

## Contiguous Residential Land FAQ

### What is the difference between Vacant Land and contiguous Residential Land?

Vacant Land is any parcel of land that does not have a building or residence built on it (unimproved) as of the Assessment Date- January 1<sup>st</sup> each year. Vacant Land is Assessed at 29% of its Actual Value. Contiguous Residential Land is also unimproved but is contiguous to a residentially improved parcel and is assessed at the Residential rate.

### How does land qualify as contiguous Residential Land?

For Vacant Land to be classified as Residential Land, it needs to have a residential dwelling on it, or it must meet the following criteria, as established by law.

1. The Vacant Land parcel must be contiguous with the Residentially improved parcel.
2. The contiguous parcel must contain a related improvement that is *essential* to the use of the Residentially improved property.
3. Both parcels must have identical ownership.

### What does “contiguous” mean?

As stated in the Colorado Revised Statute 39-1-102(14.4) (A); “contiguous” means that the parcels physically touch; except that contiguity is not interrupted by an intervening local street, alley or common element in a common-interest community.”

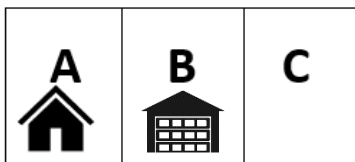
### What does “related improvement” mean?

As stated in the Colorado Revised Statute 39-1-102(14.4) (B); “related improvement” means a driveway, parking space, or improvement other than a building, or that portion of a building designed for use predominantly as a place of residency by a person, a family, or families.”

### What does “identical ownership” mean?

Simply put, “identical ownership” means that both the residentially improved parcel and the contiguous parcel with a related improvement must have identical ownership, as established by the County’s recorded documents. This meaning was affirmed in *Lannie v. Board of County Commissioners, 2020 COA 77*, by the Colorado Court of Appeals.

### I own multiple contiguous parcels, Lots A, B & C. My house is on Lot A. Lot B has a related improvement and Lot C is vacant. Which lots are classified as Residential Land?



Assuming all three of the criteria mentioned above have been met, lot B will be classified as Residential Land because it contains a related improvement that is essential to the use of the residentially improved parcel (a garage). Lot C is vacant and would not be classified as Residential Land. Furthermore, In *Ziegler v. Board of County Commissioners, 2020 CO 13*, the Colorado Supreme Court affirmed that related improvements must be “an integral part of the residential use.”

**If my spouse and I own a residentially improved property together, but only I own the neighboring parcel with a related improvement, can the neighboring parcel qualify as contiguous Residential Land?**  
No. As the courts affirmed, all contiguous properties must have identical ownership as represented in the County's recorded documents.

**I own a home on one parcel and another parcel with a related improvement is located across the street. Does the parcel with a related improvement qualify for Residential Land?**

Possibly. If your residentially improved parcel and the parcel that has a related improvement are separated by a physical Right of Way or common element, the parcel *may* be classified residentially if it is considered essential to the use of the residentially improved parcel. Furthermore, In *Hogan v. Board of County Commissioners*, 2020 CO 12, the Colorado Supreme Court stated, "that a landowner must use multiple parcels of land together as a collective unit of residential property..." Put another way, all contiguous properties must be *used* residentially and as though they are a greater, single parcel of land.

**I received a letter from the Assessor's Office stating that my property no longer qualifies for the contiguous Residential Land classification. Is there anything I can do to qualify once again?**

It depends and may be a question for legal counsel. If *identical ownership* is the only criteria not met, you can record a deed or other means of ownership transfer to make all contiguous parcels under identical ownership. In order to qualify for the 2022 tax year, the deed must be recorded by January 1<sup>st</sup>, 2022. If you do not qualify under a different criterion, please consult with an attorney to consider your options.