

CHAPTER 188

GENERAL ASSEMBLY

HOUSE BILL 20-1200

BY REPRESENTATIVE(S) Titone and Weissman, Michaelson Jenet, Roberts;
also SENATOR(S) Story, Bridges, Fields, Ginal, Moreno, Todd, Garcia.

AN ACT

CONCERNING THE CONTINUATION OF THE HOA INFORMATION AND RESOURCE CENTER, AND, IN CONNECTION THEREWITH, IMPLEMENTING RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (19)(a)(II); and **add** (26)(a)(IX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (19) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2020:

(II) ~~The HOA information and resource center created in section 12-10-801;~~

(26) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2025:

(IX) THE HOA INFORMATION AND RESOURCE CENTER CREATED IN SECTION 12-10-801.

SECTION 2. In Colorado Revised Statutes, 12-10-801, **amend** (6) as follows:

12-10-801. HOA information and resource center - creation - duties - rules - subject to review - repeal. (6) This section is repealed, effective September 1, 2020 2025. Before the repeal, the HOA information and resource center and the HOA information officer's powers and duties under this section are scheduled for review in accordance with section 24-34-104.

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.

SECTION 3. In Colorado Revised Statutes, 38-33.3-106.5, **add (1)(c.5)** as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - emergency vehicles - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - definitions. (1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

(c.5) (I) THE DISPLAY OF A RELIGIOUS ITEM OR SYMBOL ON THE ENTRY DOOR OR ENTRY DOOR FRAME OF A UNIT; EXCEPT THAT AN ASSOCIATION MAY PROHIBIT THE DISPLAY OR AFFIXING OF AN ITEM OR SYMBOL TO THE EXTENT THAT IT:

(A) THREATENS PUBLIC HEALTH OR SAFETY;

(B) HINDERS THE OPENING OR CLOSING OF AN ENTRY DOOR;

(C) VIOLATES FEDERAL OR STATE LAW OR A MUNICIPAL ORDINANCE;

(D) CONTAINS GRAPHICS, LANGUAGE, OR ANY DISPLAY THAT IS OBSCENE OR OTHERWISE ILLEGAL; OR

(E) INDIVIDUALLY OR IN COMBINATION WITH OTHER RELIGIOUS ITEMS OR SYMBOLS, COVERS AN AREA GREATER THAN THIRTY-SIX SQUARE INCHES.

(II) IF AN ASSOCIATION IS PERFORMING MAINTENANCE, REPAIR, OR REPLACEMENT OF AN ENTRY DOOR OR DOOR FRAME THAT SERVES A UNIT OWNER'S SEPARATE INTEREST, THE UNIT OWNER MAY BE REQUIRED TO REMOVE A RELIGIOUS ITEM OR SYMBOL DURING THE TIME THE WORK IS BEING PERFORMED. AFTER COMPLETION OF THE ASSOCIATION'S WORK, THE UNIT OWNER MAY AGAIN DISPLAY OR AFFIX THE RELIGIOUS ITEM OR SYMBOL. THE ASSOCIATION SHALL PROVIDE INDIVIDUAL NOTICE TO THE UNIT OWNER REGARDING THE TEMPORARY REMOVAL OF THE RELIGIOUS ITEM OR SYMBOL.

(III) AS USED IN THIS SUBSECTION (1)(c.5), "RELIGIOUS ITEM OR SYMBOL" MEANS AN ITEM OR SYMBOL DISPLAYED BECAUSE OF A SINCERELY HELD RELIGIOUS BELIEF.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 30, 2020