

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0797.01 Jennifer Berman x3286

HOUSE BILL 22-1139

HOUSE SPONSORSHIP

Geitner and Hooton,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING A UNIT OWNERS' ASSOCIATION OF A**
102 **COMMON INTEREST COMMUNITY FROM REGULATING THE USE OF**
103 **A PUBLIC RIGHT-OF-WAY.**

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 prohibits a common interest community's unit owners' association from regulating the use of a public right-of-way.


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.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
3 **(1)(d.5)** as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**
5 **patriotic, political, or religious expression - public rights-of-way - fire**
6 **prevention - renewable energy generation devices - affordable**
7 **housing - drought prevention measures - child care - definitions.**

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

11 
12 (d.5) (I) THE USE OF A PUBLIC RIGHT-OF-WAY IN ACCORDANCE
13 WITH A LOCAL GOVERNMENT'S ORDINANCE, RESOLUTION, RULE, OR
14 CHARTER PROVISION REGARDING USE OF THE PUBLIC RIGHT-OF-WAY.
15 ADDITIONALLY, THE ASSOCIATION SHALL NOT REQUIRE THAT A PUBLIC
16 RIGHT-OF-WAY BE USED IN A CERTAIN MANNER.

17 (II) AS USED IN THIS SUBSECTION (1)(d.5) "LOCAL GOVERNMENT"
18 MEANS A STATUTORY OR HOME RULE COUNTY, MUNICIPALITY, OR CITY
19 AND COUNTY.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.