

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0663.01 Richard Sweetman x4333

SENATE BILL 22-060

SENATE SPONSORSHIP

Bridges,

HOUSE SPONSORSHIP

(None),

Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING LIMITING INCREASES IN FEES ASSOCIATED WITH THE USE
102 OF COMMON ELEMENTS 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 prohibits the unit owners' association of a common interest community from increasing by more than 10% in any 12-month period the amount of any fee that is charged on a regular and ongoing basis for the use, rental, or operation of one or more common elements unless a majority of the unit owners of the common interest community approve the fee increase.

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, 38-33.3-302, **amend**
3 (1)(j); and **add** (5) as follows:

4 **38-33.3-302. Powers of unit owners' association - limitations.**

5 (1) Except as provided in subsections (2) and (3) of this section, and
6 subject to the provisions of the declaration, the association, without
7 specific authorization in the declaration, may:

8 (j) Impose and receive any payments, fees, or charges for the use,
9 rental, or operation of the common elements other than limited common
10 elements described in section 38-33.3-202 (1)(b) and (1)(d); EXCEPT
11 THAT, IN IMPOSING SUCH FEES, THE ASSOCIATION SHALL COMPLY WITH
12 SUBSECTION (5) OF THIS SECTION;

13 (5) (a) EXCEPT AS DESCRIBED IN SUBSECTION (5)(b) OF THIS
14 SECTION, AN ASSOCIATION SHALL NOT INCREASE BY MORE THAN TEN
15 PERCENT IN ANY TWELVE-MONTH PERIOD THE AMOUNT OF ANY FEE THAT
16 IS CHARGED ON A REGULAR AND ONGOING BASIS FOR THE USE, RENTAL, OR
17 OPERATION OF ONE OR MORE COMMON ELEMENTS.

18 (b) WHEN INCREASING THE AMOUNT OF ANY FEE THAT IS CHARGED
19 ON A REGULAR AND ONGOING BASIS FOR THE USE, RENTAL, OR OPERATION
20 OF ONE OR MORE COMMON ELEMENTS, AN ASSOCIATION IS NOT REQUIRED
21 TO COMPLY WITH SUBSECTION (5)(a) OF THIS SECTION IF FIFTY-ONE
22 PERCENT OR MORE OF THE UNIT OWNERS OF THE COMMON INTEREST
23 COMMUNITY APPROVE THE FEE INCREASE.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.