

HB1229_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB21-1229 be amended as follows:

1 Amend printed bill, page 4, strike lines 2 through 12 and substitute:

2 "SECTION 1. In Colorado Revised Statutes, 37-60-126, amend
3 (11)(a) as follows:

4 **37-60-126. Water conservation and drought mitigation**
5 **planning - programs - relationship to state assistance for water**
6 **facilities - guidelines - water efficiency grant program - definitions -**
7 **repeal.** (11) (a) Any section of a restrictive covenant or of the
8 declaration, bylaws, or rules and regulations of a common interest
9 community, all as defined in section 38-33.3-103, and any rule or policy
10 of a special district, as defined in section 32-1-103 (20), that prohibits or
11 limits xeriscape, prohibits or limits the installation or use of
12 drought-tolerant vegetative landscapes, or requires cultivated vegetation
13 to consist wholly or partially of turf grass is hereby declared contrary to
14 public policy and, on that basis, is unenforceable. This subsection (11)(a)
15 does not prohibit common interest communities or special districts from
16 adopting and enforcing design or aesthetic guidelines or rules that require
17 APPLY TO drought-tolerant vegetative landscapes or regulate the type,
18 number, and placement of drought-tolerant plantings and hardscapes that
19 may be installed on property that is subject to the guidelines or rules;
20 EXCEPT THAT THE GUIDELINES OR RULES MUST NOT PROHIBIT THE USE OF
21 NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A RESIDENTIAL
22 PROPERTY."

23 Page 5, line 24, strike "ARE SENT TO VOTERS" and substitute "ARE
24 SCHEDULED TO BE SENT TO VOTERS, AS ANNOUNCED BY THE SECRETARY
25 OF STATE,".

26 Page 5, line 26, strike "xeriscape, NONVEGETATIVE TURF GRASS, or" and
27 substitute "xeriscape or".

28 Page 6, line 4, strike "NONVEGETATIVE TURF GRASS AND".

29 Page 6, line 8, change the period to a semicolon and add "EXCEPT THAT
30 THE GUIDELINES OR RULES MUST NOT PROHIBIT THE USE OF
31 NONVEGETATIVE TURF GRASS IN THE BACKYARD OF A UNIT."

32 Page 7, strike lines 11 through 27.

33 Page 8, strike lines 1 through 14.

- 1 Renumber succeeding sections accordingly.
- 2 Page 8, line 27, strike "e-mail;" and substitute "e-mail, OR MAKING THE
3 REQUIRED INFORMATION ACCESSIBLE THROUGH AN APPLICATION THAT
4 CAN BE DOWNLOADED TO A MOBILE DEVICE;".
- 5 Page 9, line 27, strike "WITH FEWER THAN".
- 6 Page 10, line 1, strike "THIRTY-FIVE RESIDENTIAL UNITS" and substitute
7 "THAT QUALIFIES FOR A DE MINIMIS EXEMPTION UNDER CRITERIA
8 ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF REAL ESTATE
9 PURSUANT TO SECTION 38-33.3-303 (2.7)(b) AND".
- 10 Page 10, line 16, strike "FIRST BECOMING" and substitute "COMMENCING
11 HIS OR HER FIRST TERM AS".
- 12 Page 10, line 17, strike "SHALL EITHER:" and substitute "SHALL:".
- 13 Page 10, line 21, strike "OFFICER; OR" and substitute "OFFICER, UNLESS
14 THE EXECUTIVE BOARD MEMBER HAS ALREADY DONE SO; AND".
- 15 Page 10, strike lines 22 through 25 and substitute:
- 16 "(b) OBTAIN, READ, AND KEEP ACCESSIBLE COPIES OF THE
17 DECLARATION, BYLAWS, AND RULES AND REGULATIONS OF THE
18 ASSOCIATION UNLESS THE EXECUTIVE BOARD MEMBER HAS ALREADY
19 DONE SO."
- 20 Page 11, line 20, strike "(3)(a), (4)(a)(I), (5), and (6);" and substitute
21 "(3)(a), (4)(a)(I), and (9)(b);".
- 22 Page 11, line 25, strike "THREE" and substitute "FIVE".
- 23 Page 12, line 3, strike everything after the period.
- 24 Page 12, strike lines 4 through 6 and substitute "THE STUDY MUST BE
25 BASED ON A DILIGENT AND THOROUGH ON-SITE INSPECTION AND MUST
26 COMPLY WITH THE MOST RECENT AVAILABLE EDITION OF THE STANDARDS
27 OF PRACTICE PROMULGATED BY THE ASSOCIATION OF PROFESSIONAL
28 RESERVE ANALYSTS, HEADQUARTERED IN GERMANTOWN, WISCONSIN, OR
29 ITS SUCCESSOR ORGANIZATION."
- 30 Page 12, line 25, after "(a)" insert "(I)".
- 31 Page 13, line 3, strike "A" and substitute:

1 "(II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a)(III)
2 OF THIS SECTION, A".

3 Page 13, after line 18 insert:

4 "(III) A SPECIAL ELECTION NEED NOT BE HELD PURSUANT TO
5 SUBSECTION (3)(a)(II) OF THIS SECTION IF, AFTER NOTICE OF THE VACANCY
6 IS GIVEN IN ACCORDANCE WITH THAT SUBSECTION, NO MORE THAN ONE
7 PERSON MANIFESTS AN INTENT TO RUN FOR THE VACANT POSITION."

8 Page 14, strike lines 7 through 27.

9 Strike page 15.

10 Page 16, strike lines 1 through 13 and substitute:

11 "(9) Within sixty days after the unit owners other than the
12 declarant elect a majority of the members of the executive board, the
13 declarant shall deliver to the association all property of the unit owners
14 and of the association held by or controlled by the declarant, including
15 without limitation the following items:

16 (b) (I) An accounting for association funds and financial
17 statements, from the date the association received funds and ending on the
18 date the period of declarant control ends. The financial statements shall
19 be audited by an independent certified public accountant and shall be
20 accompanied by the accountant's letter, expressing either the opinion that
21 the financial statements present fairly the financial position of the
22 association in conformity with generally accepted accounting principles
23 or a disclaimer of the accountant's ability to attest to the fairness of the
24 presentation of the financial information in conformity with generally
25 accepted accounting principles and the reasons therefor. The expense of
26 the audit shall not be paid for or charged to the association.

27 (II) THE DOCUMENTS DELIVERED BY THE DECLARANT MUST
28 INCLUDE THE RESULTS OF A RESERVE STUDY CONDUCTED PRIOR TO THE
29 TRANSFER AND IN ACCORDANCE WITH THE STANDARDS SET FORTH IN
30 SUBSECTION (2.7)(a)(I) OF THIS SECTION."

31 Page 18, line 14, strike "SESSION," and substitute "SESSION OR INVOLVING
32 ATTORNEY-CLIENT COMMUNICATION,".

33 Page 19, strike lines 3 through 7 and substitute "**elections.**
34 (1) (b) (I) (B) At the discretion of the board or upon the".

35 Page 20, strike lines 6 through 24.

36 Renumber succeeding sections accordingly.

- 1 Page 20, line 26, strike "(2)(c)".
- 2 Page 21, strike lines 17 through 27.
- 3 Page 23, strike lines 3 through 18.
- 4 Page 24, line 3, strike "AND".
- 5 Page 24, strike lines 4 through 8 and substitute:
6 "(B) NOTICE OF ANY UNRESOLVED INSURANCE CLAIM BASED ON OR
7 RELATING TO DAMAGE TO ANY COMMON ELEMENTS OF THE COMMON
8 INTEREST COMMUNITY; AND
9 (C) A STATEMENT THAT THE UNIT OWNERS' ASSOCIATION SHALL
10 PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, UPON THE
11 BUYER'S REQUEST, TO INSPECT THE COMMON INTEREST COMMUNITY'S
12 COMMON ELEMENTS."
- 13 Page 24, strike lines 9 through 16 and substitute:
14 "(II) THE BUYER IS ENTITLED, UNDER THIS SUBSECTION (2)(b), TO
15 RECEIVE MEETING MINUTES THAT ARE NOT YET APPROVED IF THOSE
16 MINUTES ARE THE MOST RECENT AVAILABLE BEFORE CLOSING."
- 17 Page 25, line 19, strike "(3)(a)(I.5), (3)(a)(V)".
- 18 Page 25, strike line 20 and substitute "(3)(a)(V) and (3)(a)(VI) as
19 follows:".
- 20 Page 26, line 1, after the semicolon add "AND".
- 21 Page 26, strike lines 2 through 4.
- 22 Page 26, line 5, strike "(C)" and substitute "(B)".
- 23 Page 26, strike lines 9 through 15.
- 24 Page 26, line 24, after the semicolon add "AND".
- 25 Page 26, line 27, change the semicolon to a period and strike "AND".
- 26 Page 27, strike lines 1 through 4.

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