

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0772.01 Duane Gall x4335

SENATE BILL 20-126

SENATE SPONSORSHIP

Story and Smallwood,

HOUSE SPONSORSHIP

Roberts and Van Winkle,

Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING THE OPERATION OF A LICENSED FAMILY CHILD CARE

102 HOME IN A COMMON INTEREST COMMUNITY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a homeowner in a community organized under the "Colorado Common Interest Ownership Act" to operate a licensed family child care home, notwithstanding anything to the contrary in the community's governing documents.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
3 (1)(k) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**
5 **patriotic and political expression - emergency vehicles - fire**
6 **prevention - renewable energy generation devices - affordable**
7 **housing - drought prevention measures - child care - definitions.**

8 (1) Notwithstanding any provision in the declaration, bylaws, or rules
9 and regulations of the association to the contrary, an association shall not
10 prohibit any of the following:

11 (k) (I) THE OPERATION OF A FAMILY CHILD CARE HOME, AS
12 DEFINED IN SECTION 26-6-102 (13), THAT IS LICENSED UNDER PART 1 OF
13 ARTICLE 6 OF TITLE 26.

14 (II) THIS SUBSECTION (1)(k) DOES NOT SUPERSEDE ANY OF THE
15 ASSOCIATION'S EXISTING REGULATIONS CONCERNING ARCHITECTURAL
16 CONTROL, PARKING, LANDSCAPING, OR OTHER MATTERS NOT SPECIFIC TO
17 THE OPERATION OF A BUSINESS PER SE.

18 **SECTION 2. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.