

Colorado Senior Property Tax Exemption

The homestead exemption for senior citizens is available to qualifying seniors and the surviving spouses of seniors who previously qualified. The three basic requirements are: 1) the qualifying senior must be at least 65 years old on January 1 of the year in which he/she qualifies; 2) the qualifying senior must be the owner of record, and must have been the owner of record for at least ten consecutive years prior to January 1; 3) the qualifying senior must occupy the property as his/her primary residence, and must have done so for at least ten consecutive years prior to January 1.

In 2003, the Legislature temporarily suspended funding for the senior exemption program. Funding is scheduled to return for assessment year 2006, payable 2007. When it does, the exemption will reduce the actual value of your residential property by 50% up to a maximum reduction of \$100,000. The state pays the tax on the exempted value.

An applicant or married couple can apply for the exemption on **only one property**. That property must be his/her or their primary residence. Married couples and individuals who apply for the exemption on multiple properties will be denied the exemption on each property. For the purpose of the exemption, “**primary residence**” is synonymous with “residence” as defined for voter registration purposes in Title 1, Article 1, Section 104(43), of the Colorado Revised Statutes. The statute is quoted as follows: “‘Residence’ means the principal or primary home or place of abode of a person, as set forth in section 1-2-102.” Pertinent sections of 1-2-102(1), C.R.S. include the following:

(a) (I) The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person’s habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. No vacant lot or business address shall be considered a residence.

(b) In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, existence of any other residences and the amount of time spent at each residence, and motor vehicle registration.

(c) The residence given for voting purposes shall be the same as the residence given for motor vehicle registration and for state income tax purposes.

The **social security numbers** of the applicant and each additional person who occupies the property as his or her primary residence are required by law, 39-3-205(2)(a)(I) and (III) C.R.S. They are used to ensure that no individual or married couple receives the exemption on more than one property.

Two application forms have been created for the exemption. The attached Short Form is intended for qualifying seniors who meet each of the requirements stated above. The Long Form must be used by individuals applying under the surviving spouse option and for applicants applying as the qualifying senior who fall within certain exceptions to the occupancy and ownership requirements.

Exceptions to the occupancy and ownership requirements are as follows: 1) the ownership has been transferred to or purchased by a trust, corporate partnership or other legal entity solely for estate planning purposes; 2) the qualifying senior or his/her spouse was or is confined to a health care facility; 3) the prior residence was condemned in an eminent domain proceeding.

The **surviving spouse** of an individual who previously qualified is someone who was married to a senior who met each of the application requirements on January 1 of the year of application. A surviving spouse must occupy the property as his or her primary residence, and must have done so with his or her spouse. Qualifications for the surviving spouse option are listed below under “Long Form Qualifications.”

The application deadline for either form is **July 15** of the year for which you are seeking exemption. (The assessor is authorized to accept late applications until September 15 if the applicant can show good cause for missing the July 15 deadline.) The exemption must be applied for only once, and it remains in effect for subsequent years as long as the property ownership and occupancy do not change. Your county assessor has a brochure containing additional information about the exemption.

Short Form Qualifications

The application deadline for the attached Short Form is **July 15**. The form can be used by applicants who meet each of the following requirements.

Age Requirement: You are 65 years old or older as of January 1 of the year for which you are seeking exemption.

Ownership Requirement: You are the current owner of record, and you have owned the property for at least 10 consecutive years prior to January 1 of the tax year for which you are seeking the exemption. (You do not have to be the sole owner of the property. You can own it with your spouse or with someone else. You can also own a life estate in the property.)

If your Spouse is/was the Owner of Record: For the purpose of the exemption, you are also considered an owner of the property for periods during which your spouse and not you was the owner of record if, during those periods, your spouse and you were married and your spouse also occupied the property as his or her primary residence.

Occupancy Requirement: You occupy the property as your primary residence, and you have done so for at least 10 consecutive years prior to January 1 of this year.

Long Form Qualifications

If any of the following conditions is true, you may still qualify for the exemption; but you must use the long application form. The Long Form can be obtained by calling your County Assessor at the phone number listed on this brochure. The deadline for applying with this form is also **July 15**.

Exceptions to Ownership & Occupancy Requirements:

If Property is Owned by Trust, Corporate Partnership or Legal Entity: The ownership requirement may be satisfied if your property is owned by a trust, a corporate partnership, or other legal entity solely for estate planning purposes. You and/or your spouse must be the maker of the trust or a principal of the corporate partnership or legal entity. If the property was not owned by the trust, corporate partnership or legal entity, it would be owned by you and/or your spouse.

If Confined to Healthcare Facility: The occupancy requirement may be satisfied even though occupancy has been interrupted by confinement of the applicant or spouse in a nursing home, hospital or assisted living facility. While confined to the health care facility, the property was/is unoccupied, or it was/is occupied only by the spouse of the person confined or by a financial dependent.

If Prior Residence was Condemned: The ownership and occupancy requirements may be satisfied if the reason for not meeting the 10-year time frame is due to the condemnation of the prior residence by a governmental entity in an eminent domain proceeding. Had that not occurred, you would still live in the prior residence, and you would meet the 10-year ownership and occupancy requirements for that property, or you would qualify as a surviving spouse for that property. Since condemnation, you have not owned and occupied any residence other than the current residence.

If You are the Surviving Spouse of a Qualified Senior: You qualify as a surviving spouse if each of the following is true: A) On January 1, 2002 or any January 1 thereafter, your husband or wife met the age, ownership, and occupancy requirements stated above under “Short Form Qualifications”; B) You currently occupy the property as your primary residence, and you did so with your spouse; C) The property has been owned by you and/or your spouse for at least 10 years prior to January 1 of this year.

Beverly Breakstone, Summit County Assessor
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File no later than July 15

**SHORT FORM: PROPERTY TAX EXEMPTION FOR SENIORS
CONFIDENTIAL**

Applicant's First Name, Middle Initial, and Last Name		Social Security Number	Date of Birth
Legal Description of Property			Schedule Number
City or Town	State	Zip Code	Telephone Number
Mailing Address			Check box if ownership is held in a life estate. <input type="checkbox"/>

Age, Occupancy, and Ownership Requirements

Each question must be answered "True" to qualify using this form. If any question is false, please review the "Long Form Qualifications" on the back of this form to see if you still qualify.

As of January 1 of this year, I am at least 65 years old. True False

The owner of record for the property described above is a) me, b) my spouse, or c) both of us. The property has been owner by one or both of us for at least **10 consecutive years** prior to January 1 of this year. During periods when the property was owned by my spouse and not me, my spouse and I were married and my spouse occupied the property as his or her primary residence. True False

I occupy the property described above as my primary residence, and I have done so for at least **10 consecutive years** prior to January 1 of this year. True False

Each additional person who occupies the property as his/her primary residence must be listed here.
(Attach an additional sheet if necessary.)

Person who also occupies property as primary residence	Spouse <input type="checkbox"/> Yes <input type="checkbox"/> No	Social Security Number
Person who also occupies property as primary residence		Social Security Number
Person who also occupies property as primary residence		Social Security Number

Affidavit and Signature

I declare, under penalty of perjury in the second degree (18-8-503, C.R.S.), that the information I provided on this form and on any attachment is correct.

Signature: _____ Date: _____
 Signer is: Applicant Spouse Guardian Conservator Attorney-in-fact

If signer is guardian, conservator or attorney-in-fact, you must provide authorization in the form of a court order or power of attorney.

Other Contact: _____ Telephone Number: _____
 (relative, personal representative, etc.)

The assessor **must be informed** of any change in ownership or occupancy of the property **within 60 days** of when the change occurs.
 Mail or deliver this form to the Summit County Assessor's Office by **July 15**.
 We recommend you **obtain a receipt** when delivering the form in person, or mail the form by **certified mail**.

SHORT FORM INSTRUCTIONS

- Note:** You must include the name and social security number of each person who occupies the property as his or her primary residence.
- Please provide your name, social security number, and date of birth. (Your spouse should be identified on this form, even if he or she also qualifies.)
 - Identify the property location (legal description) and its schedule number.
 - List the city or town and zip code of the property, and list the telephone number where you can be reached during the daytime.
 - List your mailing address. (If your mailing address is not located in the same community, please attach an explanation.)
 - Check the box if title is held in a life estate. The information helps the assessor process the application.
 - Age, Occupancy and Ownership. In order to use the Short Form, all three questions in this section must be answered "True". If any answers are "False", please review the Long Form Qualifications to see if you still qualify.
 - Each additional person who occupies the property as his or her primary residence must be listed here, along with his or her social security number. The form will be kept confidential. If your husband or wife occupies the property, he or she must be listed on the first line and identified as your spouse. If more than three additional people occupy the property, you can attach an additional sheet with their names and social security numbers.
 - You must sign and date the form. If the form is signed on behalf of the applicant by a guardian, conservator, or attorney-in-fact, that person must provide documentation of his or her authority in the form of a court order or power of attorney. If there is a contact person other than the applicant, please provide the name and daytime telephone number of that person.

If you have any questions, please contact the Summit County Assessor's Office at 970-453-3480.