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CO Ruling Says Tax-Increment Financing Must Begin Immediately.

Tax-increment financing is something that just can't wait.

The Colorado Court of Appeals has affirmed a court ruling from one year ago that favored the Arapahoe County Assessor's Office and its strict interpretation of the legally accepted timeline for when such approved financing plans should begin in a city's urban-renewal areas.

In 2015, then-Arapahoe County Assessor Corbin Sakdol was sued by the City of Aurora and the Aurora Urban Renewal Authority in a challenge to his interpretation of a state law on the start date of such plans.

Tax-increment financing is a tool municipal governments can use to finance the redevelopment of so-designated "blighted" property by diverting property taxes that would have been collected by counties, school districts and special districts for up to 25 years to help pay off certain costs associated with urban renewal.

In 2014, the City of Aurora approved two urban-renewal plans, each with its own tax-increment provisions, including a delayed start date of up to three years in some areas.

Sakdol, who retired in January, determined the 25-year clock was to begin as soon as the plans were adopted. Aurora filed an unsuccessful lawsuit in district court disputing that contention.

"Nothing in the plain language of [state statute] permits an urban-renewal plan's [tax-increment financing] provision to have a start date that is different than the effective date of approval of the plan itself," stated Sakdol's legal argument as now affirmed by both courts.

Assessor Marc Scott, who was appointed to the position upon term-limited Sakdol's voluntary retirement two months ago, was gratified by the Court of Appeals' decision.

"We are pleased that once again the courts have reaffirmed our interpretation of Colorado law as it pertains to urban -renewal authorities and [tax-increment financing]," Scott said. "We look forward to working with our municipalities and urban-renewal authorities on future projects that will benefit the citizens of Arapahoe County."

Aurora could appeal the case to the state Supreme Court.

THE VILLAGER

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