

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 24-0169.03 Jennifer Berman x3286

HOUSE BILL 24-1267

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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.

HOUSE
3rd Reading Unamended
March 7, 2024

HOUSE
Amended 2nd Reading
March 6, 2024

- 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) (A) EXCEPT AS PROVIDED IN SUBSECTION (1)(c)(IV)(B) OF
10 THIS SECTION, AN ENERGY-EFFICIENT OUTDOOR LIGHTING DEVICE,
11 INCLUDING WITHOUT LIMITATION A LIGHT FIXTURE CONTAINING A COILED
12 OR STRAIGHT FLUORESCENT LIGHT BULB, AND ANY SOLAR RECHARGING
13 PANEL, MOTION DETECTOR, OR OTHER EQUIPMENT CONNECTED TO THE
14 LIGHTING DEVICE.

15 (B) SUBSECTION (1)(c)(IV)(A) OF THIS SECTION DOES NOT APPLY
16 TO COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES PROVIDED
17 UNDER AN INSTRUMENT THAT IMPLEMENTS DARK SKY REQUIREMENTS FOR
18 RESIDENTIAL PROPERTY THAT IS A DESIGNATED DARK SKY PLACE, AS
19 DEFINED IN SECTION 24-49.7-110 (2)(d).

20 (V) A RETRACTABLE CLOTHESLINE; AND

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

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

25 (A) WITH THE AUTHORITY TO MAKE A DECISION REGARDING THE
26 ENFORCEMENT OF AN INSTRUMENT THAT A METROPOLITAN DISTRICT
27 ENFORCES PURSUANT TO THIS SECTION OR SECTION 32-1-1004 (8),

1 INCLUDING THE ENFORCEMENT OF ANY ARCHITECTURAL REQUIREMENTS;
2 AND

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

5 (II) AS USED IN THIS SUBSECTION (1)(d), "PERSONAL OR FINANCIAL
6 INTEREST" MEANS THAT THE IMPARTIAL DECISION-MAKER, AS A RESULT OF
7 THE OUTCOME OF THE MATTER BEING DECIDED, WOULD RECEIVE A
8 GREATER BENEFIT OR DETRIMENT THAN THAT OF OTHER UNIT OWNERS
9 SUBJECT TO THE SAME INSTRUMENT.

10 (e) "INSTRUMENT" MEANS THE DECLARATION, RULES AND
11 REGULATIONS, OR ANY OTHER INSTRUMENT THAT A METROPOLITAN
12 DISTRICT ENFORCES PURSUANT TO THIS SECTION AND SECTION 32-1-1004
13 (8).

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

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

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

20 (2) (a) ON OR BEFORE JANUARY 1, 2025, EXCEPT AS PROVIDED IN
21 SUBSECTION (2)(d) OF THIS SECTION, A METROPOLITAN DISTRICT SHALL
22 ADOPT A WRITTEN POLICY GOVERNING THE IMPOSITION OF FINES. IN
23 FURNISHING COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES, A
24 BOARD SHALL NOT IMPOSE A FINE ON A UNIT OWNER FOR AN ALLEGED
25 VIOLATION OF AN INSTRUMENT UNLESS THE FINE IS IMPOSED IN
26 ACCORDANCE WITH THE WRITTEN POLICY. THE WRITTEN POLICY:

27 (I) MUST INCLUDE A FAIR AND IMPARTIAL FACT-FINDING PROCESS

1 CONCERNING WHETHER AN ALLEGED VIOLATION ACTUALLY OCCURRED
2 AND, IF SO, WHETHER A UNIT OWNER IS RESPONSIBLE FOR THE VIOLATION;
3 AND

4 (II) MUST REQUIRE PROVIDING NOTICE TO THE UNIT OWNER
5 REGARDING THE NATURE OF THE ALLEGED VIOLATION, THE ACTION OR
6 ACTIONS REQUIRED TO CURE THE ALLEGED VIOLATION, AND THE TIMELINE
7 FOR THE FAIR AND IMPARTIAL FACT-FINDING PROCESS REQUIRED UNDER
8 SUBSECTION (2)(a)(I) OF THIS SECTION.

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

12 (c) THE WRITTEN POLICY MUST SPECIFY THE SCHEDULE OF FINES
13 THAT MAY BE IMPOSED FOR ALLEGED VIOLATIONS THAT ARE CONTINUOUS
14 OR REPETITIVE IN NATURE, INCLUDING A DESCRIPTION OF WHAT
15 CONSTITUTES A CONTINUOUS VIOLATION AND WHAT CONSTITUTES A
16 REPETITIVE VIOLATION.

17 (d) (I) A METROPOLITAN DISTRICT THAT DOES NOT PROVIDE
18 COVENANT ENFORCEMENT AND DOES NOT FORM A UNIT OWNERS'
19 ASSOCIATION PURSUANT TO SECTION 38-33.3-301:

20 (A) CANNOT PURSUE OTHER REMEDIES AGAINST PROPERTY
21 OWNERS TO ENFORCE DESIGN REVIEW REQUIREMENTS ADOPTED BY THE
22 METROPOLITAN DISTRICT; AND

23 (B) IS NOT REQUIRED TO ADOPT WRITTEN POLICIES PURSUANT TO
24 SUBSECTIONS (2)(a) AND (5)(a) OF THIS SECTION.

25 (II) IF A METROPOLITAN DISTRICT ELECTS TO PROVIDE COVENANT
26 ENFORCEMENT AT ANY TIME, THE REQUIREMENTS OF THIS SECTION APPLY
27 TO THE METROPOLITAN DISTRICT.

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

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

10 (II) THE BOARD OF A METROPOLITAN DISTRICT FURNISHING
11 COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES PURSUANT TO
12 THIS SECTION AND SECTION 32-1-1004 (8) SHALL NOT FORECLOSE ON ANY
13 LIEN DESCRIBED IN THIS SUBSECTION (3)(b) THAT ARISES FROM AMOUNTS
14 THAT A UNIT OWNER OWES THE METROPOLITAN DISTRICT AS A RESULT OF
15 A COVENANT VIOLATION OR ENFORCEMENT OF A FAILURE TO COMPLY WITH
16 ANY INSTRUMENT.

17 (III) IN ADDITION TO ANY OTHER MEANS PROVIDED BY LAW, A
18 BOARD, BY RESOLUTION AND AT A PUBLIC MEETING HELD AFTER NOTICE
19 HAS BEEN PROVIDED TO AN AFFECTED UNIT OWNER, MAY ELECT TO HAVE
20 CERTAIN DELINQUENT FEES, RATES, TOLLS, FINES, PENALTIES, CHARGES,
21 OR ASSESSMENTS MADE OR LEVIED FOR COVENANT ENFORCEMENT AND
22 DESIGN REVIEW SERVICES CERTIFIED TO THE TREASURER OF THE COUNTY
23 IN WHICH THE METROPOLITAN DISTRICT IS LOCATED, AND FOR THE
24 DELINQUENT FEES, RATES, TOLLS, FINES, PENALTIES, CHARGES, OR
25 ASSESSMENTS TO BE COLLECTED AND PAID OVER BY THE TREASURER OF
26 THE COUNTY IN THE SAME MANNER AS TAXES ARE AUTHORIZED TO BE
27 COLLECTED AND PAID OVER PURSUANT TO SECTION 39-10-107.

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

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

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

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

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

18 (III) THE METROPOLITAN DISTRICT SHALL NOT ALLOCATE TO THE
19 UNIT OWNER'S ACCOUNT WITH THE METROPOLITAN DISTRICT ANY OF THE
20 METROPOLITAN DISTRICT'S COSTS OR ATTORNEY FEES INCURRED IN
21 ASSERTING OR DEFENDING THE CLAIM FROM REVENUE THAT THE
22 METROPOLITAN DISTRICT COLLECTS OTHER THAN AD VALOREM PROPERTY
23 TAXES IMPOSED ON ALL TAXPAYERS IN THE METROPOLITAN DISTRICT.

24 (d) NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN ACTION
25 SHALL NOT BE COMMENCED OR MAINTAINED TO ENFORCE THE TERMS OF
26 ANY BUILDING RESTRICTION CONTAINED IN AN INSTRUMENT OR TO COMPEL
27 THE REMOVAL OF ANY BUILDING OR IMPROVEMENT BECAUSE OF A

1 VIOLATION OF THE TERMS OF ANY SUCH BUILDING RESTRICTION UNLESS
2 THE ACTION IS COMMENCED WITHIN ONE YEAR AFTER THE DATE THAT THE
3 METROPOLITAN DISTRICT COMMENCING THE ACTION FIRST KNEW OR, IN
4 THE EXERCISE OF REASONABLE DILIGENCE, SHOULD HAVE KNOWN OF THE
5 VIOLATION FORMING THE BASIS OF THE ACTION.

6 (5) (a) (I) ON OR BEFORE JANUARY 1, 2025, EXCEPT AS PROVIDED
7 IN SUBSECTION (2)(d) OF THIS SECTION, A METROPOLITAN DISTRICT
8 FURNISHING COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES
9 UNDER THIS SECTION AND SECTION 32-1-1004 (8) SHALL ADOPT A WRITTEN
10 POLICY SETTING FORTH THE METROPOLITAN DISTRICT'S PROCEDURE FOR
11 ADDRESSING DISPUTES ARISING BETWEEN THE METROPOLITAN DISTRICT
12 AND ONE OR MORE UNIT OWNERS RELATED TO THE ENFORCEMENT OF AN
13 INSTRUMENT.

14 (II) (A) EXCEPT AS PROVIDED IN SUBSECTION (5)(a)(II)(B) OF THIS
15 SECTION, A METROPOLITAN DISTRICT SHALL MAKE A COPY OF THE WRITTEN
16 POLICY ADOPTED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION
17 AVAILABLE TO UNIT OWNERS ON THE METROPOLITAN DISTRICT'S WEBSITE
18 THAT THE METROPOLITAN DISTRICT IS REQUIRED TO MAINTAIN PURSUANT
19 TO SECTION 32-1-104.5 (3).

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

24 (b) (I) ANY CONTROVERSY BETWEEN A METROPOLITAN DISTRICT
25 AND A UNIT OWNER THAT ARISES OUT OF THE ENFORCEMENT OF AN
26 INSTRUMENT MAY BE SUBMITTED TO MEDIATION BY AGREEMENT OF THE
27 PARTIES PRIOR TO THE COMMENCEMENT OF ANY LEGAL PROCEEDING.

1 EITHER PARTY TO THE MEDIATION MAY TERMINATE THE MEDIATION
2 PROCESS WITHOUT PREJUDICE.

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

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

17 (a) THE DISPLAY OF A FLAG ON A UNIT, IN A WINDOW OF THE UNIT,
18 OR ON A BALCONY ADJOINING THE UNIT. THE METROPOLITAN DISTRICT
19 SHALL NOT PROHIBIT OR REGULATE THE DISPLAY OF FLAGS ON THE BASIS
20 OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE
21 METROPOLITAN DISTRICT MAY PROHIBIT FLAGS BEARING COMMERCIAL
22 MESSAGES. THE METROPOLITAN DISTRICT MAY ADOPT REASONABLE,
23 CONTENT-NEUTRAL RULES TO REGULATE THE NUMBER, LOCATION, AND
24 SIZE OF FLAGS AND FLAGPOLES BUT SHALL NOT PROHIBIT THE
25 INSTALLATION OF A FLAG OR FLAGPOLE.

26 (b) THE DISPLAY OF A SIGN BY THE OWNER OR OCCUPANT OF A
27 UNIT ON PROPERTY WITHIN THE BOUNDARIES OF THE UNIT OR IN A WINDOW

1 OF THE UNIT. THE METROPOLITAN DISTRICT SHALL NOT PROHIBIT OR
2 REGULATE THE DISPLAY OF WINDOW SIGNS OR YARD SIGNS ON THE BASIS
3 OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE
4 METROPOLITAN DISTRICT MAY PROHIBIT SIGNS BEARING COMMERCIAL
5 MESSAGES. THE METROPOLITAN DISTRICT MAY ESTABLISH REASONABLE,
6 CONTENT-NEUTRAL RULES TO REGULATE SIGNS BASED ON THE NUMBER,
7 PLACEMENT, OR SIZE OF THE SIGNS OR ON OTHER OBJECTIVE FACTORS.

8 (c) THE PARKING OF A MOTOR VEHICLE BY THE OCCUPANT OF A
9 UNIT ON THE DRIVEWAY OF THE UNIT IF THE VEHICLE IS REQUIRED TO BE
10 AVAILABLE AT DESIGNATED PERIODS AT THE OCCUPANT'S RESIDENCE AS
11 A CONDITION OF THE OCCUPANT'S EMPLOYMENT AND ALL OF THE
12 FOLLOWING CRITERIA ARE MET:

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

15 (II) THE OCCUPANT IS A BONA FIDE MEMBER OF A VOLUNTEER FIRE
16 DEPARTMENT OR IS EMPLOYED BY A PRIMARY PROVIDER OF EMERGENCY
17 FIREFIGHTING, LAW ENFORCEMENT, AMBULANCE, OR EMERGENCY
18 MEDICAL SERVICES;

19 (III) THE VEHICLE BEARS AN OFFICIAL EMBLEM OR OTHER VISIBLE
20 DESIGNATION OF THE EMERGENCY SERVICE PROVIDER; AND

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

25 (d) THE REMOVAL BY A UNIT OWNER OF TREES, SHRUBS, OR OTHER
26 VEGETATION TO CREATE DEFENSIBLE SPACE ON A UNIT FOR FIRE
27 MITIGATION PURPOSES, SO LONG AS THE REMOVAL COMPLIES WITH A

1 WRITTEN DEFENSIBLE SPACE PLAN CREATED FOR THE PROPERTY BY THE
2 COLORADO STATE FOREST SERVICE, AN INDIVIDUAL OR COMPANY
3 CERTIFIED BY AN ENTITY OF A LOCAL GOVERNMENT TO CREATE SUCH A
4 PLAN, OR THE FIRE CHIEF, FIRE MARSHAL, OR FIRE PROTECTION DISTRICT
5 WITHIN WHOSE JURISDICTION THE UNIT IS LOCATED AND IS NO MORE
6 EXTENSIVE THAN NECESSARY TO COMPLY WITH THE PLAN. THE PLAN
7 SHALL BE REGISTERED WITH THE METROPOLITAN DISTRICT AT LEAST
8 THIRTY DAYS BEFORE THE COMMENCEMENT OF WORK. THE METROPOLITAN
9 DISTRICT MAY REQUIRE CHANGES TO THE PLAN IF THE METROPOLITAN
10 DISTRICT OBTAINS THE CONSENT OF THE INDIVIDUAL, OFFICIAL, OR
11 AGENCY THAT ORIGINALLY CREATED THE PLAN. THE WORK MUST COMPLY
12 WITH APPLICABLE STANDARDS OF THE METROPOLITAN DISTRICT
13 REGARDING SLASH REMOVAL, STUMP HEIGHT, REVEGETATION, AND
14 CONTRACTOR REGULATIONS.

15 (e) REASONABLE MODIFICATIONS TO A UNIT AS NECESSARY TO
16 AFFORD AN INDIVIDUAL WITH DISABILITIES FULL USE AND ENJOYMENT OF
17 THE UNIT IN ACCORDANCE WITH THE FEDERAL "FAIR HOUSING ACT OF
18 1968", 42 U.S.C. SEC. 3604 (f)(3)(A);

19 (f) THE USE OF XERISCAPE, NONVEGETATIVE TURF GRASS, OR
20 DROUGHT-TOLERANT VEGETATIVE OR NONVEGETATIVE LANDSCAPES TO
21 PROVIDE GROUND COVERING TO PROPERTY FOR WHICH A UNIT OWNER IS
22 RESPONSIBLE IN ACCORDANCE WITH SECTION 38-33.3-106.5 (1)(i) AND
23 (1)(i.5);

24 (g) THE USE OF A RAIN BARREL, AS DEFINED IN SECTION
25 37-96.5-102 (1), TO COLLECT PRECIPITATION FROM A RESIDENTIAL
26 ROOFTOP IN ACCORDANCE WITH SECTION 37-96.5-103. A METROPOLITAN
27 DISTRICT MAY IMPOSE REASONABLE AESTHETIC REQUIREMENTS THAT

1 GOVERN THE PLACEMENT OR EXTERNAL APPEARANCE OF A RAIN BARREL.
2 THIS SUBSECTION (6)(g) DOES NOT CONFER UPON A UNIT OWNER A RIGHT
3 TO PLACE A RAIN BARREL AT, OR TO CONNECT A RAIN BARREL TO, ANY
4 PROPERTY THAT IS:

- 5 (I) LEASED, EXCEPT WITH PERMISSION OF THE LESSOR;
- 6 (II) A COMMON ELEMENT OR A LIMITED COMMON ELEMENT OF A
7 COMMON INTEREST COMMUNITY, AS THOSE TERMS ARE DEFINED IN
8 SECTION 38-33.3-103;
- 9 (III) OWNED OR MAINTAINED BY THE METROPOLITAN DISTRICT; OR
- 10 (IV) ATTACHED TO ONE OR MORE OTHER UNITS, EXCEPT WITH
11 PERMISSION OF THE OWNERS OF THE OTHER UNITS.

12 (h) (I) THE OPERATION OF A FAMILY CHILD CARE HOME, AS
13 DEFINED IN SECTION 26.5-5-303, THAT IS LICENSED PURSUANT TO PART 3
14 OF ARTICLE 5 OF TITLE 26.5.

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

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

24 (IV) THE METROPOLITAN DISTRICT MAY REQUIRE THE OWNER OR
25 OPERATOR OF A FAMILY CHILD CARE HOME TO CARRY LIABILITY
26 INSURANCE, AT REASONABLE LEVELS DETERMINED BY THE BOARD,
27 PROVIDING COVERAGE FOR ANY ASPECT OF THE OPERATION OF THE FAMILY

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

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

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

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

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

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

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

24 (A) THE IMPACT OF THE PURCHASE PRICE AND OPERATING COSTS
25 OF THE ENERGY EFFICIENCY MEASURE;

26 (B) THE IMPACT ON THE PERFORMANCE OF THE ENERGY
27 EFFICIENCY MEASURE; AND

1 (C) THE CRITERIA CONTAINED IN ANY INSTRUMENT.

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

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

8 (I) OWNED BY ANOTHER PERSON;

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

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

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

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

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

26 (2) This act applies to conduct occurring on or after the applicable
27 effective date of this act.