

CHAPTER 166

PROPERTY

HOUSE BILL 09-1220

BY REPRESENTATIVE(S) Scanlan, Apuan, Kerr A., Ryden, Todd, Schafer S.;
also SENATOR(S) Gibbs, Boyd, Carroll M., Foster, Heath, Hodge, Newell, Schwartz, Shaffer B., Tochtrop, Williams.

AN ACT

CONCERNING AN AMENDMENT TO THE "COLORADO COMMON INTEREST OWNERSHIP ACT" TO PERMIT A UNIT OWNER TO PRESCRIBE SPECIFIED CONDITIONS IN CONNECTION WITH THE USE OF SUCH OWNER'S PROPERTY THAT PROMOTE AFFORDABLE HOUSING.

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

SECTION 1. 38-33.3-106.5 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic and political expression - emergency vehicles - fire prevention - renewable energy generation devices - affordable housing - definitions. (1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

(h) (I) THE RIGHT OF A UNIT OWNER, PUBLIC OR PRIVATE, TO RESTRICT OR SPECIFY BY DEED, COVENANT, OR OTHER DOCUMENT:

(A) THE PERMISSIBLE SALE PRICE, RENTAL RATE, OR LEASE RATE OF THE UNIT; OR

(B) OCCUPANCY OR OTHER REQUIREMENTS DESIGNED TO PROMOTE AFFORDABLE OR WORKFORCE HOUSING AS SUCH TERMS MAY BE DEFINED BY THE LOCAL HOUSING AUTHORITY.

(II) (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISIONS OF THIS PARAGRAPH (h) SHALL ONLY APPLY TO A COUNTY THE POPULATION OF WHICH IS LESS THAN ONE-HUNDRED THOUSAND PERSONS AND THAT CONTAINS A SKI LIFT LICENSED BY THE PASSENGER TRAMWAY SAFETY BOARD CREATED IN SECTION 25-5-703 (1), C.R.S.

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

(B) THE PROVISIONS OF THIS PARAGRAPH (h) SHALL NOT APPLY TO A DECLARANT-CONTROLLED COMMUNITY.

(III) NOTHING IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (h) SHALL BE CONSTRUED TO PROHIBIT THE FUTURE OWNER OF A UNIT AGAINST WHICH A RESTRICTION OR SPECIFICATION DESCRIBED IN SUCH SUBPARAGRAPH HAS BEEN PLACED FROM LIFTING SUCH RESTRICTION OR SPECIFICATION ON SUCH UNIT AS LONG AS ANY UNIT SO RELEASED IS REPLACED BY ANOTHER UNIT IN THE SAME COMMON INTEREST COMMUNITY ON WHICH THE RESTRICTION OR SPECIFICATION APPLIES AND THE UNIT SUBJECT TO THE RESTRICTION OR SPECIFICATION IS REASONABLY EQUIVALENT TO THE UNIT BEING RELEASED IN THE DETERMINATION OF THE BENEFICIARY OF THE RESTRICTION OR SPECIFICATION.

(IV) EXCEPT AS OTHERWISE PROVIDED IN THE DECLARATION OF THE COMMON INTEREST COMMUNITY, ANY UNIT SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH (h) SHALL ONLY BE OCCUPIED BY THE OWNER OF THE UNIT.

SECTION 2. Act subject to petition - 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 5, 2009, if adjournment sine die is on May 6, 2009); 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 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 declarations, bylaws, or rules and regulations entered into on or after the applicable effective date of this act.

Approved: April 22, 2009