

## CHAPTER 156

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**PROPERTY**


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## HOUSE BILL 22-1139

BY REPRESENTATIVE(S) Geitner and Hooton, Bernett, Gray, Lindsay, Mullica, Valdez A., Lontine, Sandridge, Titone;  
also SENATOR(S) Bridges and Hisey, Buckner, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Moreno, Sonnenberg, Story.

## AN ACT

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

*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)(d.5) as follows:

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

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

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

**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; 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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 6, 2022