

Senate Transportation & Energy
 03/31/2022 Upon Adjournment
 HB22-1139 HOAs Cannot Regulate Use Of Public Rights-of-way
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Lindsay Smith Amend CAI Colorado Legislative Action Committee	I am concerned that prohibition of an HOA requiring that a public right of way be used in a certain manner will create problems for tree lawns in places like Arvada, Aurora, and Westminster. Tree lawns - the space between the street and the sidewalk - are part of the public right of way, and HOAs or homeowners have to maintain them in many jurisdictions. If the HOA cannot require that the tree lawn be used in a certain manner by a homeowner, you create a gap that will force more municipal enforcement. You can take out that last sentence of (d.5)(I) and have the same result, without the enforcement gap. This bill will also unambiguously prevent HOAs from prohibiting campers, RVs, and oversized commercial vehicles in neighborhoods unless the local government has already imposed regulation. This will create more complaints for the local government, and where there is no local government regulation, a lot of complaints that will go unaddressed for the HOAs.
Elizabeth Peetz For Colorado Association of Realtors	HB22-1139 Senate Trans & Energy – SUPPORT Good Afternoon, Committee members, I’m Liz Peetz with the Colorado Association of Realtors. Our non-profit trade association represents nearly 30,000 members statewide ...and we are in support of HB 1139. Public rights of way that are in compliance with local government regulations should not be constricted by a unit owner’s association. Consistency in regulation not only provides certainty for consumers but also prevents mishaps from say an overly active group of board members from making a decision that could seem to be very arbitrary. Thank you for your time today and feel free to email us if you have any follow-up questions. Epeetz@coloradorealtors.com