

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2021

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

A B I L L

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

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

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

Sec. 53-541 Credit against personal property taxes.

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

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

Sec. 53-542 Qualifying taxpayers.

To be a qualifying taxpayer, a taxpayer must:

- (1) Establish a ~~new business facility in the city and county~~, as defined in section C.R.S. ~~§ 39-30-105(7)(e)~~ § 39-30-105.1(6)(b), in the city and 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:
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10 Sec. 53-543 Determination and application of credit; agreement.

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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

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

Sec. 53-545 Review and Sunset.

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

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

COMMITTEE APPROVAL DATE: May 19, 2021.

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

PASSED BY THE COUNCIL: June 14, 2021

Steve Gilmore

- PRESIDENT

APPROVED: _____ - MAYOR

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

NOTICE PUBLISHED IN THE DAILY JOURNAL: _____;

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

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

Kristin M. Bronson, Denver City Attorney

BY: Jonathan Griffin, Assistant City Attorney

DATE: May 26, 2021