

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

\_\_\_\_\_  
Date

Committee on Local Government.

After consideration on the merits, the Committee recommends the following:

SB06-089 be amended as follows:

1 Amend reengrossed bill, strike everything below the enacting clause and  
2 substitute the following:

3 "SECTION 1. 38-33.3-106.5 (1) (a), (1) (b), (1) (c), the  
4 introductory portion to 38-33.3-106.5 (1) (d), and 38-33.3-106.5 (1) (d)  
5 (II), (1) (d) (IV), and (1) (f), Colorado Revised Statutes, are amended, and  
6 the said 38-33.3-106.5 is further amended BY THE ADDITION OF A  
7 NEW SUBSECTION, to read:

8 **38-33.3-106.5. Prohibitions contrary to public policy -**  
9 **patriotic and political expression - emergency vehicles - fire**  
10 **prevention - definitions.** (1) Notwithstanding any provision in the  
11 declaration, bylaws, or rules and regulations of the association to the  
12 contrary, an association shall not prohibit any of the following:

13 (a) The display of the American flag ~~by a unit owner~~ on that A  
14 unit owner's property, in a window of the unit, ~~owner's residence~~, or on  
15 a balcony adjoining the unit ~~owner's property~~ if the American flag is  
16 displayed in a manner consistent with the federal flag code, P.L. 94-344;  
17 90 stat. 810; 4 U.S.C. SECS. 4 to 10. The association may adopt  
18 reasonable rules regarding the placement and manner of display of the  
19 American flag. The association rules may regulate the location and size  
20 of flags and flagpoles, but shall not prohibit the installation of a flag or  
21 flagpole.

22 (b) The display ~~by a unit owner~~ of a service flag bearing a star



1 denoting the service of the OWNER OR OCCUPANT OF THE unit, ~~owner~~ or  
2 OF a member of the ~~unit owner's~~ OR OCCUPANT'S immediate family, in the  
3 active or reserve military service of the United States during a time of war  
4 or armed conflict, on the inside of a window or door of the unit. ~~owner's~~  
5 ~~residence~~. The association may adopt reasonable rules regarding the size  
6 and manner of display of service flags; except that the maximum  
7 dimensions allowed shall be not less than nine inches by sixteen inches.

8 (c) (I) The display of a political sign by THE OWNER OR OCCUPANT  
9 OF a unit ~~owner~~ on that ~~unit owner's~~ property WITHIN THE BOUNDARIES OF  
10 THE UNIT or in a window of the unit; ~~owner's residence~~; except that:

11 (A) An association may prohibit the display of political signs  
12 earlier than forty-five days before the day of an election and later than  
13 seven days after an election day; AND

14 (B) An association may regulate the size and number of political  
15 signs ~~that may be placed on a unit owner's property if the association's~~  
16 ~~regulation is no more restrictive than any applicable city, town, or county~~  
17 ~~ordinance that regulates the size and number of political signs on~~  
18 ~~residential property. If the city, town, or county in which the property is~~  
19 ~~located does not regulate the size and number of political signs on~~  
20 ~~residential property~~ IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS  
21 PARAGRAPH (c).

22 (II) The association shall permit at least one political sign per  
23 political office or ballot issue that is contested in a pending election. ~~with~~  
24 The maximum dimensions of EACH SIGN MAY BE LIMITED TO THE LESSER  
25 OF THE FOLLOWING:

26 (A) THE MAXIMUM SIZE ALLOWED BY ANY APPLICABLE CITY,  
27 TOWN, OR COUNTY ORDINANCE THAT REGULATES THE SIZE OF POLITICAL  
28 SIGNS ON RESIDENTIAL PROPERTY; OR

29 (B) Thirty-six inches by forty-eight inches. ~~on a unit owner's~~  
30 ~~property~~.

31 (H) (III) As used in this paragraph (c), "political sign" means a  
32 sign that carries a message intended to influence the outcome of an  
33 election, including supporting or opposing the election of a candidate, the  
34 recall of a public official, or the passage of a ballot issue.



1 (d) The parking of a motor vehicle by THE OCCUPANT OF a unit  
2 owner on a street, driveway, or guest parking area in the common interest  
3 community if the vehicle is required to be available at designated periods  
4 at the unit owner's SUCH OCCUPANT'S residence as a condition of the unit  
5 owner's OCCUPANT'S employment and all of the following criteria are met:

6 (II) The unit owner OCCUPANT is a bona fide member of a  
7 volunteer fire department or is employed by an emergency service  
8 provider, as defined in section 29-11-101 (1.6), C.R.S. A PRIMARY  
9 PROVIDER OF EMERGENCY FIRE FIGHTING, LAW ENFORCEMENT,  
10 AMBULANCE, OR EMERGENCY MEDICAL SERVICES;

11 (IV) Parking of the vehicle can be accomplished without  
12 obstructing emergency access or interfering with the reasonable needs of  
13 other unit owners OR OCCUPANTS to use streets, and driveways, AND  
14 GUEST PARKING SPACES within the common interest community.

15 (f) ~~(f) The replacement by a unit owner of cedar shakes or other~~  
16 ~~flammable roofing materials with nonflammable roofing materials for fire~~  
17 ~~prevention or fire suppression purposes.~~

18 (H) ~~The declaration or bylaws may specify reasonable standards~~  
19 ~~for the color, appearance, and general type of nonflammable roofing~~  
20 ~~materials that are used to replace flammable roofing materials, but may~~  
21 ~~not require the use of nonflammable materials that exceed the~~  
22 ~~replacement cost of the flammable materials for which they are being~~  
23 ~~substituted.~~

24 (2) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,  
25 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE  
26 CONTRARY, AN ASSOCIATION SHALL NOT REQUIRE THE USE OF CEDAR  
27 SHAKES OR OTHER FLAMMABLE ROOFING MATERIALS.

28 **SECTION 2.** 38-33.3-117 (1) (g), (1.5) (a), and (1.5) (e),  
29 Colorado Revised Statutes, are amended to read:

30 **38-33.3-117. Applicability to preexisting common interest**  
31 **communities.** (1) Except as provided in section 38-33.3-119, the  
32 following sections shall apply to all common interest communities created  
33 within this state before July 1, 1992, with respect to events and  
34 circumstances occurring on or after July 1, 1992:

