

Westlaw.

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C

West's Colorado Revised Statutes Annotated Currentness

Title 38. Property--Real and Personal

Real Property

Interests in Land

▣ Article 33.3. Colorado Common Interest Ownership Act (Refs & Annos)

▣ Part 1. General Provisions

→ § 38-33.3-117. Applicability to preexisting common interest communities

(1) Except as provided in section 38-33.3-119, the following sections shall apply to all common interest communities created within this state before July 1, 1992, with respect to events and circumstances occurring on or after July 1, 1992:

(a) 38-33.3-101 and 38-33.3-102;

(b) 38-33.3-103, to the extent necessary in construing any of the other sections of this article;

(c) 38-33.3-104 to 38-33.3-111;

(d) 38-33.3-114;

(e) 38-33.3-118;

(f) 38-33.3-120;

<Text of par. (1)(g) effective until January 1, 2006>

(g) 38-33.3-122 and 38-33.3-123;

<Text of par. (1)(g) effective January 1, 2006>

(g) 38-33.3-122 and 38-33.3-123(2);

(h) 38-33.3-203 and 38-33.3-217(7);

(i) 38-33.3-302(1)(a) to (1)(f), (1)(j) to (1)(m), and (1)(o) to (1)(q);

<Text of par. (1)(i.5) added effective January 1, 2006>

(i.5) 38-33.3-221.5;

(j) 38-33.3-311;

(k) 38-33.3-316;

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<Text of par. (1)(l) effective until January 1, 2006>

(l) 38-33.3-317 to 38-33.3-319.

<Text of par. (1)(l) effective January 1, 2006>

(l) 38-33.3-317, as it existed prior to January 1, 2006, 38-33. 3-318, and 38- 33.3-319.

<Text of subsec. (1.5) added effective January 1, 2006>

(1.5) Except as provided in section 38-33.3-119, the following sections shall apply to all common interest communities created within this state before July 1, 1992, with respect to events and circumstances occurring on or after January 1, 2006:

- (a) 38-33.3-123(1);
- (b) 38-33.3-124;
- (c) 38-33.3-209.4 to 38-33.3-209.7;
- (d) 38-33.3-217(1);
- (e) 38-33.3-223;
- (f) 38-33.3-301;
- (g) 38-33.3-302(3) and (4);
- (h) 38-33.3-303(4)(b);
- (i) 38-33.3-308(1), (2)(b), (2.5), and (4.5);
- (j) 38-33.3-310(1) and (2);
- (k) 38-33.3-310.5;
- (l) 38-33.3-315(7); and
- (m) 38-33.3-317.

(2) The sections specified in paragraphs (a) to (j) and (l) of subsection (1) of this section shall be applied and construed to establish a clear, comprehensive, and uniform framework for the operation and management of common interest communities within this state and to supplement the provisions of any declaration, bylaws, plat, or map in existence on June 30, 1992. Except for section 38-33.3-217(7), in the event of specific conflicts between the provisions of the sections specified in paragraphs (a) to (j) and (l) of subsection (1) of this section, and express requirements or restrictions in a declaration, bylaws, a plat, or a map in existence on June 30, 1992, such requirements or restrictions in the declaration, bylaws, plat, or map shall control, but only to the extent necessary to avoid invalidation of the specific requirement or restriction in the declaration, bylaws, plat, or map. Sections 38-33.3-217(7) and 38-33.3-316 shall be applied and construed as stated in such sections.

(3) Except as expressly provided for in this section, this article shall not apply to common interest communities

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created within this state before July 1, 1992.

(4) Section 38-33.3-308(2) to (7) shall apply to all common interest communities created within this state before July 1, 1995, and shall apply to all meetings of the executive board of such a community or any committee thereof occurring on or after said date. In addition, said section 38-33.3- 308(2) to (7) shall apply to all common interest communities created on or after July 1, 1995, and shall apply to all meetings of the executive board of such a community or any committee thereof occurring on or after said date.

CREDIT(S)

Added by Laws 1991, H.B.91-1292, § 1, eff. July 1, 1992. Amended by Laws 1991, S.B.91-243, § 64, eff. July 1, 1992; Laws 1993, H.B.93-1070, § 6, eff. April 30, 1993; Laws 1995, H.B.95-1234, § 2, eff. July 1, 1995; Laws 1999, Ch. 201, § 2, eff. May 19, 1999; Laws 2002, Ch. 212, § 1, eff. Aug. 7, 2002; Laws 2005, Ch. 308, §§ 3, 4, eff. Jan. 1, 2006.

HISTORICAL AND STATUTORY NOTES

2005 Electronic Pocket Part Update

Laws 2002, Ch. 212, § 1, in subsec. (2), in the second sentence inserted "Except for section 38-33.3-217(7)," and in the third sentence substituted "Sections 38-33.3-217(7) and 38-33.3-316" for "Section 38-33.3-316" and "sections" for "section".

Laws 2005, Ch. 308, §§ 3 and 4, in par. (1)(g), substituted "38-33.3-123(2)" for "38-33.3-123"; inserted par. (1)(i.5); in par. (1)(l), substituted ", as it existed prior to January 1, 2006, 38-33.3-318, and 38-33.3-319" for "to 38- 33.3-319"; and inserted subsec. (1.5).

2000 Main Volume

Law 1991, S.B.91-243 substituted "June 30, 1992" for "December 31, 1991".

The 1993 amendment rewrote the section, which prior thereto read:

"Except as provided in section 38-33.3-119, sections 38-33.3-105 to 38-33.3- 107, 38-33.3-203, 38-33.3-204, 38-33.3-302(1)(a) to (1)(f), (1)(j) to (1)(m), and (1)(o) to (1)(q), 38-33.3-311, 38-33.3-316, 38-33.3-318, and the definitions in section 38-33.3-103, to the extent necessary in construing any of those sections, apply to all common interest communities created within this state before July 1, 1992; except that those sections apply only with respect to events and circumstances occurring on or after July 1, 1992, and do not invalidate provisions of any declaration, bylaws, or plats or maps in existence on June 30, 1992."

The 1995 amendment added subsec. (4).

Laws 1995, H.B.95-1234, § 3, provides:

"**Effective date--applicability.** This act shall take effect July 1, 1995, and shall apply to meetings of the executive board of a common interest community or of any committee of such executive board occurring on or after said date."

Laws 1999, Ch. 201, § 2, in par. (1)(h), added "and 38-33.3-217(7)".

Uniform Law:

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