

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0766.01 Duane Gall

SENATE BILL 06-185

SENATE SPONSORSHIP

Lamborn,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE PROTECTION OF HOME OWNERS IN SMALL COMMON
102 INTEREST COMMUNITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Applies an existing, optional exemption from most provisions of the "Colorado Common Interest Ownership Act" to certain small cooperatives and planned communities that were created prior to July 1, 1998, and that consist of only nonresidential units or of no more than 20 units or whose annual common expense liabilities may not exceed \$400 per unit, or both, unless the declaration or bylaws provide otherwise.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

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

4 **38-33.3-116. Exception for new small cooperatives and small**
5 **and limited expense planned communities.** (1) ~~If a cooperative created~~
6 ~~in this state on or after July 1, 1992, but prior to July 1, 1998, contains~~
7 ~~only units restricted to nonresidential use or contains no more than ten~~
8 ~~units and is not subject to any development rights, it is subject only to~~
9 ~~sections 38-33.3-105, 38-33.3-106, and 38-33.3-107, unless the~~
10 ~~declaration provides that this entire article is applicable. If a planned~~
11 ~~community created in this state on or after July 1, 1992, but prior to July~~
12 ~~1, 1998, contains no more than ten units and is not subject to any~~
13 ~~development rights or if a planned community provides, in its declaration,~~
14 ~~that the annual average common expense liability of each unit restricted~~
15 ~~to residential purposes, exclusive of optional user fees and any insurance~~
16 ~~premiums paid by the association, may not exceed three hundred dollars;~~
17 ~~it is subject only to sections 38-33.3-105, 38-33.3-106, and 38-33.3-107;~~
18 ~~unless the declaration provides that this entire article is applicable.~~

19 (2) If a cooperative or planned community ~~created in this state on~~
20 ~~or after July 1, 1998, contains only units restricted to nonresidential use,~~
21 ~~or contains no more than twenty units and is not subject to any~~
22 ~~development rights, it is subject only to sections 38-33.3-105,~~
23 ~~38-33.3-106, and 38-33.3-107, unless the declaration provides OR~~
24 ~~BYLAWS PROVIDE that this entire article is applicable. If a planned~~
25 ~~community created in this state after July 1, 1998, provides, in its~~
26 ~~declaration OR BYLAWS, that the annual average common expense liability~~

1 of each unit restricted to residential purposes, exclusive of optional user
2 fees and any insurance premiums paid by the association, may not exceed
3 four hundred dollars, as adjusted pursuant to subsection (3) of this
4 section, it is subject only to sections 38-33.3-105, 38-33.3-106, and
5 38-33.3-107, unless the declaration ~~provides~~ OR BYLAWS PROVIDE that
6 this entire article is applicable.

7 **SECTION 2. Effective date.** This act shall take effect at 12:01
8 a.m. on the day following the expiration of the ninety-day period after
9 final adjournment of the general assembly that is allowed for submitting
10 a referendum petition pursuant to article V, section 1 (3) of the state
11 constitution (August 9, 2006, if adjournment sine die is on May 10,
12 2006); except that, if a referendum petition is filed against this act or an
13 item, section, or part of this act within such period, then the act, item,
14 section, or part, if approved by the people, shall take effect on the date of
15 the official declaration of the vote thereon by proclamation of the
16 governor.