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ISSUE #1

Section 10 - Sample Provision Excerpt (Public Preview)

Signs: No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one square foot, one sign of not more than 5 square feet advertising the property for sale or rent, or signs used by the builder to advertise the property during construction and sale period.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 10 (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: No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one square foot, one sign of not more than 5 square feet advertising the property for sale or rent, or signs used by the builder to advertise the property during construction and sale period.

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.