

HB22-1139

Signed By the Governor on May 6, 2022

[CONCERNING PROHIBITING A UNIT OWNERS' ASSOCIATION OF A COMMON INTEREST COMMUNITY
FROM REGULATING THE USE OF A PUBLIC RIGHT-OF-WAY](#)

[Click the hyperlink above for the actual text of the signed act]

I. Synopsis: If your association has public rights-of-way in or through the community, a new law has been signed by the Governor that prohibits the association from regulating the use of the public right-of-way.

II. What this means: Many associations have Declarations, Bylaws, Parking Policies or Rules and Regulations which govern the use of roadways or other rights-of-way (i.e. sidewalks) within their community. This additional language, which will be added to the Colorado Common Interest Ownership Act ("CCIOA") at section 38-33.3-106.5(1)(d.5), clarifies that associations shall not enforce those restrictions or require that a public right-of-way be used in a certain manner any longer. Now, any "local government's ordinance, resolution, rule, franchise, license or charter provision" controls.

III. Limitations: This law does not apply to private association roadways or private parking lots. This law does not affect an association from enforcing parking or other use restrictions on yards or driveways.

IV. Example: If the community has public rights-of-way and the association's declaration says that no vehicle shall be parked on the street overnight, but the city ordinance allows for vehicles to be parked for up to seventy-two (72) hours, the city ordinance controls, and an association shall not issue any notices of violation based on the declaration. If a board or home owner wishes to file a complaint in this type of situation, contact the local government.

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