

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 24-021

BY SENATOR(S) Rich and Exum, Baisley, Gardner, Hansen, Kirkmeyer, Lundeen, Pelton B., Roberts, Smallwood, Will;
also REPRESENTATIVE(S) Soper, Titone.

CONCERNING EXEMPTING CERTAIN SMALL COMMUNITIES FROM CERTAIN REQUIREMENTS OF THE "COLORADO COMMON INTEREST OWNERSHIP ACT".

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

SECTION 1. In Colorado Revised Statutes, **amend** 38-33.3-116 as follows:

38-33.3-116. Exception for new small cooperatives and small and limited-expense planned communities. (1) (a) EXCEPT AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, if a cooperative OR PLANNED COMMUNITY WAS created in this state on or after July 1, 1992, ~~but prior to July 1, 1998,~~ AND EITHER contains only units restricted to nonresidential use or contains no more than ~~ten~~ TWENTY units and is not subject to any development rights, it is subject only to sections 38-33.3-105 to 38-33.3-107, unless the declaration provides that this entire ~~article~~ ARTICLE 33.3 is applicable.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~(b) 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 EXCEPT AS DESCRIBED IN SUBSECTION (4) OF THIS SECTION, 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 MUST not exceed four hundred dollars, as adjusted pursuant to subsection (3) of this section, it is subject only to sections 38-33.3-105 to 38-33.3-107, unless the declaration provides that this entire article ARTICLE 33.3 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 to 38-33.3-107, unless the declaration provides that this entire article is applicable. If a planned 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 to 38-33.3-107, unless the declaration provides that this entire article is applicable.~~

~~(3)(a) The AMOUNT OF THE dollar limitation set forth in subsections (1) and (2) SUBSECTION (1)(b) of this section shall MUST be increased annually on July 1, 1999, and on July 1 of each succeeding year in accordance with any increase in the United States department of labor bureau of labor statistics final consumer price index for the Denver-Boulder consolidated metropolitan statistical area for the preceding calendar year. The AMOUNT OF THE limitation shall MUST not be increased if the final consumer price index for the preceding calendar year did not increase and shall MUST not be decreased if the final consumer price index for the preceding calendar year decreased.~~

~~(b) THE AMOUNT OF THE DOLLAR LIMITATION SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION, AS ADJUSTED AS DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION, APPLIES TO EACH PLANNED COMMUNITY DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, REGARDLESS OF WHEN THE PLANNED COMMUNITY WAS CREATED.~~

(4) A COOPERATIVE OR PLANNED COMMUNITY THAT IS SUBJECT ONLY TO SECTIONS 38-33.3-105 TO 38-33.3-107 OF THIS ARTICLE 33.3 PURSUANT TO SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION MAY ELECT TO BE SUBJECT TO THIS ENTIRE ARTICLE 33.3. A COOPERATIVE OR PLANNED COMMUNITY THAT SO ELECTS SHALL ADOPT AN AMENDMENT TO ITS DECLARATION IN ACCORDANCE WITH SECTION 38-33.3-217 EVIDENCING THE COOPERATIVE OR PLANNED COMMUNITY'S ELECTION TO BE SUBJECT TO THIS ENTIRE ARTICLE 33.3.

SECTION 2. In Colorado Revised Statutes, 12-10-801, **add** (3)(a.5) as follows:

12-10-801. HOA information and resource center - creation - duties - rules - subject to review - repeal. (3) (a.5) (I) THE HOA INFORMATION OFFICER SHALL IDENTIFY, TO THE EXTENT PRACTICABLE, COOPERATIVES AND PLANNED COMMUNITIES THAT:

(A) PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (3)(a.5), WERE SUBJECT TO THE ENTIRETY OF ARTICLE 33.3 OF TITLE 38; AND

(B) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(a.5), ARE SUBJECT ONLY TO SECTIONS 38-33.3-105 TO 38-33.3-107, AS DESCRIBED IN SECTION 38-33.3-116.

(II) ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(a.5), BUT NO LATER THAN NOVEMBER 1, 2024, THE HOA INFORMATION OFFICER SHALL NOTIFY EACH COOPERATIVE AND PLANNED COMMUNITY IDENTIFIED PURSUANT TO SUBSECTION (3)(a.5)(I) OF THIS SECTION THAT:

(A) AS A RESULT OF THE ENACTMENT OF SENATE BILL 24-021, ENACTED IN 2024, THE COOPERATIVE AND PLANNED COMMUNITY IS SUBJECT ONLY TO SECTIONS 38-33.3-105 TO 38-33.3-107, AS DESCRIBED IN SECTION 38-33.3-116; AND

(B) PURSUANT TO SECTION 38-33.3-116 (4), THE COOPERATIVE AND PLANNED COMMUNITY MAY ELECT TO BE SUBJECT TO THE ENTIRETY OF ARTICLE 33.3 OF TITLE 38, AND THAT A COOPERATIVE OR PLANNED COMMUNITY THAT SO ELECTS IS REQUIRED TO ADOPT AN AMENDMENT TO ITS DECLARATION IN ACCORDANCE WITH SECTION 38-33.3-217 EVIDENCING THE COOPERATIVE OR PLANNED COMMUNITY'S ELECTION TO BE SUBJECT TO THE

ENTIRETY OF ARTICLE 33.3 OF TITLE 38.

(III) THIS SUBSECTION (3)(a.5) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO