exum, Fields

Senate Committees

Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROPERTY-RELATED EXPENSE ASSISTANCE GRANTS**
102 **FOR LOW-INCOME SENIORS AND INDIVIDUALS WITH**
103 **DISABILITIES.**

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/billsummaries>.)

Economic Opportunity Poverty Reduction Task Force. Beginning with grants claimed for 2014, the bill modifies the real property tax assistance grants, which includes grants for property tax, specific ownership tax, or tax equivalent payments, (**Section 1** of the bill)

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.

and heat or fuel expenses assistance grants (**Section 4**) for low-income seniors and individuals with disabilities as follows:

- ! Increases the maximum real tax property expense assistance grant from \$600 to \$700;
- ! For claims made for 2014, increases the income limits for grant eligibility from approximately \$12,639 to \$14,937 for individuals and from approximately \$16,935 to \$20,163 for married couples; and
- ! Establishes flat minimum grant amounts for any eligible individual or married couple of \$227 for the real property tax expense assistance grant and \$73 for the heat or fuel expenses assistance grant, assuming that the actual expenses exceed these amounts.

Section 2 clarifies the executive director of the department of revenue's responsibilities for preparing grant application forms and related instructions, and it permits the executive director to develop an electronic form to supplement the paper forms.

Section 3 repeals the requirement that the department of revenue mail copies of the grant forms to county departments of social services and public and private pensions. This mailing is replaced with a requirement that the department of human services conduct specific types of outreach related to the grant. On or before July 1, 2015, the department of human services is required to report about the outreach to the public health care and human services committee of the house of representatives and the health and human services committee of the senate. The department of human services outreach efforts do not affect the department of revenue's responsibility to create the grant forms and pay the grants. The departments are required to share information.

If the department of revenue incorrectly pays a grant as a result of a departmental mistake, **section 5** permits the executive director of the department to waive the reimbursement of the grant and any interest or penalties that accrue.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) There is a property tax, rent, and heat assistance grant program
5 administered by the department of revenue, which is commonly referred
6 to as the PTC rebate program;

7 (b) The PTC rebate program was started in 1972 to provide

1 property tax and rent assistance through grants to low-income seniors, and
2 the program was expanded to include assistance for heating expenses in
3 1980 and to include individuals with disabilities in 1989;

4 (c) The department of revenue administers the program, including
5 application controls and program outreach, and there is a need to improve
6 the department's application, eligibility, and payment controls and the
7 program outreach and administration;

8 (d) Grants are made from the income tax refund reserve without
9 further appropriation;

10 (e) In fiscal year 2012-13 about 21,000 households participated
11 in the program and received a total of \$6.9 million in rebates, which is an
12 average of \$329 for each participating household;

13 (f) The PTC rebate program applies to thousands of low-income
14 Coloradans over age 65, surviving spouses over age 58, or individuals
15 with disabilities who have lived in the state for the entire tax year and
16 have paid property tax, rent, or heating expenses during the year;

17 (g) Qualifying seniors and individuals with disabilities, including
18 veterans, who live in their homes on fixed or low-incomes face greater
19 financial hardships and encounter difficulties in maintaining their homes
20 and living independently with limited resources, and the rebate helps
21 these people stay in their homes;

22 (h) The PTC rebate program helps seniors and individuals with
23 disabilities live independently in their homes and serves as a lifeline for
24 thousands of Coloradans who spend the grants on basic necessities,
25 including home repairs; and

26 (i) Spending grants in local communities is good for business and
27 creates jobs, it allows people to stay in their homes and live with greater

1 dignity as contributing members of society, and it saves taxpayer dollars.

2 (2) Therefore, the general assembly declares the PTC rebate
3 program offers a rational, fiscally prudent, and targeted approach for
4 assisting seniors and individuals with disabilities with essential living
5 expenses, and that it is in the public interest to improve the
6 administration, delivery, and outreach of this program to ensure
7 efficiencies and effectiveness in terms of serving those individuals most
8 in need. Furthermore, it is in the public interest to encourage
9 collaboration between the department of revenue, the department of
10 human services, and community-based organizations to achieve
11 continuous quality improvement of the program.

12 **SECTION 2.** In Colorado Revised Statutes, 39-31-101, **amend**
13 (1) (c) and (2); and **add** (2.3) as follows:

14 **39-31-101. Real property tax assistance - eligibility -**
15 **applicability - definitions.** (1) (c) (I) The grant authorized by this
16 section shall also be allowed to individuals having resided in this state for
17 the entire taxable year and coming within the limitations imposed by
18 subsection (3) of this section who, regardless of age, ~~were disabled~~ HAVE
19 A DISABILITY during the entire taxable year to a degree sufficient to
20 qualify for the payment to them of full benefits from any bona fide public
21 or private plan or source based solely upon such disability.

22 (II) An individual ~~is disabled~~ HAS A DISABILITY for the purposes
23 of subparagraph (I) of this paragraph (c) if such individual is unable to
24 engage in any substantial gainful activity by reason of any medically
25 determinable physical or mental impairment ~~which~~ THAT can be expected
26 to result in death or ~~which~~ THAT has lasted for a continuous period of not
27 less than twelve months.

1 (2) ~~Such~~ A grant ~~shall be~~ IS the amount of the general property
2 taxes actually paid on the residence or the amount of taxes actually paid
3 on a mobile home, plus any tax-equivalent payments computed pursuant
4 to subsection (4) of this section, with respect to the rent of a trailer space
5 during the year for which ~~such~~ THE grant is claimed, the amount of the
6 specific ownership tax actually paid on a trailer coach, or the amount of
7 the tax-equivalent payments, computed pursuant to subsection (4) of this
8 section, actually made during the year for which such grant is claimed,
9 but in no event may it exceed:

10 (a) In the case of an individual:

11 (I) ~~For grants claimed for years commencing prior to January 1,~~
12 ~~1999, five hundred dollars reduced by twenty percent of the amount by~~
13 ~~which the individual's income exceeds five thousand dollars;~~

14 (II) ~~For grants claimed for years commencing on or after January~~
15 ~~1, 1999, but prior to January 1, 2008, six hundred dollars reduced by ten~~
16 ~~percent of the amount by which the individual's income exceeds five~~
17 ~~thousand dollars; and~~

18 (III) For grants claimed for years commencing on or after January
19 1, 2008, BUT BEFORE JANUARY 1, 2014, six hundred dollars reduced by
20 ten percent of the amount by which the individual's income exceeds six
21 thousand dollars in 2008, and, each year thereafter, the amount for the
22 prior year adjusted for inflation; AND

23 (IV) EXCEPT AS SET FORTH IN SUBSECTION (2.3) OF THIS SECTION,
24 FOR GRANTS CLAIMED FOR YEARS COMMENCING ON OR AFTER JANUARY 1,
25 2014:

26 (A) FOR AN INDIVIDUAL WHOSE INCOME IS LESS THAN OR EQUAL
27 TO ELEVEN THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS, SEVEN

1 HUNDRED DOLLARS REDUCED BY TEN PERCENT OF THE AMOUNT BY WHICH
2 THE INDIVIDUAL'S INCOME EXCEEDS SIX THOUSAND SIX HUNDRED
3 THIRTY-NINE DOLLARS; OR

4 (B) FOR AN INDIVIDUAL WHOSE INCOME IS MORE THAN ELEVEN
5 THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS BUT LESS THAN OR
6 EQUAL TO FOURTEEN THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS,
7 TWO HUNDRED TWENTY-SEVEN DOLLARS.

8 (b) In the case of a husband and wife:

9 ~~(I) For grants claimed for years commencing prior to January 1,~~
10 ~~1999, five hundred dollars reduced by twenty percent of their income~~
11 ~~over eight thousand seven hundred dollars;~~

12 ~~(II) For grants claimed for years commencing on or after January~~
13 ~~1, 1999, but prior to January 1, 2008, six hundred dollars reduced by ten~~
14 ~~percent of their income over eight thousand seven hundred dollars; and~~

15 (III) For grants claimed for years commencing on or after January
16 1, 2008, BUT BEFORE JANUARY 1, 2014, six hundred dollars reduced by
17 ten percent of their income over nine thousand seven hundred dollars in
18 2008, and, each year thereafter, the amount for the prior year adjusted for
19 inflation; AND

20 (IV) EXCEPT AS SET FORTH IN SUBSECTION (2.3) OF THIS SECTION,
21 FOR GRANTS CLAIMED FOR YEARS COMMENCING ON OR AFTER JANUARY 1,
22 2014:

23 (A) FOR A HUSBAND AND WIFE WHOSE INCOME IS LESS THAN OR
24 EQUAL TO FIFTEEN THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS, SEVEN
25 HUNDRED DOLLARS REDUCED BY TEN PERCENT OF THEIR INCOME OVER
26 TEN THOUSAND SEVEN HUNDRED THIRTY-ONE DOLLARS; OR

27 (B) FOR A HUSBAND AND WIFE WHOSE INCOME IS MORE THAN

1 FIFTEEN THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS BUT LESS THAN
2 OR EQUAL TO TWENTY THOUSAND ONE HUNDRED SIXTY-THREE DOLLARS,
3 TWO HUNDRED TWENTY-SEVEN DOLLARS.

4 (2.3) FOR GRANTS CLAIMED FOR YEARS COMMENCING ON OR AFTER
5 JANUARY 1, 2015, THE INCOME THRESHOLDS USED TO DETERMINE THE
6 ELIGIBILITY FOR AND AMOUNT OF A GRANT PURSUANT TO SUBSECTION (2)
7 OF THIS SECTION ARE EQUAL TO THE INCOME THRESHOLDS FOR THE PRIOR
8 YEAR ADJUSTED FOR INFLATION.

9 **SECTION 3.** In Colorado Revised Statutes, 39-31-102, **amend**
10 (1) and (2) as follows:

11 **39-31-102. Procedures to obtain grant - department of revenue**

12 **- responsibilities.** (1) (a) A grant authorized by section 39-31-101 or
13 39-31-104 shall be paid from the reserve for refunds created by section
14 39-22-622. Payments shall be made on a quarterly basis, with the amount
15 of each payment equal to the total amount of the grant divided by the
16 number of quarters remaining in the calendar year in which the grant is
17 awarded, with the calculation including the quarter in which the grant is
18 awarded. Claimants meeting all qualification requirements for an entire
19 taxable year shall be entitled to a grant allowable pursuant to section
20 39-31-101 or 39-31-104. Grants paid pursuant to this subsection (1) shall
21 be included for informational purposes in the general appropriation bill
22 or in supplemental appropriation bills for the purpose of complying with
23 the limitation on state fiscal year spending imposed by section 20 of
24 article X of the state constitution and section 24-77-103, C.R.S.

25 (b) THE DEPARTMENT OF REVENUE SHALL UPDATE ITS DATABASE
26 ON A PERIODIC BASIS AS NECESSARY TO ENSURE THAT ALL ELIGIBLE
27 CLAIMANTS ARE RECEIVING THE GRANTS.

1 (2) ~~A grant~~ THE EXECUTIVE DIRECTOR SHALL PRESCRIBE THE
2 FORMS TO BE USED FOR THE GRANTS authorized by section 39-31-101 or
3 39-31-104 ~~shall be claimed on such forms as prescribed by the executive~~
4 ~~director~~ AND PREPARE ANY INSTRUCTIONS RELATED TO THE FORMS. THE
5 EXECUTIVE DIRECTOR MAY CREATE AN ELECTRONIC FORM TO BE USED IN
6 ADDITION TO THE PAPER FORM. If a sales tax refund is allowed for any
7 given income tax year in accordance with section ~~39-22-120~~ or
8 39-22-2002, ~~such forms~~ THE EXECUTIVE DIRECTOR shall include
9 provisions ~~allowing~~ ON THE FORMS TO ALLOW qualified individuals to
10 apply for the refund pursuant to section ~~39-22-120 (5) (c)~~ or 39-22-2003
11 (5) (c). TO RECEIVE A GRANT, AN INDIVIDUAL MUST CLAIM THE GRANT ON
12 THE EXECUTIVE DIRECTOR'S FORM.

13 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
14 **with amendments,** 39-31-103 as follows:

15 **39-31-103. Department of human services - outreach -**
16 **departmental information sharing.** (1) THE DEPARTMENT OF HUMAN
17 SERVICES SHALL CONDUCT OUTREACH FOR THE GRANTS AVAILABLE UNDER
18 THIS ARTICLE. AS PART OF THIS DUTY, THE DEPARTMENT SHALL:

- 19 (a) TARGET THE OUTREACH TO PARTICIPANTS IN OTHER STATE
20 BENEFIT PROGRAMS;
- 21 (b) INCORPORATE THE OUTREACH INTO EXISTING MEDIA
22 CAMPAIGNS;
- 23 (c) WORK WITH COUNTY DEPARTMENTS OF HUMAN OR SOCIAL
24 SERVICES;
- 25 (d) COLLABORATE WITH INTERESTED COMMUNITY-BASED
26 ORGANIZATIONS, INCLUDING SHARING OF OUTREACH EXPENSES; AND
- 27 (e) UNDERTAKE ANY OTHER MEASURES THAT IT DEEMS NECESSARY

1 TO ENSURE COLLABORATION AND COST-EFFECTIVE OUTREACH THAT
2 IMPROVES PROGRAM PARTICIPATION.

3 (2) THE DEPARTMENT OF HUMAN SERVICES MAY SOLICIT, RECEIVE,
4 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM ANY PERSON,
5 INCLUDING COMMUNITY-BASED ORGANIZATIONS, FOR THE PURPOSE OF
6 PAYING ANY PART OF THE OUTREACH.

7 (3) (a) ON OR BEFORE JULY 1, 2015, AND JULY 1 OF EVERY
8 ODD-NUMBERED YEAR THEREAFTER, THE DEPARTMENT OF HUMAN
9 SERVICES SHALL REPORT TO THE PUBLIC HEALTH CARE AND HUMAN
10 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
11 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY
12 SUCCESSOR COMMITTEES, ABOUT ITS OUTREACH CONDUCTED PURSUANT
13 TO THIS SECTION. IN THE REPORT, THE DEPARTMENT SHALL INCLUDE A
14 DESCRIPTION OF:

15 (I) THE TYPES OF OUTREACH UNDERTAKEN BY THE DEPARTMENT;

16 (II) THE SUCCESS OF THE OUTREACH AS MEASURED BY PUBLIC
17 PARTICIPATION, INCLUDING THE PARTICIPATION BY ELIGIBLE MEMBERS OF
18 RACIAL AND ETHNIC MINORITY POPULATIONS, OR OTHER INDICATORS THAT
19 THE DEPARTMENT CAN EVALUATE;

20 (III) ANY RECOMMENDATIONS FOR STATUTORY CHANGES THAT
21 WOULD HELP IMPROVE PROGRAM PARTICIPATION; AND

22 (IV) ANY OTHER RECOMMENDATIONS RELATED TO THE GRANTS
23 MADE UNDER THIS ARTICLE.

24 (b) THIS SUBSECTION (3) IS EXEMPT FROM THE PROVISIONS OF
25 SECTION 24-1-136 (11), C.R.S., AND THE PERIODIC REPORTING
26 REQUIREMENTS OF THIS SECTION ARE EFFECTIVE UNTIL CHANGED BY THE
27 GENERAL ASSEMBLY ACTING BY BILL.

1 (4) NOTHING IN THIS SECTION CHANGES THE DEPARTMENT OF
2 REVENUE'S RESPONSIBILITY TO CREATE THE GRANT FORMS AND TO PAY
3 THE GRANTS UNDER THIS ARTICLE.

4 (5) THE DEPARTMENT OF REVENUE AND THE DEPARTMENT OF
5 HUMAN SERVICES SHALL SHARE INFORMATION AND COLLABORATE AS IS
6 NECESSARY FOR EACH DEPARTMENT TO EFFICIENTLY ADMINISTER THIS
7 ARTICLE.

8 **SECTION 5.** In Colorado Revised Statutes, 39-31-104, **amend**
9 (1) (c) and (2); and **add** (2.3) as follows:

10 **39-31-104. Heat or fuel expenses assistance - eligibility -**
11 **applicability - definitions.** (1) (c) (I) The grant authorized by this
12 section shall also be allowed to individuals having resided in this state for
13 the entire taxable year and coming within the limitations imposed by
14 subsection (3) of this section who, regardless of age, ~~were disabled~~ HAVE
15 A DISABILITY during the entire taxable year to a degree sufficient to
16 qualify for the payment to them of full benefits from any bona fide public
17 or private plan or source based solely upon such disability.

18 (II) An individual ~~is disabled~~ HAS A DISABILITY for the purposes
19 of subparagraph (I) of this paragraph (c) if such individual is unable to
20 engage in any substantial gainful activity by reason of any medically
21 determinable physical or mental impairment ~~which~~ THAT can be expected
22 to result in death or ~~which~~ THAT has lasted for a continuous period of not
23 less than twelve months.

24 (2) ~~Such~~ THE grant shall be as follows:

25 (a) In the case of an individual:

26 (I) ~~For grants claimed for years commencing prior to January 1,~~
27 ~~1999, one hundred sixty dollars reduced by six and four-tenths percent of~~

1 ~~the amount by which the individual's income exceeds five thousand~~
2 ~~dollars;~~

3 (II) ~~For grants claimed for years commencing on or after January~~
4 ~~1, 1999, but prior to January 1, 2008, one hundred ninety-two dollars~~
5 ~~reduced by three and two-tenths percent of the amount by which the~~
6 ~~individual's income exceeds five thousand dollars; and~~

7 (III) For grants claimed for years commencing on or after January
8 1, 2008, BUT BEFORE JANUARY 1, 2014, one hundred ninety-two dollars
9 reduced by three and two-tenths percent of the amount by which the
10 individual's income exceeds six thousand dollars in 2008, and, each year
11 thereafter, the amount for the prior year adjusted for inflation; AND

12 (IV) EXCEPT AS SET FORTH IN SUBSECTION (2.3) OF THIS SECTION,
13 FOR GRANTS CLAIMED FOR YEARS COMMENCING ON OR AFTER JANUARY 1,
14 2014:

15 (A) FOR AN INDIVIDUAL WHOSE INCOME IS LESS THAN OR EQUAL
16 TO ELEVEN THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS, ONE
17 HUNDRED NINETY-TWO DOLLARS REDUCED BY TEN PERCENT OF THE
18 AMOUNT BY WHICH THE INDIVIDUAL'S INCOME EXCEEDS SIX THOUSAND SIX
19 HUNDRED THIRTY-NINE DOLLARS; OR

20 (B) FOR AN INDIVIDUAL WHOSE INCOME IS MORE THAN ELEVEN
21 THOUSAND THREE HUNDRED SIXTY-NINE DOLLARS BUT LESS THAN OR
22 EQUAL TO FOURTEEN THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS,
23 SEVENTY-THREE DOLLARS.

24 (b) In the case of a husband and wife:

25 (I) ~~For grants claimed for years commencing prior to January 1,~~
26 ~~1999, one hundred sixty dollars reduced by six and four-tenths percent of~~
27 ~~their income over eight thousand seven hundred dollars;~~

1 (II) ~~For grants claimed for years commencing on or after January~~
2 ~~1, 1999, but prior to January 1, 2008, one hundred ninety-two dollars~~
3 ~~reduced by three and two-tenths percent of their income over eight~~
4 ~~thousand seven hundred dollars; and~~

5 (III) For grants claimed for years commencing on or after January
6 1, 2008, BUT BEFORE JANUARY 1, 2014, one hundred ninety-two dollars
7 reduced by three and two-tenths percent of their income over nine
8 thousand seven hundred dollars in 2008, and, each year thereafter, the
9 amount for the prior year adjusted for inflation; AND

10 (IV) EXCEPT AS SET FORTH IN SUBSECTION (2.3) OF THIS SECTION,
11 FOR GRANTS CLAIMED FOR YEARS COMMENCING ON OR AFTER JANUARY 1,
12 2014:

13 (A) FOR A HUSBAND AND WIFE WHOSE INCOME IS LESS THAN OR
14 EQUAL TO FIFTEEN THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS, ONE
15 HUNDRED NINETY-TWO DOLLARS REDUCED BY TEN PERCENT OF THEIR
16 INCOME OVER TEN THOUSAND SEVEN HUNDRED THIRTY-ONE DOLLARS; OR

17 (B) FOR A HUSBAND AND WIFE WHOSE INCOME IS MORE THAN
18 FIFTEEN THOUSAND FOUR HUNDRED SIXTY-ONE DOLLARS BUT LESS THAN
19 OR EQUAL TO TWENTY THOUSAND ONE HUNDRED SIXTY-THREE DOLLARS,
20 SEVENTY-THREE DOLLARS.

21 (2.3) FOR GRANTS CLAIMED FOR YEARS COMMENCING ON OR AFTER
22 JANUARY 1, 2015, THE INCOME THRESHOLDS USED TO DETERMINE THE
23 ELIGIBILITY FOR AND AMOUNT OF A GRANT PURSUANT TO SUBSECTION (2)
24 OF THIS SECTION ARE EQUAL TO THE INCOME THRESHOLDS FOR THE PRIOR
25 YEAR ADJUSTED FOR INFLATION.

26 **SECTION 6.** In Colorado Revised Statutes, **amend** 39-31-105 as
27 follows:

1 **39-31-105. Executive director - rule-making - collection of**
2 **erroneous payments - waiver.** (1) The executive director of the
3 department of revenue may promulgate rules necessary for the
4 administration of this article. Such rules shall be promulgated in
5 accordance with article 4 of title 24, C.R.S.

6 (2) IF THE DEPARTMENT OF REVENUE INCORRECTLY PAYS A GRANT
7 UNDER SECTION 39-31-101 OR 39-31-104 AS A RESULT OF A
8 DEPARTMENTAL ERROR, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
9 MAY WAIVE THE REIMBURSEMENT OF THE GRANT AND ANY RELATED
10 INTEREST OR PENALTIES THAT ACCRUE.

11 **SECTION 7. Effective date.** This act takes effect July 1, 2014.

12 **SECTION 8. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.