ISSUE #1

Section 7.3.15 - Sample Provision Excerpt (Public Preview)

Signs Restricted. No signs of any kind shall be displayed to the public view on any Lot provided, however, that the Owner of each Lot may display one (1) sign of not more than five (5) square feet advertising such Lot and/or Residence for sale or rent. 6.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 7.3.15 (p. 1): Covenant restricts protected homeowner rights under C.R.S. § 38-33.3-106.5 (flags, signs, xeriscaping/drought-tolerant landscaping, vegetable gardens, emergency vehicles, or fire-hardened roofing).

Statutory / Legal Reference: C.R.S. § 38-33.3-106.5 (HB 23-178)

Statutory Comparison: Under C.R.S. § 38-33.3-106.5, notwithstanding any provision in the declaration, bylaws, or rules, an association may not prohibit flags or signs, parking of emergency/first-responder vehicles, replacement of flammable roofing materials with fire-resistant materials, backyard/sideyard/frontyard vegetable gardens, or water-wise xeriscaping (including the requirement under HB 23-178 for single-family HOAs to offer at least 3 pre-approved water-wise garden designs).

CURRENT WORDING IN DOCUMENT:

Signs Restricted. No signs of any kind shall be displayed to the public view on any Lot provided, however, that the Owner of each Lot may display one (1) sign of not more than five (5) square feet advertising such Lot and/or Residence for sale or rent. 6.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to C.R.S. § 38-33.3-106.5 (including HB 23-178), nothing in the governing documents shall prohibit or penalize: (a) the display of flags or political/noncommercial signs within statutory size limits; (b) water-wise xeriscaping, drought-tolerant turf, or vegetable gardens; (c) the installation of Class A fire-rated roofing or wildfire-hardened materials; or (d) the parking of qualified emergency service vehicles.