

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 20-0772.01 Duane Gall x4335

**SENATE BILL 20-126**

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**SENATE SPONSORSHIP**

**Story and Smallwood,**

**HOUSE SPONSORSHIP**

**Roberts and Van Winkle,**

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**Senate Committees**

Local Government

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE OPERATION OF A LICENSED FAMILY CHILD CARE**  
102 **HOME IN A COMMON INTEREST COMMUNITY.**

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**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.

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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.

SENATE  
Amended 2nd Reading  
February 20, 2020

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 REGULATIONS CONCERNING ARCHITECTURAL CONTROL,  
16 PARKING, LANDSCAPING, NOISE, OR OTHER MATTERS NOT SPECIFIC TO THE  
17 OPERATION OF A BUSINESS PER SE. THE ASSOCIATION SHALL MAKE  
18 REASONABLE ACCOMMODATION FOR FENCING REQUIREMENTS APPLICABLE  
19 TO LICENSED FAMILY CHILD CARE HOMES.

20 (III) THIS SUBSECTION (1)(k) DOES NOT APPLY TO A COMMUNITY  
21 QUALIFIED AS HOUSING FOR OLDER PERSONS UNDER THE FEDERAL  
22 "HOUSING FOR OLDER PERSONS ACT OF 1995", AS AMENDED, PUB.L.  
23 104-76.

24 (IV) THE ASSOCIATION MAY REQUIRE THE OWNER OR OPERATOR  
25 OF A FAMILY CHILD CARE HOME LOCATED IN THE COMMON INTEREST  
26 COMMUNITY TO CARRY LIABILITY INSURANCE, AT REASONABLE LEVELS  
27 DETERMINED BY THE ASSOCIATION'S EXECUTIVE BOARD, PROVIDING

1 COVERAGE FOR ANY ASPECT OF THE OPERATION OF THE FAMILY CHILD  
2 CARE HOME FOR PERSONAL INJURY, DEATH, DAMAGE TO PERSONAL  
3 PROPERTY, AND DAMAGE TO REAL PROPERTY THAT OCCURS IN OR ON THE  
4 COMMON ELEMENTS, IN THE UNIT WHERE THE FAMILY CHILD CARE HOME  
5 IS LOCATED, OR IN ANY OTHER UNIT LOCATED IN THE COMMON INTEREST  
6 COMMUNITY. THE ASSOCIATION SHALL BE NAMED AS AN ADDITIONAL  
7 INSURED ON THE LIABILITY INSURANCE THE FAMILY CHILD CARE HOME IS  
8 REQUIRED TO CARRY, AND SUCH INSURANCE MUST BE PRIMARY TO ANY  
9 INSURANCE THE ASSOCIATION IS REQUIRED TO CARRY UNDER THE TERMS  
10 OF THE DECLARATION.

11           **SECTION 2. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2020 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.