



Attention Tax Council Members:

The Colorado Department of Revenue, Division of Taxation, is seeking input from stakeholders regarding drafts of the following amended rules. The Department prepared the following drafts to aid in the process of soliciting public comments.

- [Rule 39-22-119. Child Care Expenses Tax Credit](#) – The purpose of this amendment is to repeal parts of the rule that are duplicative of statute, explain that the child care expense tax credit must be adjusted if the federal credit on which it is based is adjusted, and to clarify the proper apportionment of the credit allowed to part-year Colorado residents.
- [Rule 39-22-119.5. Low-Income Child Care Expenses Tax Credit](#) – The purpose of this rule is to describe the proper apportionment of the low-income child care expenses tax credit allowed to part-year Colorado residents.
- [Rule 39-22-120. TABOR Credits and Subtractions Subject to Excess Revenues](#) – The purpose of this amendment is to repeal this rule because its provisions are either obsolete or duplicative with statute.
- [Rule 39-22-123. Earned Income Credit](#) – The purpose of this amendment is to repeal this rule because it is obsolete. The credit in section 39-22-123, C.R.S., was available only in TABOR surplus years and only in income tax years for which a credit was not allowed under section 39-22-123.5, C.R.S. On January 1, 2016, the credit in section 39-22-123.5, C.R.S., became available every tax year and superseded the credit in section 39-22-123, C.R.S.
- [Rule 39-22-123.5. Earned Income Tax Credit](#) – The purpose of this rule is to clarify the availability and calculation of the earned income tax credit.

The Department does not plan to convene a stakeholder workgroup prior to formal rulemaking unless comments indicate one is necessary. In lieu of a workgroup, the Department would greatly appreciate written feedback on the draft rules. Please submit comments on the draft rules by emailing your comments to dor_taxrules@state.co.us. **Written comments will be accepted through July 8, 2021.**

After evaluating the comments, the Department will determine whether the draft rules should move forward and, if so, whether further revisions to the rules are necessary. If the Department moves forward with the draft rules, additional comments will be accepted following a notice of proposed rulemaking.

Please contact Loren Furman at lfurman@cochamber.com if you should have any questions regarding this matter.

Thank you!

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