

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

SB24-106 be amended as follows:

1 Amend printed bill, page 8, strike lines 25 through 27 and substitute:

2 "SECTION 4. In Colorado Revised Statutes, 38-33.3-303.5,
3 **amend** (1)(d)(I)(A) and (1)(d)(III) introductory portion as follows:

4 **38-33.3-303.5. Construction defect actions - disclosure -**
5 **approval by unit owners - definitions - exemptions.** (1) (d) **Approval**
6 **by unit owners - procedures.** (I) (A) Notwithstanding any provision of
7 law or any requirement in the governing documents, the executive board
8 ~~may~~ HAS THE RIGHT TO initiate the construction defect action only if
9 authorized within the voting period by owners of units to which a
10 ~~majority of~~ SIXTY PERCENT OF THE votes in the association are allocated.
11 ~~Such~~ UNIT OWNERS VOTING IN FAVOR OF PROCEEDING WITH A
12 CONSTRUCTION DEFECT ACTION MUST ALSO ACKNOWLEDGE IN WRITING
13 THAT THE UNIT OWNER HAS RECEIVED THE DISCLOSURES REQUIRED UNDER
14 SECTION 38-33.3-303.5 (1)(c) AND THAT THE UNIT OWNER HAS BEEN
15 INFORMED OF THE UNIT OWNER'S OBLIGATION UNDER COLORADO LAW TO
16 DISCLOSE KNOWN DEFECTS UPON SALE OF THE PROPERTY. THE approval
17 is not required for an association to proceed with a construction defect
18 action if the alleged construction defect pertains ONLY to a facility that is
19 intended and used for nonresidential purposes and if the cost to repair the
20 alleged defect does not exceed fifty thousand dollars. ~~Such~~ THE approval
21 is not required for an association to proceed with a construction defect
22 action when the association is the DIRECT contracting party for the
23 performance of labor or purchase of services or materials.
24 (III) **Vote count - exclusions.** For purposes of calculating the
25 required ~~majority~~ vote under this subsection (1)(d) only, the following
26 votes are excluded:".

27 Page 9, strike lines 1 through 10.

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