

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0772.01 Duane Gall x4335

**SENATE BILL 20-126**

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**SENATE SPONSORSHIP**

**Story and Smallwood,**

**HOUSE SPONSORSHIP**

**Roberts and Van Winkle,**

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**Senate Committees**

Local Government

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE OPERATION OF A LICENSED FAMILY CHILD CARE**

102 **HOME IN A COMMON INTEREST COMMUNITY.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill allows a homeowner in a community organized under the "Colorado Common Interest Ownership Act" to operate a licensed family child care home, notwithstanding anything to the contrary in the community's governing documents.

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers 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.** In Colorado Revised Statutes, 38-33.3-106.5, **add**  
3 (1)(k) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy -**  
5 **patriotic and political expression - emergency vehicles - fire**  
6 **prevention - renewable energy generation devices - affordable**  
7 **housing - drought prevention measures - child care - definitions.**

8 (1) Notwithstanding any provision in the declaration, bylaws, or rules  
9 and regulations of the association to the contrary, an association shall not  
10 prohibit any of the following:

11 (k) (I) THE OPERATION OF A FAMILY CHILD CARE HOME, AS  
12 DEFINED IN SECTION 26-6-102 (13), THAT IS LICENSED UNDER PART 1 OF  
13 ARTICLE 6 OF TITLE 26.

14 (II) THIS SUBSECTION (1)(k) DOES NOT SUPERSEDE ANY OF THE  
15 ASSOCIATION'S REGULATIONS CONCERNING ARCHITECTURAL CONTROL,  
16 PARKING, LANDSCAPING, NOISE, OR OTHER MATTERS NOT SPECIFIC TO THE  
17 OPERATION OF A BUSINESS PER SE. THE ASSOCIATION SHALL MAKE  
18 REASONABLE ACCOMMODATION FOR FENCING REQUIREMENTS APPLICABLE  
19 TO LICENSED FAMILY CHILD CARE HOMES.

20 (III) THIS SUBSECTION (1)(k) DOES NOT APPLY TO A COMMUNITY  
21 QUALIFIED AS HOUSING FOR OLDER PERSONS UNDER THE FEDERAL  
22 "HOUSING FOR OLDER PERSONS ACT OF 1995", AS AMENDED, PUB.L.  
23 104-76.

24 **SECTION 2. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2020 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.