Important Information and Instructions for
Filing a Petition for Abatement or Refund of Taxes

- The abatement process is used to correct taxes that have been levied erroneously or illegally due to erroneous valuation for assessment, irregularity in levying, clerical error, or overvaluation, § 39-10-114(1)(a)(I)(A), C.R.S.

- The law states that if the property value was protested for the year(s) in question and a Notice of Determination was issued, no abatement or refund of taxes shall be made on grounds of overvaluation, § 39-10-114(1)(a)(I)(D), C.R.S.

- Abatements and refunds are limited by law to two years, § 39-10-114(1)(a)(I)(A), C.R.S. During calendar year 2016, a petitioner may only request an abatement or refund for tax years 2014 and/or 2015.

- To file for an abatement or refund of taxes, the owner/petitioner must complete **Section I** of the **"Petition for Abatement or Refund of Taxes."**

- Property is valued based on the property's physical characteristics in place on January 1 of the valuation year in question.

- With the market approach to value, the actual value of property is determined by analysis of comparable properties that sold within a specified time period. For tax years 2015 and 2016, that time period is January 1, 2013 through June 30, 2014. However, in cases where comparable sales are limited, the assessor is authorized to consider sales that occurred prior to June 30,2014, in six-month increments, up to five years prior to June 30, 2014. <u>If the petitioner attaches sales information to an abatement petition to support a lower valuation for the property, the information must be from the appropriate time period described above.</u> Sales information submitted from outside the proper time period for a given tax year cannot be considered by the county assessor or the board of county commissioners (commissioners) when reviewing your abatement petition.

- Submit the signed petition to the county assessor's office.

- The assessor's office will review the submitted abatement petition and will recommend approval or denial to the commissioners. The commissioners may authorize the assessor to approve petitions for abatement or refund for $10,000 or less in taxes, per schedule, per year, provided the petitioner and the assessor mutually agree to an adjustment.

- If the petition requires a hearing before the commissioners, the petitioner will be notified of the date and time of the hearing where the petitioner will have the opportunity to present information to support the request for abatement or refund. A representative from the assessor's office may attend the hearing.

- After the hearing, the commissioners will notify the petitioner of their decision to approve or deny the petition in whole or in part.

- If the abatement is approved by the commissioners and the tax amount to be abated is $10,000 or less, the commissioners submit the petition to the county treasurer for processing.

- If the abatement is approved by the commissioners and the tax amount to be abated is more than $10,000, the abatement must be approved by the property tax administrator at the Colorado Division of Property Taxation.

- If the petitioner is not satisfied with the commissioners' decision or with the decision of the Property Tax Administrator, the decision may be appealed to the State Board of Assessment Appeals. For additional information, contact the Board of Assessment Appeals at (303) 864-7710 or at www.dola.colorado.gov/baa.