

SB177_L.012

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB15-177 be amended as follows:

1 Amend printed bill, page 5, before line 16 insert:

2 "SECTION 3. In Colorado Revised Statutes, add 38-33.3-125 as
3 follows:

4 **38-33.3-125. Unit owners' bill of rights.** (1) NOTWITHSTANDING
5 ANY PROVISION OF THIS ARTICLE OR OF THE DECLARATION, BYLAWS, OR
6 RULES AND REGULATIONS OF THE ASSOCIATION TO THE CONTRARY:

7 (a) A UNIT OWNER HAS THE RIGHT TO PURSUE REPAIR OR MAINTAIN
8 AN ACTION FOR DAMAGES TO HIS OR HER PROPERTY RESULTING FROM
9 CONSTRUCTION DEFECTS EVEN IF THE ASSOCIATION OR OTHER UNIT
10 OWNERS ELECT NOT TO PURSUE REPAIR OR MAINTAIN AN ACTION FOR
11 DAMAGES BASED ON THE SAME OR A SIMILAR CONSTRUCTION DEFECT.

12 (b) NO RIGHT OF AN INDIVIDUAL UNIT OWNER CAN BE WAIVED BY
13 THE DEVELOPER, ASSOCIATION, OR ANOTHER UNIT OWNER WITHOUT THE
14 UNIT OWNER'S EXPLICIT CONSENT, OBTAINED WITHOUT DURESS OR
15 COERCION.

16 (c) A UNIT OWNER RETAINS THE RIGHT TO DETERMINE WHO CAN
17 ENTER HIS OR HER PREMISES OR PROVIDE REPAIRS TO HIS OR HER
18 PROPERTY.

19 (d) A UNIT OWNER HAS THE RIGHT TO MAKE CHANGES TO THE
20 INTERIOR OF HIS OR HER HOME WITHOUT HAVING TO SEEK THE PERMISSION
21 OF THE ASSOCIATION, A BUILDER, OR A DEVELOPER; AND

22 (e) A UNIT OWNER OR THE ASSOCIATION MAY RETAIN ANY EXPERT
23 OF THEIR CHOOSING TO HELP UNDERSTAND THE NATURE OF THE DAMAGE,
24 THE COST OF REPAIRS, OR ANY OTHER INFORMATION THAT THE UNIT
25 OWNER OR THE ASSOCIATION NEEDS TO MAKE AN INFORMED CHOICE
26 ABOUT HOW BEST TO PURSUE THEIR PROPERTY RIGHTS AND REMEDIES
27 UNDER COLORADO LAW."

28 Renumber succeeding sections accordingly.

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