

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0402.01 Duane Gall x4335

HOUSE BILL 21-1310

HOUSE SPONSORSHIP

Cutter,

SENATE SPONSORSHIP

Rodriguez,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ADDITIONAL PROTECTIONS FOR HOMEOWNERS'**
102 **FREEDOM OF EXPRESSION IN COMMON INTEREST COMMUNITIES**
103 **UNDER THE "COLORADO COMMON INTEREST OWNERSHIP**
104 **ACT".**

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>.)

Current law limits the application of architectural and landscaping regulations of common interest communities (also known as HOAs) so as to require that they allow displays of the American flag, service flags

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.*

HOUSE
Amended 2nd Reading
May 26, 2021

such as the "blue star" and "gold star" flags, and political signs, subject to specific statutory criteria. For example, the statute allows political signs to be prohibited outright except during an election season, defined as the period from 45 days before an election to 7 days after the election.

The bill simplifies and broadens these protections, requiring an HOA to permit the display of any flag or sign at any time, subject only to reasonable, content-neutral limitations such as the number, size, or placement of the flags or signs.

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,
3 **amend** (1)(a) and (1)(c); and **repeal** (1)(b) as follows:

4 **38-33.3-106.5. Prohibitions contrary to public policy - free**
5 **expression - emergency vehicles - fire prevention - renewable energy**
6 **generation devices - affordable housing - drought prevention**
7 **measures - child care - definition.** (1) Notwithstanding any provision
8 in the declaration, bylaws, or rules and regulations of the association to
9 the contrary, an association shall not prohibit any of the following:

10 (a) The display of ~~the American A~~ flag on a unit owner's property,
11 in a window of the unit, or on a balcony adjoining the unit. ~~if the~~
12 ~~American flag is displayed in a manner consistent with the federal flag~~
13 ~~code, Pub.L. 94-344, 90 Stat. 810, 4 U.S.C. secs. 4 to 10~~ THE
14 ASSOCIATION SHALL NOT PROHIBIT OR REGULATE THE DISPLAY OF FLAGS
15 ON THE BASIS OF THEIR SUBJECT MATTER, MESSAGE, OR CONTENT; **EXCEPT**
16 **THAT THE ASSOCIATION MAY PROHIBIT FLAGS BEARING COMMERCIAL**
17 **MESSAGES.** The association may adopt reasonable, CONTENT-NEUTRAL
18 rules ~~regarding the placement and manner of display of the American~~
19 ~~flag. The association rules may~~ TO regulate the NUMBER, location, and
20 size of flags and flagpoles, but shall not prohibit the installation of a flag
21 or flagpole.

1 (b) ~~The display of a service flag bearing a star denoting the~~
2 ~~service of the owner or occupant of the unit, or of a member of the~~
3 ~~owner's or occupant's immediate family, in the active or reserve military~~
4 ~~service of the United States during a time of war or armed conflict, on the~~
5 ~~inside of a window or door of the unit. The association may adopt~~
6 ~~reasonable rules regarding the size and manner of display of service flags;~~
7 ~~except that the maximum dimensions allowed shall be not less than nine~~
8 ~~inches by sixteen inches.~~

9 (c) ~~(f)~~ The display of a political sign by the owner or occupant of
10 a unit on property within the boundaries of the unit or in a window of the
11 unit. ~~except that:~~ THE ASSOCIATION SHALL NOT PROHIBIT OR REGULATE
12 THE DISPLAY OF WINDOW SIGNS OR YARD SIGNS ON THE BASIS OF THEIR
13 SUBJECT MATTER, MESSAGE, OR CONTENT; EXCEPT THAT THE ASSOCIATION
14 MAY PROHIBIT SIGNS BEARING COMMERCIAL MESSAGES. THE ASSOCIATION
15 MAY ESTABLISH REASONABLE, CONTENT-NEUTRAL SIGN REGULATIONS
16 BASED ON THE NUMBER, PLACEMENT, OR SIZE OF THE SIGNS OR ON OTHER
17 OBJECTIVE FACTORS.

18 ~~(A) An association may prohibit the display of political signs~~
19 ~~earlier than forty-five days before the day of an election and later than~~
20 ~~seven days after an election day; and~~

21 ~~(B) An association may regulate the size and number of political~~
22 ~~signs in accordance with subparagraph (H) of this paragraph (c).~~

23 ~~(H) The association shall permit at least one political sign per~~
24 ~~political office or ballot issue that is contested in a pending election. The~~
25 ~~maximum dimensions of each sign may be limited to the lesser of the~~
26 ~~following:~~

27 ~~(A) The maximum size allowed by any applicable city, town, or~~

1 county ordinance that regulates the size of political signs on residential
2 property; or

3 (B) ~~Thirty-six inches by forty-eight inches.~~

4 (H) ~~As used in this paragraph (c), "political sign" means a sign~~
5 ~~that carries a message intended to influence the outcome of an election,~~
6 ~~including supporting or opposing the election of a candidate, the recall of~~
7 ~~a public official, or the passage of a ballot issue.~~

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly; except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V
12 of the state constitution against this act or an item, section, or part of this
13 act within such period, then the act, item, section, or part will not take
14 effect unless approved by the people at the general election to be held in
15 November 2022 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.