A BILL FOR AN ACT

CONCERNING THE OPERATION OF A LICENSED FAMILY CHILD CARE HOME IN A COMMON INTEREST COMMUNITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill allows a homeowner in a community organized under the "Colorado Common Interest Ownership Act" to operate a licensed family child care home, notwithstanding anything to the contrary in the community's governing documents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters or bold & italic numbers indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 38-33.3-106.5, add (1)(k) as follows:


(1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

(k) (I) THE OPERATION OF A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION 26-6-102 (13), THAT IS LICENSED UNDER PART 1 OF ARTICLE 6 OF TITLE 26.

(II) THIS SUBSECTION (1)(k) DOES NOT SUPERSEDE ANY OF THE ASSOCIATION'S REGULATIONS CONCERNING ARCHITECTURAL CONTROL, PARKING, LANDSCAPING, NOISE, OR OTHER MATTERS NOT SPECIFIC TO THE OPERATION OF A BUSINESS PER SE. THE ASSOCIATION SHALL MAKE REASONABLE ACCOMMODATION FOR FENCING REQUIREMENTS APPLICABLE TO LICENSED FAMILY CHILD CARE HOMES.

(III) THIS SUBSECTION (1)(k) DOES NOT APPLY TO A COMMUNITY QUALIFIED AS HOUSING FOR OLDER PERSONS UNDER THE FEDERAL "HOUSING FOR OLDER PERSONS ACT OF 1995", AS AMENDED, PUB.L. 104-76.

(IV) THE ASSOCIATION MAY REQUIRE THE OWNER OR OPERATOR OF A FAMILY CHILD CARE HOME LOCATED IN THE COMMON INTEREST COMMUNITY TO CARRY LIABILITY INSURANCE, AT REASONABLE LEVELS DETERMINED BY THE ASSOCIATION'S EXECUTIVE BOARD, PROVIDING
SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.