



Subject **Transferring Eligibility**
Adopted **7/21/2006; 4/7/2000; 9/20/1996; 3/29/1996**

Once established, Fund eligibility may be transferred as follows:

1. A tank owner who has established Fund eligibility may sell the site before remediation is complete and transfer that eligibility to the buyer. A tank owner who has established Fund eligibility may transfer that eligibility to the current or new tank operator. A tank operator who has established Fund eligibility may transfer that eligibility to a new operator or to the current or new owner of the property. Any penalty reductions imposed for regulatory non-compliance on the original applicant will transfer and apply to any subsequent applicant(s) with respect to all remediation activities conducted through closure. This transfer of eligibility shall remain in effect only so long as remediation continues pursuant to regulatory requirements of the Division of Oil and Public Safety of the Colorado Department of Labor and Employment.
2. Lenders who foreclose or take a deed in lieu of foreclosure on any loan dated before September 30, 1995, can transfer their Fund eligibility one time only. To retain eligibility transferred from a lender, the buyer must fulfill the same regulatory requirements of Certificate of Eligibility transference applicable to lenders whose loans are dated after September 30, 1995, as set forth in 7 CCR 1101-14, §8-1(c)(4)(A-D).

Lenders may transfer a Certificate of Eligibility whenever they sell notes to other lenders. The one-time transfer of lender eligibility does not apply until a lender actually forecloses on property or takes a deed in lieu of foreclosure.

3. A current or former property owner who establishes eligibility pursuant to § 8-20.5-206(3)(a) CRS or § 8-20.5-303(3)(a) CRS may transfer ownership of the site before remediation is complete and transfer the eligibility. This transfer of eligibility shall remain in effect only so long as remediation continues pursuant to regulatory requirements of the Division of Oil and Public Safety of the Colorado Department of Labor and Employment.
4. If eligibility is established as a person bearing no responsibility for the release, that eligibility may not be transferred to any person who owned or operated tanks at the subject property at any time prior to the discovery of the contamination.

