

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. 21-0552
COMMITTEE OF REFERENCE:
4 Business, Arts, Workforce, & Aviation Services

5 **A BILL**

6 **For an ordinance amending sections 53-541 through 53-545 of Chapter 53,**
7 **Article XVI, “Business Personal Property Tax Credits for New or Expanded**
8 **Businesses,” of the Revised Municipal Code.**

9
10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11
12 **Section I.** Section 53-541 of the Denver Revised Municipal Code is hereby amended by
13 deleting the language stricken and adding the language underlined below, to read as follows:

14
15 Sec. 53-541 Credit against personal property taxes.

16
17 Each qualifying taxpayer is entitled to enter into an agreement with the
18 City and County of Denver for an incentive tax credit in the amount of the
19 general fund portion of the taxes upon the taxpayer's taxable personal property
20 assessed by the City and County of Denver upon the taxable personal property
21 located at or within a new business facility, or directly attributable to an
22 expanded business facility and located at or within the expanded facility, and
23 used in connection with the operation of the new or expanded facility. The term
24 of the agreement made pursuant to the provisions of this section shall not
25 exceed four (4) years, except where a qualifying taxpayer commits to invest in
26 greater than \$50 million in taxable personal property to be located at or within
27 the new or expanded business facility, and to be used in connection with the
28 operation of the business facility, during the term of the agreement, in which
29 case the term may, in the discretion of denver economic development &
30 opportunity (DEDO), exceed four (4) years but shall not exceed ten (10) years.
31 The credit will be applied against only the general fund portion of the subject
32 taxes, and will not be applied against taxes that are specifically pledged for other
33 purposes. The credit is not available with respect to personal property whose
34 value is determined by the State of Colorado.

35
36 **Section II.** Section 53-542 of the Denver Revised Municipal Code is hereby amended by
37 deleting the language stricken and adding the language underlined below, to read as follows:

38
39 Sec. 53-542 Qualifying taxpayers.

40
41 To be a qualifying taxpayer, a taxpayer must:

- 42
43 (1) Establish a ~~new business facility in the city and county~~, as defined in
44 section C.R.S. ~~§ 39-30-105(7)(e)~~ § 39-30-105.1(6)(b), in the city and
45 county; or

1 (2) Expand a facility ~~in the city and county~~, as defined in C.R.S. ~~§ 39-30-~~
2 ~~105(7)(e)~~ § 39-30-105.1(6)(e), in the city and county, the expansion
3 of which ~~constitutes a new business facility~~ authorizes the taxpayer
4 to claim a credit described in C.R.S. ~~§ 39-30-105(7)(e)~~ § 39-30-105.1,
5 and that is located in the city and county.

6
7 **Section III.** Section 53-543 of the Denver Revised Municipal Code is hereby amended by
8 deleting the language stricken and adding the language underlined below, to read as follows:
9

10 Sec. 53-543 Determination and application of credit; agreement.

11
12 Upon application for a personal property tax credit to ~~the office of~~
13 ~~economic development (OED), the OED~~ DEDO, DEDO shall determine
14 whether the taxpayer and the taxpayer's personal property meet the criteria of
15 sections 53-541 and 53-542.
16

- 17 (1) If ~~DEDO~~ ~~the OED~~ determines that a taxpayer and the taxpayer's
18 personal property meet the criteria of sections 53-541 and 53-542,
19 DEDO ~~the OED~~ shall consult with the department of finance to
20 establish which personal property is valued, assessed, and taxable
21 by the City and County of Denver.
- 22 (2) When DEDO ~~the OED~~ and the department of finance have determined
23 which personal property is valued, assessed and taxable by the City
24 and County of Denver, DEDO ~~the OED~~ shall offer to the qualifying
25 taxpayer an agreement setting forth the terms and conditions upon
26 which the qualifying taxpayer may receive a tax credit.
- 27 (3) Agreements between the city and qualifying taxpayers shall include,
28 without limitation, terms and conditions necessary to demonstrate the
29 taxpayer's eligibility for the tax credit throughout the term of the
30 agreement.
31

32 **Section IV.** Section 53-544 of the Denver Revised Municipal Code is hereby amended by
33 deleting the language stricken and adding the language underlined below, to read as follows:
34

35 Sec. 53-544 Administration.

36
37 The administration of this article is vested in the manager of finance
38 and the director of ~~DEDO~~ ~~OED~~, who shall prescribe application forms,
39 submittal deadlines and other program requirements, and who may make
40 reasonable rules and regulations in conformity with this article for the proper
41 administration of the same.
42

43 **REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**
44

1 **Section V.** Section 53-545 of the Denver Revised Municipal Code is hereby amended by
2 deleting the language stricken and adding the language underlined below, to read as follows:

3
4 Sec. 53-545 Review and Sunset.

5
6 (1) Reserved. ~~This article XVI shall be reviewed by the mayor, the director of OED~~
7 ~~and the manager of finance on the sixth anniversary of its enactment, in order~~
8 ~~to determine whether adjustments, revisions, additional studies or inquiries are~~
9 ~~deemed appropriate and should be undertaken or recommended, in order to~~
10 ~~further and maintain the purpose of this article XVI.~~

11 (2) This article XVI will be repealed effective June 30, 2031 ~~2022~~. Agreements fully
12 executed prior to the effective date of the repeal shall remain in effect in
13 accordance with their terms.

14
15 COMMITTEE APPROVAL DATE: May 19, 2021.

16 MAYOR-COUNCIL DATE: May 25, 2021 by Consent.

17 PASSED BY THE COUNCIL: _____

18 _____ - PRESIDENT

19 APPROVED: _____ - MAYOR _____

20 ATTEST: _____ - CLERK AND RECORDER,
21 EX-OFFICIO CLERK OF THE
22 CITY AND COUNTY OF DENVER

23 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

24 PREPARED BY: Brian L. Martin, Assistant City Attorney DATE: May 27, 2021

25 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
26 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
27 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
28 §3.2.6 of the Charter.

29 Kristin M. Bronson, Denver City Attorney

30 BY: Jonathan Griffin, Assistant City Attorney DATE: May 26, 2021