

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 15, 2016  
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

HB16-1149 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 2, strike lines 2 through 9 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 38-33.3-117, **add**  
3 (1.8) as follows:

4 **38-33.3-117. Applicability to preexisting common interest**  
5 **communities.** (1.8) EXCEPT AS PROVIDED IN SECTION 38-33.3-119,  
6 SECTION 38-33.3-303 (4) (a) (I) APPLIES TO ALL COMMON INTEREST  
7 COMMUNITIES CREATED WITHIN THIS STATE BEFORE JULY 1, 1992, WITH  
8 RESPECT TO EVENTS AND CIRCUMSTANCES OCCURRING ON OR AFTER JULY  
9 1, 2017.

10 **SECTION 2.** In Colorado Revised Statutes, 38-33.3-116, **amend**  
11 (1) and (3) as follows:

12 **38-33.3-116. Exception for new small cooperatives and small**  
13 **and limited expense planned communities.** (1) If a cooperative created  
14 in this state on or after July 1, 1992, but prior to July 1, 1998, contains  
15 only units restricted to nonresidential use or contains no more than ten  
16 units and is not subject to any development rights, it is subject only to  
17 sections 38-33.3-105 to 38-33.3-107, unless the declaration provides that  
18 this entire article is applicable. If a planned community created in this  
19 state on or after July 1, 1992, but prior to July 1, 1998, contains no more  
20 than ten units and is not subject to any development rights or if a planned

1 community provides, in its declaration, that the annual average common  
2 expense liability of each unit restricted to residential purposes, exclusive  
3 of optional user fees and any insurance premiums paid by the association,  
4 may not exceed ~~three~~ FOUR hundred dollars, AS ADJUSTED PURSUANT TO  
5 SUBSECTION (3) OF THIS SECTION, it is subject only to sections  
6 38-33.3-105 to 38-33.3-107, unless the declaration provides that this  
7 entire article is applicable.

8 (3) The ~~four-hundred-dollar~~ DOLLAR limitation set forth in  
9 ~~subsection~~ SUBSECTIONS (1) AND (2) of this section shall be increased  
10 annually on July 1, 1999, and on July 1 of each succeeding year in  
11 accordance with any increase in the United States department of labor  
12 bureau of labor statistics final consumer price index for the  
13 Denver-Boulder consolidated metropolitan statistical area for the  
14 preceding calendar year. The limitation shall not be increased if the final  
15 consumer price index for the preceding calendar year did not increase and  
16 shall not be decreased if the final consumer price index for the preceding  
17 calendar year decreased."

18 Renumber succeeding sections accordingly.

19 Page 2, strike line 22 and substitute "meeting as allowed for in the  
20 bylaws.

21 (II) Unless the declaration requires".

22 Page 3, strike lines 10 through 13.

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