

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

INTRODUCED

LLS NO. 23-0537.01 Christopher McMichael x4775

HOUSE BILL 23-1131

HOUSE SPONSORSHIP

Weinberg,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING APPROVAL OF THE BUDGET OF A COMMON INTEREST**
102 **COMMUNITY, AND, IN CONNECTION THEREWITH, REQUIRING A**
103 **MAJORITY OF UNIT OWNERS OF A COMMON INTEREST**
104 **COMMUNITY TO BE PRESENT AT A MEETING IN ORDER FOR THE**
105 **EXECUTIVE BOARD TO APPROVE A PROPOSED BUDGET AND**
106 **AUTHORIZING A MAJORITY OF UNIT OWNERS PRESENT AT THE**
107 **MEETING TO VETO A PROPOSED BUDGET THAT IS APPROVED AT**
108 **SUCH A MEETING.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

<http://leg.colorado.gov>.)

The bill requires a majority of all unit owners in a common interest community to be present at a meeting of the executive board of the unit owners' association (executive board) in order for the executive board to vote on a proposed budget. If a majority of all unit owners are present at the meeting and the executive board approves the proposed budget, a majority of unit owners present at the meeting may vote to veto the proposed budget.

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

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-303, **amend**
3 (4)(a)(II)(A) as follows:

4 **38-33.3-303. Executive board members and officers - powers**
5 **and duties - reserve funds - reserve study - audit.**

6 ~~(4) (a) (II) (A) Unless the declaration requires otherwise, the budget~~
7 ~~proposed by The executive board does not require approval from the unit~~
8 ~~owners and it will be deemed approved by the unit owners in the absence~~
9 ~~of a veto at~~ SHALL NOT VOTE ON A PROPOSED BUDGET UNLESS A MAJORITY
10 OF ALL UNIT OWNERS ARE PRESENT AT the noticed meeting. ~~by~~ IF A UNIT
11 OWNER HAS DESIGNATED A PROXY PURSUANT TO SECTION 38-33.3-310(2),
12 THE PROXY'S PRESENCE AT THE MEETING ON BEHALF OF THE UNIT OWNER
13 COUNTS AS THE UNIT OWNER'S PRESENCE AT THE MEETING FOR PURPOSES
14 OF DETERMINING IF A MAJORITY OF ALL UNIT OWNERS ARE PRESENT AT THE
15 MEETING. IF a majority of all unit owners ~~or if permitted in the~~
16 ~~declaration, a majority of a class of unit owners, or any larger percentage~~
17 ~~specified in the declaration, whether or not a quorum is present~~ OR THEIR
18 PROXIES ARE PRESENT AT THE NOTICED MEETING, THE EXECUTIVE BOARD
19 MAY VOTE TO APPROVE THE PROPOSED BUDGET. IF THE PROPOSED BUDGET
20 IS APPROVED BY THE EXECUTIVE BOARD, A MAJORITY OF UNIT OWNERS OR

1 THEIR PROXIES PRESENT AT THE NOTICED MEETING MAY VOTE TO VETO
2 THE PROPOSED BUDGET. If the proposed budget is vetoed, the periodic
3 budget last proposed by the executive board and not vetoed by the unit
4 owners must be continued until a subsequent budget proposed by the
5 executive board is APPROVED IN ACCORDANCE WITH THE VOTING
6 REQUIREMENTS SET FORTH IN THIS SUBSECTION (4)(a)(II)(A) AND not
7 vetoed by ~~the~~ A MAJORITY OF unit owners OR THEIR PROXIES PRESENT AT
8 THE NOTICED MEETING.

9 **SECTION 2. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly; except that, if a referendum petition is filed pursuant
13 to section 1 (3) of article V of the state constitution against this act or an
14 item, section, or part of this act within such period, then the act, item,
15 section, or part will not take effect unless approved by the people at the
16 general election to be held in November 2024 and, in such case, will take
17 effect on the date of the official declaration of the vote thereon by the
18 governor.

19 (2) This act applies to common interest community budgets
20 proposed on or after the applicable effective date of this act.