

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 18-1342

BY REPRESENTATIVE(S) Melton, Becker K., Buckner, Gray, Kennedy, Kraft-Tharp;
also SENATOR(S) Todd, Kagan, Moreno, Tate.

CONCERNING A REQUIREMENT THAT A COMMON INTEREST COMMUNITY CREATED IN COLORADO BEFORE JULY 1, 1992, COMPLY WITH A PROVISION OF THE "COLORADO COMMON INTEREST OWNERSHIP ACT" THAT ALLOWS A MAJORITY OF THE UNIT OWNERS IN A COMMON INTEREST COMMUNITY TO VETO A BUDGET PROPOSED BY THE EXECUTIVE BOARD OF THE COMMON INTEREST COMMUNITY.

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

SECTION 1. In Colorado Revised Statutes, 38-33.3-117, **amend as it will become effective July 1, 2018**, (1.8) as follows:

38-33.3-117. Applicability to preexisting common interest communities. (1.8) Except as provided in section 38-33.3-119, section 38-33.3-303 ~~(4)(a)(I)~~ (4)(a) applies to all common interest communities created within this state before July 1, 1992, with respect to events and circumstances occurring on or after July 1, 2017.

SECTION 2. In Colorado Revised Statutes, 38-33.3-303, **amend**

as it will become effective July 1, 2018, (4)(a)(II) as follows:

38-33.3-303. Executive board members and officers - powers and duties - reserve funds - reserve study - audit. (4) (a) (II) (A) Unless the declaration requires otherwise, the budget proposed by the executive board does not require approval from the unit owners and it will be deemed approved by the unit owners in the absence of a veto at the noticed meeting by a majority of all unit owners, or if permitted in the declaration, a majority of a class of unit owners, or any larger percentage specified in the declaration, whether or not a quorum is present. If the proposed budget is vetoed, the periodic budget last proposed by the executive board and not vetoed by the unit owners must be continued until a subsequent budget proposed by the executive board is not vetoed by the unit owners.

(B) THIS SUBSECTION (4)(a)(II) SHALL NOT APPLY TO ANY COMMON INTEREST COMMUNITY FORMED PRIOR TO JULY 1, 1992, IF THE DECLARATION SETS A MAXIMUM ASSESSMENT AMOUNT OR LIMITS THE INCREASE IN AN ANNUAL BUDGET TO A SPECIFIC AMOUNT AND THE BUDGET PROPOSED BY THE EXECUTIVE BOARD DOES NOT EXCEED THE MAXIMUM AMOUNT OR LIMITS SET IN THE DECLARATION.

SECTION 3. Effective date - applicability. This act takes effect July 1, 2018, and applies to proposed budgets adopted by a common interest community's executive board on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO