

POUDRE OVERLOOK HOMEOWNERS' ASSOCIATION OF FORT COLLINS
PROHIBITION CONTRARY TO PUBLIC POLICY- REGULATING PUBLIC RIGHT-OF-WAY
POLICY

(Compliance with HB 22-1139).

Effective: September 13, 2022

1. Introduction.

The Board of Directors (hereinafter "Board") of the Poudre Overlook Homeowners Association of Fort Collins (hereinafter "HOA"), a Colorado non-profit corporation, acting pursuant to the powers set forth in the HOA's Bylaws, Articles of Incorporation, the Declaration of Covenants, Conditions, and Restrictions as amended (hereinafter "Declaration") (such documents being collectively referred to as "HOA Documents") and applicable local, state, and federal law, enacts the following Policy effective as of the date set forth above. Unless the context clearly indicates, capitalized words and terms shall have the meanings set forth in the HOA Documents and, if not defined in the HOA Documents, then as set forth in Colorado's Common Interest Ownership Act (hereinafter, "CCIOA"), as amended, Colorado Revised Statutes, Title 38, Article 33.3 et. seq.

2. Policy Purposes.

This Policy is intended to comply with 2022 Legislation (SB-22-1139) prohibiting HOA from regulating the use of public rights-of-way.

3. Public Right-of-Way Policy

Notwithstanding any provision to the contrary in the HOA Documents, the HOA shall not:

- I. Prohibit the use of a public right of way in accordance with a local government's ordinance, resolution, rule, franchise, license, or charter provision regarding us of the public right-of-way; and,
- II. Require that a public right-of-way be used in a certain manner.
- III. This policy supersedes CCR Article X Section 22 "....on any street...."

For purposes of this policy, a local government means, a statutory or Home Rule County, Municipality, or City and County.

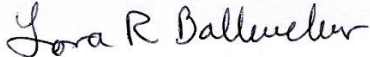
4. Amendment.

The Board may amend this Policy from time to time as necessary to maintain compliance with CCIOA or Colorado Department of Regulatory Agencies' implementing regulations or guidance.

CERTIFICATION

The undersigned, being duly elected and acting as Secretary of the HOA Board certifies that the foregoing Regulating Public Right-Of-Way Policy was approved by the vote of at least a majority of the HOA's Directors at a meeting of the HOA Board of Directors held on September 13, 2022.

Poudre Overlook Homeowners Association of Fort Collins



By: Lora R. Ballweber, Secretary