

CHAPTER 283

PROPERTY

HOUSE BILL 05-1192

BY REPRESENTATIVE(S) Soper, Butcher, and McFadyen;
also SENATOR(S) Spence, and Tochtrop.

AN ACT

CONCERNING A REQUIREMENT THAT A LOCAL GOVERNMENT BE NOTIFIED OF THE TERMINATION OF CERTAIN PLANNED COMMUNITIES.

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

SECTION 1. 38-33.3-218, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-33.3-218. Termination of common interest community. (1.5) NO PLANNED COMMUNITY THAT IS REQUIRED TO EXIST PURSUANT TO A DEVELOPMENT OR SITE PLAN SHALL BE TERMINATED BY AGREEMENT OF UNIT OWNERS, UNLESS A COPY OF THE TERMINATION AGREEMENT IS SENT BY CERTIFIED MAIL OR HAND DELIVERED TO THE GOVERNING BODY OF EVERY MUNICIPALITY IN WHICH A PORTION OF THE PLANNED COMMUNITY IS SITUATED OR, IF THE PLANNED COMMUNITY IS SITUATED IN AN UNINCORPORATED AREA, TO THE BOARD OF COUNTY COMMISSIONERS FOR EVERY COUNTY IN WHICH A PORTION OF THE PLANNED COMMUNITY IS SITUATED.

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 10, 2005, if adjournment sine die is on May 11, 2005); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to termination agreements entered into on or after the applicable effective date of this act.

Approved: June 3, 2005