

CHAPTER 250

PROPERTY

SENATE BILL 20-126

BY SENATOR(S) Story and Smallwood, Bridges, Crowder, Danielson, Ginal, Gonzales, Hisey, Holbert, Lee, Marble, Moreno, Priola, Tate, Todd, Williams A., Winter, Garcia;
 also REPRESENTATIVE(S) Roberts and Van Winkle, Arndt, Bird, Buckner, Buentello, Caraveo, Cutter, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Neville, Saine, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman, Young, Becker.

AN ACT**CONCERNING THE OPERATION OF A LICENSED FAMILY CHILD CARE HOME IN A COMMON INTEREST COMMUNITY.**

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

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

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

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

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

(III) THIS SUBSECTION (1)(k) DOES NOT APPLY TO A COMMUNITY QUALIFIED AS HOUSING FOR OLDER PERSONS UNDER THE FEDERAL "HOUSING FOR OLDER PERSONS

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.

ACT OF 1995", AS AMENDED, PUB.L. 104-76.

(IV) THE ASSOCIATION MAY REQUIRE THE OWNER OR OPERATOR OF A FAMILY CHILD CARE HOME LOCATED IN THE COMMON INTEREST COMMUNITY TO CARRY LIABILITY INSURANCE, AT REASONABLE LEVELS DETERMINED BY THE ASSOCIATION'S EXECUTIVE BOARD, PROVIDING COVERAGE FOR ANY ASPECT OF THE OPERATION OF THE FAMILY CHILD CARE HOME FOR PERSONAL INJURY, DEATH, DAMAGE TO PERSONAL PROPERTY, AND DAMAGE TO REAL PROPERTY THAT OCCURS IN OR ON THE COMMON ELEMENTS, IN THE UNIT WHERE THE FAMILY CHILD CARE HOME IS LOCATED, OR IN ANY OTHER UNIT LOCATED IN THE COMMON INTEREST COMMUNITY. THE ASSOCIATION SHALL BE NAMED AS AN ADDITIONAL INSURED ON THE LIABILITY INSURANCE THE FAMILY CHILD CARE HOME IS REQUIRED TO CARRY, AND SUCH INSURANCE MUST BE PRIMARY TO ANY INSURANCE THE ASSOCIATION IS REQUIRED TO CARRY UNDER THE TERMS OF THE DECLARATION.

SECTION 2. 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 (August 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: July 8, 2020