

CHAPTER 248

PROPERTY

SENATE BILL 09-249

BY SENATOR(S) Penry and Carroll M., Boyd;
also REPRESENTATIVE(S) Kerr A., Bradford, May, Baumgardner, Labuda, McFadyen, Murray, Peniston, Primavera, Priola,
Todd.

AN ACT

CONCERNING THE APPLICABILITY TO SMALL COMMON-INTEREST COMMUNITIES OF RECENTLY ENACTED PROVISIONS OF THE "COLORADO COMMON INTEREST OWNERSHIP ACT".

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

SECTION 1. 38-33.3-116 (1) and (2), Colorado Revised Statutes, are amended to read:

38-33.3-116. Exception for new small cooperatives and small and limited expense planned communities. (1) If a cooperative created in this state on or after July 1, 1992, but prior to July 1, 1998, contains only units restricted to nonresidential use or contains no more than ten units and is not subject to any development rights, it is subject only to sections ~~38-33.3-105, 38-33.3-106, and 38-33.3-107~~ 38-33.3-105 TO 38-33.3-107, unless the declaration provides that this entire article is applicable. If a planned community created in this state on or after July 1, 1992, but prior to July 1, 1998, contains no more than ten units and is not subject to any development rights or if a planned community provides, in its declaration, that the annual average common expense liability of each unit restricted to residential purposes, exclusive of optional user fees and any insurance premiums paid by the association, may not exceed three hundred dollars, it is subject only to sections ~~38-33.3-105, 38-33.3-106, and 38-33.3-107~~ 38-33.3-105 TO 38-33.3-107, unless the declaration provides that this entire article is applicable.

(2) If a cooperative or planned community created in this state on or after July 1, 1998, contains only units restricted to nonresidential use, or contains no more than twenty units and is not subject to any development rights, it is subject only to sections ~~38-33.3-105, 38-33.3-106, and 38-33.3-107~~ 38-33.3-105 TO 38-33.3-107, unless the declaration provides that this entire article is applicable. If a planned

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

community created in this state after July 1, 1998, provides, in its declaration, that the annual average common expense liability of each unit restricted to residential purposes, exclusive of optional user fees and any insurance premiums paid by the association, may not exceed four hundred dollars, as adjusted pursuant to subsection (3) of this section, it is subject only to sections ~~38-33.3-105, 38-33.3-106, and 38-33.3-107~~ 38-33.3-105 TO 38-33.3-107, unless the declaration provides that this entire article is applicable.

SECTION 2. 38-33.3-119, Colorado Revised Statutes, is amended to read:

38-33.3-119. Exception for small preexisting cooperatives and planned communities. If a cooperative or planned community created within this state before July 1, 1992, contains no more than ten units and is not subject to any development rights, it is subject only to sections ~~38-33.3-105, 38-33.3-106, and 38-33.3-107~~ 38-33.3-105 TO 38-33.3-107 unless the declaration is amended in conformity with applicable law and with the procedures and requirements of the declaration to take advantage of the provisions of section 38-33.3-120, in which case all the sections enumerated in section 38-33.3-117 apply to that planned community.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 14, 2009