

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0169.03 Jennifer Berman x3286

HOUSE BILL 24-1267

HOUSE SPONSORSHIP

Jodeh and Bacon,

SENATE SPONSORSHIP

Coleman and Hansen,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIRING A METROPOLITAN DISTRICT ENGAGING IN
102 COVENANT ENFORCEMENT ACTIVITIES TO COMPLY WITH
103 CERTAIN POLICIES RELATED TO COVENANT ENFORCEMENT.

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>.)

A metropolitan district is a type of special district that provides at least 2 types of services and may perform covenant enforcement similar to the role of a homeowners' association. The bill requires a metropolitan district engaging in covenant enforcement and design review services to comply with certain procedural requirements, including:

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

- Adopting a written policy governing the imposition and collection of fines;
- Adopting a written policy governing how disputes between the metropolitan district and a resident are addressed; and
- Refraining from prohibiting residents from engaging in certain activities regarding the use of their property, including displaying flags and signs, parking a motor vehicle in a driveway, removing certain vegetation to create a defensible space for fire mitigation purposes, performing reasonable property modifications to accommodate disabilities, using a rain barrel, operating a family child care home, using renewable energy generation devices, and installing or using an energy efficiency measure. Additionally, a metropolitan district is prohibited from requiring residents to use cedar shakes or other flammable roofing materials.

The bill prohibits a metropolitan district from foreclosing on any lien based on a resident's delinquent fees or other charges owed to the metropolitan district. The bill also imposes certain procedural requirements regarding court actions filed by or against a metropolitan district based on an alleged violation of the metropolitan district's declaration, rules and regulations, or other instrument.

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

2 **SECTION 1.** In Colorado Revised Statutes, 32-1-1001, **amend**
 3 (1)(j)(I); and **add** (1)(j)(I.5) as follows:

4 **32-1-1001. Common powers - definitions.** (1) For and on behalf
 5 of the special district the board has the following powers:

6 (j) (I) To fix and from time to time to increase or decrease fees,
 7 rates, tolls, penalties, or charges for services, programs, or facilities
 8 furnished by the special district; except that fire protection districts may
 9 only fix fees and charges as provided in section 32-1-1002 (1)(e). The
 10 board may pledge such revenue for the payment of any indebtedness of
 11 the special district. Until paid, all ~~such~~ fees, rates, tolls, penalties, or
 12 charges ~~shall~~ constitute a perpetual lien on and against the property
 13 served, and, EXCEPT AS PROVIDED IN SUBSECTION (1)(j)(I.5) OF THIS

1 SECTION, any such lien may be foreclosed in the same manner as provided
2 by the laws of this state for the foreclosure of mechanics' liens.

3 (I.5) THE BOARD OF A METROPOLITAN DISTRICT FURNISHING
4 COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES PURSUANT TO
5 SECTIONS 32-1-1004 (8) AND 32-1-1004.5 SHALL NOT FORECLOSE ANY
6 LIEN DESCRIBED IN SECTION 32-1-1004.5 (3)(b)(I).

7 **SECTION 2.** In Colorado Revised Statutes, 32-1-1004, **add**
8 (8)(d) as follows:

9 **32-1-1004. Metropolitan districts - additional powers and**
10 **duties.** (8) (d) IN FURNISHING COVENANT ENFORCEMENT AND DESIGN
11 REVIEW SERVICES PURSUANT TO THIS SUBSECTION (8), THE BOARD OF A
12 METROPOLITAN DISTRICT SHALL COMPLY WITH THE PROCEDURAL
13 REQUIREMENTS SET FORTH IN SECTION 32-1-1004.5.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 32-1-1004.5 as
15 follows:

16 **32-1-1004.5. Metropolitan districts' covenant enforcement and**
17 **design review services - requirements - prohibitions as against public**
18 **policy - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
19 OTHERWISE REQUIRES:

20 (a) "BOARD" MEANS THE BOARD OF A METROPOLITAN DISTRICT.

21 (b) "COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES"
22 MEANS THE COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES
23 THAT A METROPOLITAN DISTRICT MAY PROVIDE IN RELATION TO
24 RESIDENTIAL PROPERTY PURSUANT TO SECTION 32-1-1004 (8).

25 (c) "ENERGY EFFICIENCY MEASURE" MEANS A DEVICE OR
26 STRUCTURE THAT REDUCES THE AMOUNT OF ENERGY DERIVED FROM
27 FOSSIL FUELS THAT IS CONSUMED BY A UNIT. "ENERGY EFFICIENCY

1 MEASURE" INCLUDES ONLY THE FOLLOWING TYPES OF DEVICES OR
2 STRUCTURES:

3 (I) AN AWNING, SHUTTER, TRELIS, RAMADA, OR OTHER SHADE
4 STRUCTURE THAT IS MARKETED FOR THE PURPOSE OF REDUCING ENERGY
5 CONSUMPTION;

6 (II) A GARAGE OR ATTIC FAN AND ANY ASSOCIATED VENTS OR
7 LOUVERS;

8 (III) AN EVAPORATIVE COOLER;

9 (IV) AN ENERGY-EFFICIENT OUTDOOR LIGHTING DEVICE,
10 INCLUDING WITHOUT LIMITATION A LIGHT FIXTURE CONTAINING A COILED
11 OR STRAIGHT FLUORESCENT LIGHT BULB, AND ANY SOLAR RECHARGING
12 PANEL, MOTION DETECTOR, OR OTHER EQUIPMENT CONNECTED TO THE
13 LIGHTING DEVICE;

14 (V) A RETRACTABLE CLOTHESLINE; AND

15 (VI) A HEAT PUMP SYSTEM, AS DEFINED IN SECTION 39-26-732
16 (2)(c).

17 (d) (I) "IMPARTIAL DECISION-MAKER" MEANS A PERSON OR A
18 GROUP OF PERSONS:

19 (A) WITH THE AUTHORITY TO MAKE A DECISION REGARDING THE
20 ENFORCEMENT OF AN INSTRUMENT THAT A METROPOLITAN DISTRICT
21 ENFORCES PURSUANT TO THIS SECTION OR SECTION 32-1-1004 (8),
22 INCLUDING THE ENFORCEMENT OF ANY ARCHITECTURAL REQUIREMENTS;
23 AND

24 (B) THAT DOES NOT HAVE ANY DIRECT PERSONAL OR FINANCIAL
25 INTEREST IN THE OUTCOME OF THE MATTER BEING DECIDED.

26 (II) AS USED IN THIS SUBSECTION (1)(d), "PERSONAL OR FINANCIAL
27 INTEREST" MEANS THAT THE IMPARTIAL DECISION-MAKER, AS A RESULT OF

1 THE OUTCOME OF THE MATTER BEING DECIDED, WOULD RECEIVE A
2 GREATER BENEFIT OR DETRIMENT THAN THAT OF OTHER UNIT OWNERS
3 SUBJECT TO THE SAME INSTRUMENT.

4 (e) "INSTRUMENT" MEANS THE DECLARATION, RULES AND
5 REGULATIONS, OR ANY OTHER INSTRUMENT THAT A METROPOLITAN
6 DISTRICT ENFORCES PURSUANT TO THIS SECTION AND SECTION 32-1-1004
7 (8).

8 (f) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE
9 COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

10 (g) "UNIT" MEANS A PHYSICAL PORTION OF A RESIDENTIAL
11 PROPERTY THAT IS DESIGNATED FOR SEPARATE OWNERSHIP OR
12 OCCUPANCY AND IS SUBJECT TO AN INSTRUMENT.

13 (h) "UNIT OWNER" MEANS A PERSON WHO OWNS A UNIT.

14 (2) (a) ON OR BEFORE JANUARY 1, 2025, A METROPOLITAN
15 DISTRICT SHALL ADOPT A WRITTEN POLICY GOVERNING THE IMPOSITION OF
16 FINES. IN FURNISHING COVENANT ENFORCEMENT AND DESIGN REVIEW
17 SERVICES, A BOARD SHALL NOT IMPOSE A FINE ON A UNIT OWNER FOR AN
18 ALLEGED VIOLATION OF AN INSTRUMENT UNLESS THE FINE IS IMPOSED IN
19 ACCORDANCE WITH THE WRITTEN POLICY. THE WRITTEN POLICY:

20 (I) MUST INCLUDE A FAIR AND IMPARTIAL FACT-FINDING PROCESS
21 CONCERNING WHETHER AN ALLEGED VIOLATION ACTUALLY OCCURRED
22 AND, IF SO, WHETHER A UNIT OWNER IS RESPONSIBLE FOR THE VIOLATION;
23 AND

24 (II) MUST REQUIRE PROVIDING NOTICE TO THE UNIT OWNER
25 REGARDING THE NATURE OF THE ALLEGED VIOLATION, THE ACTION OR
26 ACTIONS REQUIRED TO CURE THE ALLEGED VIOLATION, AND THE TIMELINE
27 FOR THE FAIR AND IMPARTIAL FACT-FINDING PROCESS REQUIRED UNDER

1 SUBSECTION (2)(a)(I) OF THIS SECTION.

2 (b) THE FAIR AND IMPARTIAL FACT-FINDING PROCESS MAY BE
3 INFORMAL BUT, AT A MINIMUM, MUST PROVIDE A UNIT OWNER NOTICE AND
4 AN OPPORTUNITY TO BE HEARD BEFORE AN IMPARTIAL DECISION-MAKER.

5 (c) THE WRITTEN POLICY MUST SPECIFY THE SCHEDULE OF FINES
6 THAT MAY BE IMPOSED FOR ALLEGED VIOLATIONS THAT ARE CONTINUOUS
7 OR REPETITIVE IN NATURE, INCLUDING A DESCRIPTION OF WHAT
8 CONSTITUTES A CONTINUOUS VIOLATION AND WHAT CONSTITUTES A
9 REPETITIVE VIOLATION.

10 (3) (a) IN FURNISHING COVENANT ENFORCEMENT AND DESIGN
11 REVIEW SERVICES FOR UNITS, A BOARD MAY FIX, AND FROM TIME TO TIME
12 INCREASE OR DECREASE, FEES, RATES, TOLLS, FINES, PENALTIES, OR
13 CHARGES FOR COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES
14 FURNISHED PURSUANT TO THIS SECTION AND SECTION 32-1-1004 (8).

15 (b) (I) UNTIL PAID, ANY FEE, RATE, TOLL, FINE, PENALTY, OR
16 CHARGE DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION CONSTITUTES
17 A PERPETUAL LIEN ON AND AGAINST THE UNIT FOR WHICH COVENANT
18 ENFORCEMENT AND DESIGN REVIEW SERVICES WERE PROVIDED.

19 (II) THE BOARD OF A METROPOLITAN DISTRICT FURNISHING
20 COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES PURSUANT TO
21 THIS SECTION AND SECTION 32-1-1004 (8) SHALL NOT FORECLOSE ON ANY
22 LIEN DESCRIBED IN THIS SUBSECTION (3)(b) THAT ARISES FROM AMOUNTS
23 THAT A UNIT OWNER OWES THE METROPOLITAN DISTRICT AS A RESULT OF
24 A COVENANT VIOLATION OR ENFORCEMENT OF A FAILURE TO COMPLY WITH
25 ANY INSTRUMENT.

26 (III) IN ADDITION TO ANY OTHER MEANS PROVIDED BY LAW, A
27 BOARD, BY RESOLUTION AND AT A PUBLIC MEETING HELD AFTER NOTICE

1 HAS BEEN PROVIDED TO AN AFFECTED UNIT OWNER, MAY ELECT TO HAVE
2 CERTAIN DELINQUENT FEES, RATES, TOLLS, FINES, PENALTIES, CHARGES,
3 OR ASSESSMENTS MADE OR LEVIED FOR COVENANT ENFORCEMENT AND
4 DESIGN REVIEW SERVICES CERTIFIED TO THE TREASURER OF THE COUNTY
5 IN WHICH THE METROPOLITAN DISTRICT IS LOCATED, AND FOR THE
6 DELINQUENT FEES, RATES, TOLLS, FINES, PENALTIES, CHARGES, OR
7 ASSESSMENTS TO BE COLLECTED AND PAID OVER BY THE TREASURER OF
8 THE COUNTY IN THE SAME MANNER AS TAXES ARE AUTHORIZED TO BE
9 COLLECTED AND PAID OVER PURSUANT TO SECTION 39-10-107.

10 (4) (a) FOR ANY UNIT OWNER'S FAILURE TO COMPLY WITH AN
11 INSTRUMENT, A METROPOLITAN DISTRICT, WITHOUT NEEDING TO
12 COMMENCE A LEGAL PROCEEDING, MAY SEEK REIMBURSEMENT FOR
13 COLLECTION COSTS AND REASONABLE ATTORNEY FEES AND COSTS
14 INCURRED AS A RESULT OF THE FAILURE TO COMPLY.

15 (b) EXCEPT AS PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION,
16 IN A CIVIL ACTION TO ENFORCE OR DEFEND AN INSTRUMENT, THE COURT
17 SHALL AWARD REASONABLE ATTORNEY FEES, COSTS, AND, IF RELEVANT,
18 COSTS OF COLLECTION TO THE PREVAILING PARTY.

19 (c) IN CONNECTION WITH A CIVIL ACTION CLAIM IN WHICH A UNIT
20 OWNER IS ALLEGED TO HAVE VIOLATED AN INSTRUMENT BUT PREVAILS ON
21 THE MATTER BECAUSE THE COURT FINDS THAT THE UNIT OWNER DID NOT
22 COMMIT THE ALLEGED VIOLATION:

23 (I) THE COURT SHALL AWARD THE UNIT OWNER REASONABLE
24 ATTORNEY FEES AND COSTS INCURRED IN DEFENDING THE CLAIM;

25 (II) THE COURT SHALL NOT AWARD COSTS OR ATTORNEY FEES TO
26 THE METROPOLITAN DISTRICT; AND

27 (III) THE METROPOLITAN DISTRICT SHALL NOT ALLOCATE TO THE

1 UNIT OWNER'S ACCOUNT WITH THE METROPOLITAN DISTRICT ANY OF THE
2 METROPOLITAN DISTRICT'S COSTS OR ATTORNEY FEES INCURRED IN
3 ASSERTING OR DEFENDING THE CLAIM FROM REVENUE THAT THE
4 METROPOLITAN DISTRICT COLLECTS OTHER THAN AD VALOREM PROPERTY
5 TAXES IMPOSED ON ALL TAXPAYERS IN THE METROPOLITAN DISTRICT.

6 (d) NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN ACTION
7 SHALL NOT BE COMMENCED OR MAINTAINED TO ENFORCE THE TERMS OF
8 ANY BUILDING RESTRICTION CONTAINED IN AN INSTRUMENT OR TO COMPEL
9 THE REMOVAL OF ANY BUILDING OR IMPROVEMENT BECAUSE OF A
10 VIOLATION OF THE TERMS OF ANY SUCH BUILDING RESTRICTION UNLESS
11 THE ACTION IS COMMENCED WITHIN ONE YEAR AFTER THE DATE THAT THE
12 METROPOLITAN DISTRICT COMMENCING THE ACTION FIRST KNEW OR, IN
13 THE EXERCISE OF REASONABLE DILIGENCE, SHOULD HAVE KNOWN OF THE
14 VIOLATION FORMING THE BASIS OF THE ACTION.

15 (5) (a) (I) ON OR BEFORE JANUARY 1, 2025, A METROPOLITAN
16 DISTRICT FURNISHING COVENANT ENFORCEMENT AND DESIGN REVIEW
17 SERVICES UNDER THIS SECTION AND SECTION 32-1-1004 (8) SHALL ADOPT
18 A WRITTEN POLICY SETTING FORTH THE METROPOLITAN DISTRICT'S
19 PROCEDURE FOR ADDRESSING DISPUTES ARISING BETWEEN THE
20 METROPOLITAN DISTRICT AND ONE OR MORE UNIT OWNERS RELATED TO
21 THE ENFORCEMENT OF AN INSTRUMENT.

22 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (5)(a)(II)(B) OF THIS
23 SECTION, A METROPOLITAN DISTRICT SHALL MAKE A COPY OF THE WRITTEN
24 POLICY ADOPTED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION
25 AVAILABLE TO UNIT OWNERS ON THE METROPOLITAN DISTRICT'S WEBSITE
26 THAT THE METROPOLITAN DISTRICT IS REQUIRED TO MAINTAIN PURSUANT
27 TO SECTION 32-1-104.5 (3).

1 (B) IF THE METROPOLITAN DISTRICT IS NOT REQUIRED TO
2 MAINTAIN A WEBSITE PURSUANT TO SECTION 32-1-104.5 (3), THE
3 METROPOLITAN DISTRICT SHALL MAKE THE WRITTEN POLICY AVAILABLE
4 TO UNIT OWNERS UPON REQUEST.

5 (b) (I) ANY CONTROVERSY BETWEEN A METROPOLITAN DISTRICT
6 AND A UNIT OWNER THAT ARISES OUT OF THE ENFORCEMENT OF AN
7 INSTRUMENT MAY BE SUBMITTED TO MEDIATION BY AGREEMENT OF THE
8 PARTIES PRIOR TO THE COMMENCEMENT OF ANY LEGAL PROCEEDING.
9 EITHER PARTY TO THE MEDIATION MAY TERMINATE THE MEDIATION
10 PROCESS WITHOUT PREJUDICE.

11 (II) IF A MEDIATION AGREEMENT IS REACHED PURSUANT TO
12 SUBSECTION (5)(b)(I) OF THIS SECTION, THE MEDIATION AGREEMENT MAY
13 BE PRESENTED TO A COURT AS A STIPULATION. THE STIPULATION MUST
14 NOT INCLUDE A REQUIREMENT THAT THE UNIT OWNER PAY ADDITIONAL
15 INTEREST OR UNREASONABLE ATTORNEY FEES. IF EITHER PARTY
16 SUBSEQUENTLY VIOLATES THE STIPULATION, THE OTHER PARTY MAY
17 APPLY IMMEDIATELY TO THE COURT FOR RELIEF. IF THE PARTIES EXECUTE
18 A STIPULATION THAT THE COURT DEEMS UNFAIR OR THAT DOES NOT
19 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (5)(b), THE
20 STIPULATION IS INVALID AND THE COURT MAY AWARD THE UNIT OWNER
21 REASONABLE ATTORNEY FEES AND COSTS.

22 (6) NOTWITHSTANDING ANY PROVISION IN AN INSTRUMENT TO THE
23 CONTRARY, A METROPOLITAN DISTRICT SHALL NOT PROHIBIT ANY OF THE
24 FOLLOWING IN RELATION TO ANY UNIT SUBJECT TO THE INSTRUMENT:

25 (a) THE DISPLAY OF A FLAG ON A UNIT, IN A WINDOW OF THE UNIT,
26 OR ON A BALCONY ADJOINING THE UNIT. THE METROPOLITAN DISTRICT
27 SHALL NOT PROHIBIT OR REGULATE THE DISPLAY OF FLAGS ON THE BASIS

1 OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE
2 METROPOLITAN DISTRICT MAY PROHIBIT FLAGS BEARING COMMERCIAL
3 MESSAGES. THE METROPOLITAN DISTRICT MAY ADOPT REASONABLE,
4 CONTENT-NEUTRAL RULES TO REGULATE THE NUMBER, LOCATION, AND
5 SIZE OF FLAGS AND FLAGPOLES BUT SHALL NOT PROHIBIT THE
6 INSTALLATION OF A FLAG OR FLAGPOLE.

7 (b) THE DISPLAY OF A SIGN BY THE OWNER OR OCCUPANT OF A
8 UNIT ON PROPERTY WITHIN THE BOUNDARIES OF THE UNIT OR IN A WINDOW
9 OF THE UNIT. THE METROPOLITAN DISTRICT SHALL NOT PROHIBIT OR
10 REGULATE THE DISPLAY OF WINDOW SIGNS OR YARD SIGNS ON THE BASIS
11 OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE
12 METROPOLITAN DISTRICT MAY PROHIBIT SIGNS BEARING COMMERCIAL
13 MESSAGES. THE METROPOLITAN DISTRICT MAY ESTABLISH REASONABLE,
14 CONTENT-NEUTRAL RULES TO REGULATE SIGNS BASED ON THE NUMBER,
15 PLACEMENT, OR SIZE OF THE SIGNS OR ON OTHER OBJECTIVE FACTORS.

16 (c) THE PARKING OF A MOTOR VEHICLE BY THE OCCUPANT OF A
17 UNIT ON THE DRIVEWAY OF THE UNIT IF THE VEHICLE IS REQUIRED TO BE
18 AVAILABLE AT DESIGNATED PERIODS AT THE OCCUPANT'S RESIDENCE AS
19 A CONDITION OF THE OCCUPANT'S EMPLOYMENT AND ALL OF THE
20 FOLLOWING CRITERIA ARE MET:

21 (I) THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF TEN
22 THOUSAND POUNDS OR LESS;

23 (II) THE OCCUPANT IS A BONA FIDE MEMBER OF A VOLUNTEER FIRE
24 DEPARTMENT OR IS EMPLOYED BY A PRIMARY PROVIDER OF EMERGENCY
25 FIREFIGHTING, LAW ENFORCEMENT, AMBULANCE, OR EMERGENCY
26 MEDICAL SERVICES;

27 (III) THE VEHICLE BEARS AN OFFICIAL EMBLEM OR OTHER VISIBLE

1 DESIGNATION OF THE EMERGENCY SERVICE PROVIDER; AND

2 (IV) PARKING OF THE VEHICLE CAN BE ACCOMPLISHED WITHOUT
3 OBSTRUCTING EMERGENCY ACCESS TO OR INTERFERING WITH THE
4 REASONABLE NEEDS OF OTHER UNIT OWNERS OR OCCUPANTS TO USE
5 STREETS, DRIVEWAYS, AND GUEST PARKING SPACES;

6 (d) THE REMOVAL BY A UNIT OWNER OF TREES, SHRUBS, OR OTHER
7 VEGETATION TO CREATE DEFENSIBLE SPACE ON A UNIT FOR FIRE
8 MITIGATION PURPOSES, SO LONG AS THE REMOVAL COMPLIES WITH A
9 WRITTEN DEFENSIBLE SPACE PLAN CREATED FOR THE PROPERTY BY THE
10 COLORADO STATE FOREST SERVICE, AN INDIVIDUAL OR COMPANY
11 CERTIFIED BY AN ENTITY OF A LOCAL GOVERNMENT TO CREATE SUCH A
12 PLAN, OR THE FIRE CHIEF, FIRE MARSHAL, OR FIRE PROTECTION DISTRICT
13 WITHIN WHOSE JURISDICTION THE UNIT IS LOCATED AND IS NO MORE
14 EXTENSIVE THAN NECESSARY TO COMPLY WITH THE PLAN. THE PLAN
15 SHALL BE REGISTERED WITH THE METROPOLITAN DISTRICT AT LEAST
16 THIRTY DAYS BEFORE THE COMMENCEMENT OF WORK. THE METROPOLITAN
17 DISTRICT MAY REQUIRE CHANGES TO THE PLAN IF THE METROPOLITAN
18 DISTRICT OBTAINS THE CONSENT OF THE INDIVIDUAL, OFFICIAL, OR
19 AGENCY THAT ORIGINALLY CREATED THE PLAN. THE WORK MUST COMPLY
20 WITH APPLICABLE STANDARDS OF THE METROPOLITAN DISTRICT
21 REGARDING SLASH REMOVAL, STUMP HEIGHT, REVEGETATION, AND
22 CONTRACTOR REGULATIONS.

23 (e) REASONABLE MODIFICATIONS TO A UNIT AS NECESSARY TO
24 AFFORD AN INDIVIDUAL WITH DISABILITIES FULL USE AND ENJOYMENT OF
25 THE UNIT IN ACCORDANCE WITH THE FEDERAL "FAIR HOUSING ACT OF
26 1968", 42 U.S.C. SEC. 3604 (f)(3)(A);

27 (f) THE USE OF A RAIN BARREL, AS DEFINED IN SECTION

1 37-96.5-102 (1), TO COLLECT PRECIPITATION FROM A RESIDENTIAL
2 ROOFTOP IN ACCORDANCE WITH SECTION 37-96.5-103. A METROPOLITAN
3 DISTRICT MAY IMPOSE REASONABLE AESTHETIC REQUIREMENTS THAT
4 GOVERN THE PLACEMENT OR EXTERNAL APPEARANCE OF A RAIN BARREL.
5 THIS SUBSECTION (6)(f) DOES NOT CONFER UPON A UNIT OWNER A RIGHT
6 TO PLACE A RAIN BARREL AT, OR TO CONNECT A RAIN BARREL TO, ANY
7 PROPERTY THAT IS:

8 (I) LEASED, EXCEPT WITH PERMISSION OF THE LESSOR;

9 (II) A COMMON ELEMENT OR A LIMITED COMMON ELEMENT OF A
10 COMMON INTEREST COMMUNITY, AS THOSE TERMS ARE DEFINED IN
11 SECTION 38-33.3-103;

12 (III) OWNED OR MAINTAINED BY THE METROPOLITAN DISTRICT; OR

13 (IV) ATTACHED TO ONE OR MORE OTHER UNITS, EXCEPT WITH
14 PERMISSION OF THE OWNERS OF THE OTHER UNITS.

15 (g) (I) THE OPERATION OF A FAMILY CHILD CARE HOME, AS
16 DEFINED IN SECTION 26.5-5-303, THAT IS LICENSED PURSUANT TO PART 3
17 OF ARTICLE 5 OF TITLE 26.5.

18 (II) THIS SUBSECTION (6)(g) DOES NOT SUPERSEDE ANY OF THE
19 PROVISIONS OF AN INSTRUMENT CONCERNING ARCHITECTURAL CONTROL,
20 PARKING, LANDSCAPING, NOISE, OR OTHER MATTERS NOT SPECIFIC TO THE
21 OPERATION OF A BUSINESS PER SE. THE METROPOLITAN DISTRICT SHALL
22 MAKE REASONABLE ACCOMMODATION FOR FENCING REQUIREMENTS
23 APPLICABLE TO LICENSED FAMILY CHILD CARE HOMES.

24 (III) THIS SUBSECTION (6)(g) DOES NOT APPLY TO A COMMUNITY
25 QUALIFIED AS HOUSING FOR OLDER PERSONS UNDER THE FEDERAL
26 "HOUSING FOR OLDER PERSONS ACT OF 1995", PUB.L. 104-76.

27 (IV) THE METROPOLITAN DISTRICT MAY REQUIRE THE OWNER OR

1 OPERATOR OF A FAMILY CHILD CARE HOME TO CARRY LIABILITY
2 INSURANCE, AT REASONABLE LEVELS DETERMINED BY THE BOARD,
3 PROVIDING COVERAGE FOR ANY ASPECT OF THE OPERATION OF THE FAMILY
4 CHILD CARE HOME FOR PERSONAL INJURY, DEATH, DAMAGE TO PERSONAL
5 PROPERTY, AND DAMAGE TO REAL PROPERTY THAT OCCURS IN OR ON ANY
6 PROPERTY OWNED OR MAINTAINED BY THE METROPOLITAN DISTRICT, IN
7 THE UNIT WHERE THE FAMILY CHILD CARE HOME IS LOCATED, OR IN ANY
8 OTHER UNIT SUBJECT TO AN INSTRUMENT. THE METROPOLITAN DISTRICT
9 SHALL BE NAMED AS AN ADDITIONAL INSURED ON THE LIABILITY
10 INSURANCE THE FAMILY CHILD CARE HOME IS REQUIRED TO CARRY, AND
11 SUCH INSURANCE MUST BE PRIMARY TO ANY INSURANCE THE
12 METROPOLITAN DISTRICT IS REQUIRED TO CARRY UNDER THE TERMS OF AN
13 INSTRUMENT.

14 (7) (a) NOTWITHSTANDING ANY PROVISION IN AN INSTRUMENT TO
15 THE CONTRARY, A METROPOLITAN DISTRICT SHALL NOT:

16 (I) EFFECTIVELY PROHIBIT RENEWABLE ENERGY GENERATION
17 DEVICES, AS DEFINED IN SECTION 38-30-168;

18 (II) REQUIRE THE USE OF CEDAR SHAKES OR OTHER FLAMMABLE
19 ROOFING MATERIALS ON A UNIT; OR

20 (III) EFFECTIVELY PROHIBIT THE INSTALLATION OR USE OF AN
21 ENERGY EFFICIENCY MEASURE ON A UNIT.

22 (b) SUBSECTION (7)(a)(III) OF THIS SECTION DOES NOT APPLY TO:

23 (I) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE
24 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ENERGY
25 EFFICIENCY MEASURE. IN CREATING REASONABLE AESTHETIC PROVISIONS,
26 A METROPOLITAN DISTRICT SHALL CONSIDER:

27 (A) THE IMPACT OF THE PURCHASE PRICE AND OPERATING COSTS

1 OF THE ENERGY EFFICIENCY MEASURE;

2 (B) THE IMPACT ON THE PERFORMANCE OF THE ENERGY
3 EFFICIENCY MEASURE; AND

4 (C) THE CRITERIA CONTAINED IN ANY INSTRUMENT.

5 (II) BONA FIDE SAFETY REQUIREMENTS, CONSISTENT WITH AN
6 APPLICABLE BUILDING CODE OR RECOGNIZED SAFETY STANDARD, FOR THE
7 PROTECTION OF PERSONS OR PROPERTY.

8 (c) SUBSECTION (7)(a)(III) OF THIS SECTION DOES NOT CONFER
9 UPON ANY UNIT OWNER THE RIGHT TO PLACE AN ENERGY EFFICIENCY
10 MEASURE ON PROPERTY THAT IS:

11 (I) OWNED BY ANOTHER PERSON;

12 (II) LEASED, EXCEPT WITH PERMISSION OF THE LESSOR;

13 (III) COLLATERAL FOR A COMMERCIAL LOAN, EXCEPT WITH
14 PERMISSION OF THE SECURED PARTY;

15 (IV) A COMMON ELEMENT OR LIMITED COMMON ELEMENT OF A
16 COMMON INTEREST COMMUNITY, AS THOSE TERMS ARE DEFINED IN
17 SECTION 38-33.3-103; OR

18 (V) OWNED OR MAINTAINED BY A METROPOLITAN DISTRICT.

19 **SECTION 4. Act subject to petition - effective date -**
20 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
21 the expiration of the ninety-day period after final adjournment of the
22 general assembly; except that, if a referendum petition is filed pursuant
23 to section 1 (3) of article V of the state constitution against this act or an
24 item, section, or part of this act within such period, then the act, item,
25 section, or part will not take effect unless approved by the people at the
26 general election to be held in November 2024 and, in such case, will take
27 effect on the date of the official declaration of the vote thereon by the

1 governor.

2 (2) This act applies to conduct occurring on or after the applicable

3 effective date of this act.