

CHAPTER 107

PROPERTY

SENATE BILL 24-134

BY SENATOR(S) Smallwood and Exum, Coleman, Fields, Gardner, Ginal, Gonzales, Jaquez Lewis, Kirkmeyer, Liston, Lundeen, Marchman, Mullica, Pelton B., Priola, Rich, Roberts, Rodriguez, Van Winkle;
 also REPRESENTATIVE(S) Willford and Weinberg, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Hernandez, Jodeh, Kipp, Lieder, Lindsay, Lynch, Mabrey, Marshall, Marvin, McLachlan, Rutinel, Sirota, Snyder, Story, Titone, Velasco, Vigil, Weissman, Young, McCluskie.

AN ACT

CONCERNING THE OPERATION OF A HOME-BASED BUSINESS IN A COMMON INTEREST COMMUNITY.

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)(l) 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 - operation of businesses - 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:

(I) (I) THE OPERATION OF A HOME-BASED BUSINESS AT A UNIT BY THE UNIT OWNER OR A RESIDENT OF THE UNIT WITH THE UNIT OWNER'S PERMISSION.

(II) THE OPERATION OF A HOME-BASED BUSINESS IN A COMMON INTEREST COMMUNITY MUST COMPLY WITH, AND AN ASSOCIATION MAY ADOPT AND ENFORCE, ANY REASONABLE AND APPLICABLE RULES AND REGULATIONS GOVERNING ARCHITECTURAL CONTROL, PARKING, LANDSCAPING, NOISE, NUISANCE, OR OTHER MATTERS CONCERNING THE OPERATION OF A HOME-BASED BUSINESS.

(III) THE OPERATION OF A HOME-BASED BUSINESS IN A COMMON INTEREST COMMUNITY MUST COMPLY WITH ANY REASONABLE AND APPLICABLE NOISE OR NUISANCE ORDINANCES OR RESOLUTIONS OF THE MUNICIPALITY OR COUNTY WHERE THE COMMON INTEREST COMMUNITY IS LOCATED.

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.

(IV) AS USED IN THIS SUBSECTION (1)(1), UNLESS THE CONTEXT OTHERWISE REQUIRES, "HOME-BASED BUSINESS" MEANS A BUSINESS FOR WHICH THE MAIN OFFICE IS LOCATED AT, OR THE BUSINESS OPERATIONS PRIMARILY OCCUR AT, A UNIT.

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 part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 19, 2024