

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

INTRODUCED

LLS NO. 21-0553.01 Duane Gall x4335

HOUSE BILL 21-1229

HOUSE SPONSORSHIP

Titone and Ricks,

SENATE SPONSORSHIP

(None),

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASED PROTECTIONS FOR UNIT OWNERS IN THE**
102 **GOVERNANCE OF UNIT OWNERS' ASSOCIATIONS UNDER THE**
103 **"COLORADO COMMON INTEREST OWNERSHIP ACT".**

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

The bill increases requirements for disclosure and transparency in the operations of unit owners' associations (HOAs) in common interest communities, including:

- Posting on the HOA information and resource center's website the community's governing documents, and any

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

amendments to those documents, in addition to recording them in the county land records as required by current law (**sections 5 and 17** of the bill);

- Supplying a list of the HOA's current fees chargeable upon sale of a home in the community to the HOA information and resource center for posting on the center's own website (**sections 14 and 17**);
- Posting on a website, with the web address communicated annually to all unit owners, the contact information for the HOA and its management company, if any, as well as other information currently required to be disclosed (**section 6**);
- Specifically authorizing the state internet portal authority to coordinate with the HOA information and resource center to host HOA websites on behalf of registered HOAs (**sections 1 and 17**);
- Allowing unit owners to place items on a meeting agenda by petition, to record any portion of an open meeting, and to invite a registered parliamentarian to observe executive board elections (**sections 11 and 12**);
- Limiting the use of proxies by requiring express delegation of a unit owner's voting rights in a signed, dated writing (section 12);
- Prohibiting any action to be taken at an open meeting by written or secret ballot unless at least 20% of the unit owners in attendance or represented by proxy so request (section 12); and
- If access to association records required to be provided within 30 calendar days after a request was submitted by certified mail is withheld beyond that period, penalizing the HOA \$50 per day for not providing them (section 14).

The bill also requires:

- Members of an HOA's executive board to either certify that they know and fully understand the HOA's governing documents or complete a free, online basic training course offered or approved by the HOA information and resource center (**sections 8 and 17**);
- The executive board to commission a reserve study at least every 3 years and, at least annually, to adjust the HOA's finances accordingly (**sections 7 and 10**); and
- All contracts for goods or services over a specific dollar amount to be awarded based on a competitive bid process involving at least 3 bids if possible (**section 13**).

For purposes of the reserve study requirements, HOAs with fewer than 35 residential units that do not employ professional association managers may conduct an internal reserve study.

Under current law, the developer of a subdivision (declarant) is not required to transfer control of the HOA to executive board members representing the owners of units in the subdivision until specified percentages of the units are sold to initial purchasers. Section 10 places limits on the amount of time that may pass before the declarant must turn over control of the HOA to unit owners, regardless of the percentage of units that remain unsold, and requires the annual budget to detail proposed allocations to the reserve fund and a history of the prior year's expenditures from the reserve fund. Section 10 also requires any vacancy on the executive board that occurs more than 60 days before the next board election to be filled by a special election rather than by the remaining board members as allowed by current law.

Section 9 prohibits the HOA from closing off or limiting use of the common elements except for a finite period of time, with advance notice to unit owners and a statement of the reason for the closure, and prohibits the selective scheduling of maintenance on common elements to immediately benefit certain units in preference over others.

Upon the sale of a unit, current law requires disclosure to the buyer of certain HOA documents. **Section 14** requires the HOA to ensure that the documents provided to a buyer or posted online are correct and complete, and gives the buyer the right to sue for damages if they are not. **Section 15** requires the HOA to disclose whether a loss has occurred to common property that may result in a future assessment against unit owners, and **section 16** requires property and casualty insurers to pay claims for loss assessments based on when the assessment is made rather than when the loss occurred, thus avoiding a potential gap in coverage for the buyer of the unit.

Section 2 adds specificity to the requirement that HOAs allow installation of renewable energy generation devices (e.g., solar panels) subject to reasonable aesthetic guidelines by requiring approval or denial of a completed application within 60 days and requiring approval if imposition of the aesthetic guidelines would result in more than a 10% reduction in efficiency or a 10% increase in price.

Section 3:

- Amends current provisions regarding political yard signs to specify that the election season during which such signs must be permitted begins 45 days before the first mail-in ballots are sent to voters, rather than 45 days before the official date of the election; and
- Specifically includes nonvegetative turf grass (also known as artificial turf) among the types of drought-tolerant landscaping materials that the HOA may regulate but not prohibit.

Section 4 requires any dispute between the HOA and a unit owner to be submitted to mediation, either through the office of dispute

resolution within the Colorado judicial branch or through other available mediation services, prior to the commencement of any legal proceeding. The HOA's acceptance of a settlement proposed by the mediator does not preclude the HOA from enforcing covenants or rules in any future proceeding.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-37.7-104, **amend**
3 (4) as follows:

4 **24-37.7-104. Powers of the statewide internet portal authority.**
5 (4) State agencies shall coordinate and cooperate with the authority for
6 purposes of the delivery of electronic information, products, and services
7 by the authority, INCLUDING SPECIFICALLY THE HOSTING OF WEBSITES
8 ESTABLISHED BY THE HOA INFORMATION AND RESOURCE CENTER
9 CREATED IN SECTION 12-10-801 ON BEHALF OF UNIT OWNERS'
10 ASSOCIATIONS ORGANIZED UNDER THE "COLORADO COMMON INTEREST
11 OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38, AND REGISTERED WITH THE
12 DIVISION OF REAL ESTATE PURSUANT TO SECTION 38-33.3-401.

13 **SECTION 2.** In Colorado Revised Statutes, 38-30-168, **amend**
14 (2) introductory portion and (2)(a) as follows:

15 **38-30-168. Unreasonable restrictions on renewable energy**
16 **generation devices - definitions.** (2) Subsection (1) of this section ~~shall~~
17 DOES not apply to:

18 (a) Aesthetic provisions that impose reasonable restrictions on the
19 dimensions, placement, or external appearance of a renewable energy
20 generation device and that do not:

21 (I) ~~Significantly~~ Increase the cost of the device ~~or~~ BY MORE THAN
22 TEN PERCENT;

23 (II) ~~Significantly~~ Decrease its THE performance or efficiency OF

1 THE DEVICE BY MORE THAN TEN PERCENT; OR

2 (III) REQUIRE A PERIOD OF REVIEW AND APPROVAL THAT EXCEEDS
3 SIXTY DAYS AFTER THE DATE OF APPLICATION. IF AN APPLICATION FOR
4 INSTALLATION OF A RENEWABLE ENERGY GENERATION DEVICE IS NOT
5 DENIED OR RETURNED FOR MODIFICATIONS WITHIN SIXTY DAYS, IT IS
6 DEEMED APPROVED. THE REVIEW PROCESS MUST BE TRANSPARENT AND
7 MUST FULLY ACCOUNT FOR THE ENVIRONMENTAL AND SOCIAL BENEFITS
8 OF RENEWABLE ENERGY AND THE LAWS AND POLICIES OF COLORADO THAT
9 ENCOURAGE THE DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.

10 **SECTION 3.** In Colorado Revised Statutes, 38-33.3-106.5,
11 **amend** (1)(c)(I)(A) and (1)(i)(I) as follows:

12 **38-33.3-106.5. Prohibitions contrary to public policy -**
13 **patriotic, political, or religious expression - emergency vehicles - fire**
14 **prevention - renewable energy generation devices - affordable**
15 **housing - drought prevention measures - child care - definitions.**

16 (1) Notwithstanding any provision in the declaration, bylaws, or rules
17 and regulations of the association to the contrary, an association shall not
18 prohibit any of the following:

19 (c) (I) The display of a political sign by the owner or occupant of
20 a unit on property within the boundaries of the unit or in a window of the
21 unit; except that:

22 (A) An association may prohibit the display of political signs
23 earlier than forty-five days before the FIRST day of THAT MAIL-IN BALLOTS
24 FOR an election ARE SENT TO VOTERS and later than seven days after ~~an~~
25 THE OFFICIAL DATE OF THE election; ~~day~~; and

26 (i) (I) The use of xeriscape, NONVEGETATIVE TURF GRASS, or
27 drought-tolerant vegetative landscapes to provide ground covering to

1 property for which a unit owner is responsible, including a limited
2 common element or property owned by the unit owner. Associations may
3 adopt and enforce design or aesthetic guidelines or rules that **require**
4 **APPLY TO NONVEGETATIVE TURF GRASS AND** drought-tolerant vegetative
5 landscapes or regulate the type, number, and placement of
6 drought-tolerant plantings and hardscapes that may be installed on a unit
7 owner's property or on a limited common element or other property for
8 which the unit owner is responsible.

9 **SECTION 4.** In Colorado Revised Statutes, 38-33.3-124, **amend**
10 (1)(b) and (2)(a); and **add** (4) as follows:

11 **38-33.3-124. Legislative declaration - alternative dispute**
12 **resolution required - notice to unit owners of association's policy.**

13 (1) (b) ~~On or before January 1, 2007,~~ Each association shall adopt a
14 written policy setting forth its procedure for addressing disputes arising
15 between the association and unit owners. The association shall make a
16 copy of this policy available to unit owners upon request.

17 (2) (a) Any controversy between an association and a unit owner,
18 OTHER THAN A DECLARANT OR AN AFFILIATE OF A DECLARANT, arising ~~out~~
19 ~~of the provisions of~~ UNDER this ~~article may~~ ARTICLE 33.3 AND IN WHICH
20 THE PARTIES HAVE BEEN UNABLE TO RESOLVE DIRECTLY, INCLUDING
21 THROUGH THE ADOPTION OF A PAYMENT PLAN IN THE CASE OF OVERDUE
22 ASSESSMENTS OR FINES, MUST be submitted to mediation, ~~by agreement~~
23 ~~of the parties~~ EITHER THROUGH THE OFFICE OF DISPUTE RESOLUTION
24 WITHIN THE COLORADO JUDICIAL BRANCH OR THROUGH OTHER AVAILABLE
25 MEDIATION SERVICES, prior to the commencement of any legal
26 proceeding. UNLESS OTHERWISE AGREED BY THE PARTIES OR SPECIFIED BY
27 THE RULES OF A MEDIATION SERVICE CHOSEN BY THE PARTIES, THE

1 MEDIATOR SHALL BE CHOSEN FROM AMONG THREE DRAWN AT RANDOM
2 FROM THE LIST MAINTAINED BY THE HOA INFORMATION AND RESOURCE
3 CENTER PURSUANT TO SECTION 12-10-801 (3)(a)(VI), WITH EACH PARTY
4 TO THE DISPUTE ENTITLED TO STRIKE ONE OF THE THREE NAMES.

5 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
6 ACCEPTANCE BY THE ASSOCIATION OF A RESOLUTION PROPOSED BY A
7 MEDIATOR OR INFORMALLY AGREED TO BY A UNIT OWNER DOES NOT
8 CONSTITUTE A WAIVER OR ABANDONMENT OF THE ASSOCIATION'S FUTURE
9 ABILITY TO ENFORCE A COVENANT, BYLAW, RULE, OR REGULATION
10 TOUCHING UPON A MATTER IN DISPUTE.

11 **SECTION 5.** In Colorado Revised Statutes, 38-33.3-201, **amend**
12 (1) as follows:

13 **38-33.3-201. Creation of common interest communities -**
14 **recordation and online postings required.** (1) (a) A common interest
15 community may be created pursuant to this ~~article~~ ARTICLE 33.3 only by
16 recording a declaration executed in the same manner as a deed and, in a
17 cooperative, by conveying the real estate subject to that declaration to the
18 association.

19 (b) The declaration must be:

20 (I) Recorded in every county in which any portion of the common
21 interest community is located; and ~~must be~~

22 (II) Indexed:

23 (A) In the grantee's index in the name of the common interest
24 community and in the name of the association; and

25 (B) In the grantor's index in the name of each person executing the
26 declaration.

27 (c) ~~No~~ A common interest community is NOT created until the

1 DECLARATION AND ANY ASSOCIATED plat or map for the common interest
2 community is recorded IN ACCORDANCE WITH THIS SUBSECTION (1).

3 (d)(I) EFFECTIVE JANUARY 1, 2022, AFTER THE DECLARATION AND
4 ANY ASSOCIATED PLAT OR MAP FOR THE COMMON INTEREST COMMUNITY
5 IS RECORDED, THE DECLARANT OR THE ASSOCIATION SHALL TRANSMIT A
6 DUPLICATE COPY TO THE HOA INFORMATION OFFICER FOR POSTING ON
7 THE OFFICER'S WEB PAGE PURSUANT TO SECTION 12-10-801 (3)(a)(I.5).
8 THE DECLARANT OR THE ASSOCIATION SHALL ALSO TRANSMIT A COPY OF
9 ANY SUBSEQUENT AMENDMENT TO THE DECLARATION OR AN ASSOCIATED
10 PLAT OR MAP TO THE HOA INFORMATION OFFICER FOR POSTING ON THE
11 WEB PAGE.

12 (II) A FAILURE TO COMPLY WITH THIS SUBSECTION (1)(d) DOES
13 NOT PREVENT THE CREATION OR OTHERWISE AFFECT THE LEGAL STATUS
14 OF A COMMON INTEREST COMMUNITY.

15 **SECTION 6.** In Colorado Revised Statutes, 38-33.3-209.4,
16 **amend** (3) as follows:

17 **38-33.3-209.4. Public disclosures required - identity of**
18 **association - agent - manager - contact information.** (3) (a) It is the
19 intent of this section to allow the association ~~the widest possible~~ latitude
20 in THE methods and means of disclosure while requiring that the
21 information be readily available at no cost to unit owners. ~~at their~~
22 ~~convenience. Disclosure shall be accomplished by one of the following~~
23 ~~means~~ THE METHODS OF DISCLOSURE:

24 (I) EFFECTIVE JANUARY 1, 2022, MUST INCLUDE posting THE
25 REQUIRED INFORMATION on an internet web page, with ~~accompanying~~
26 notice of the web address SENT TO ALL UNIT OWNERS AT LEAST ANNUALLY
27 via first-class mail or e-mail; AND

1 (II) MAY ALSO INCLUDE the maintenance of a literature table or
2 binder CONTAINING THE REQUIRED INFORMATION at the association's
3 principal place of business WITHIN THE GEOGRAPHICAL BOUNDARIES OF
4 THE COMMON INTEREST COMMUNITY or DISTRIBUTION OF THE REQUIRED
5 INFORMATION BY mail or personal delivery.

6 (b) The ASSOCIATION SHALL ACCOUNT FOR THE cost of ~~such~~
7 ~~distribution shall be accounted for~~ ANY OF THE METHODS OF DISCLOSURE
8 DESCRIBED IN THIS SUBSECTION (3) as a common expense liability.

9 **SECTION 7.** In Colorado Revised Statutes, 38-33.3-209.5,
10 **amend** (1)(b)(IX) as follows:

11 **38-33.3-209.5. Responsible governance policies - due process**
12 **for imposition of fines - procedure for collection of delinquent**
13 **accounts - definition.** (1) To promote responsible governance,
14 associations shall:

15 (b) Adopt policies, procedures, and rules and regulations
16 concerning:

17 ~~(IX) When the association has a reserve study prepared for the~~
18 ~~portions of the community maintained, repaired, replaced, and improved~~
19 ~~by the association; whether there is a~~ THE YEARS IN WHICH RESERVE
20 STUDIES WILL BE CONDUCTED IN ACCORDANCE WITH SECTION 38-33.3-303
21 (2.7) AND THE CRITERIA FOR SELECTION OF THE PERSONS TO CONDUCT
22 THEM; THE funding plan for any work recommended by the reserve ~~study~~
23 STUDIES AND DEEMED NECESSARY BY THE EXECUTIVE BOARD and ~~if so,~~
24 the projected sources of funding for the work; and whether the reserve
25 ~~study is~~ STUDIES ARE TO BE based on a physical analysis, ~~and~~ A financial
26 analysis, OR BOTH. For ~~the purposes of this subparagraph (IX)~~ AN
27 ASSOCIATION IN A COMMON INTEREST COMMUNITY WITH FEWER THAN

1 THIRTY-FIVE RESIDENTIAL UNITS THAT DOES NOT EMPLOY A PROFESSIONAL
2 ASSOCIATION MANAGER, an internally conducted reserve study ~~shall be~~ IS
3 sufficient.

4 **SECTION 8.** In Colorado Revised Statutes, **amend**
5 38-33.3-209.6 as follows:

6 **38-33.3-209.6. Executive board member education.** (1) The
7 EXECUTIVE board may authorize, and account for as a common expense,
8 reimbursement of EXECUTIVE board members for their actual and
9 necessary expenses incurred in attending educational meetings and
10 seminars on responsible governance of unit owners' associations. TO
11 QUALIFY FOR REIMBURSEMENT, the course content of ~~such~~ THE
12 educational meetings and seminars ~~shall~~ MUST be specific to Colorado
13 and ~~shall~~ MUST make reference to applicable sections of this ~~article~~
14 ARTICLE 33.3.

15 (2) ON OR BEFORE JULY 1, 2022, OR WITHIN NINETY DAYS AFTER
16 FIRST BECOMING A MEMBER OF THE EXECUTIVE BOARD, WHICHEVER
17 OCCURS LATER, EACH EXECUTIVE BOARD MEMBER SHALL EITHER:

18 (a) COMPLETE THE ONLINE BASIC KNOWLEDGE COURSE OFFERED
19 BY THE HOA INFORMATION OFFICER UNDER SECTION 12-10-801 (3)(a)(V)
20 OR A SUBSTANTIALLY SIMILAR COURSE APPROVED BY THE HOA
21 INFORMATION OFFICER; OR

22 (b) CERTIFY, IN A FORM SPECIFIED BY THE HOA INFORMATION
23 OFFICER, THAT THE EXECUTIVE BOARD MEMBER HAS READ AND
24 UNDERSTANDS THE DECLARATION, BYLAWS, AND RULES AND
25 REGULATIONS OF THE ASSOCIATION.

26 **SECTION 9.** In Colorado Revised Statutes, 38-33.3-302, **amend**
27 (1)(f) as follows:

1 **38-33.3-302. Powers of unit owners' association.** (1) Except as
2 provided in subsections (2) and (3) of this section, and subject to the
3 provisions of the declaration, the association, without specific
4 authorization in the declaration, may:

5 (f) Regulate the use, maintenance, repair, replacement, and
6 modification of common elements; EXCEPT THAT:

7 (I) THE ASSOCIATION SHALL NOT DENY UNIT OWNERS ACCESS TO
8 OR USE OF COMMON ELEMENTS WITHOUT PROVIDING BOTH ADVANCE
9 NOTICE AND A REASONABLE, CLEARLY ARTICULATED BASIS FOR DOING SO.
10 ANY CLOSURE OF COMMON ELEMENTS MUST BE NO LONGER THAN
11 NECESSARY TO EFFECTUATE THE PURPOSE OF THE CLOSURE.

12 (II) MAINTENANCE, REPAIR, REPLACEMENT, AND MODIFICATION OF
13 COMMON ELEMENTS MUST BE DONE IN THE ORDER IN WHICH NEEDS ARISE
14 AND BUDGETED FUNDS ARE AVAILABLE, WITHOUT REGARD TO WHICH
15 UNITS MAY BE MORE IMMEDIATELY BENEFITED. AN EXECUTIVE BOARD
16 MEMBER'S EFFORTS TO DELAY OR DEFER SUCH WORK FOR DEMONSTRATED
17 RETALIATORY OR DISCRIMINATORY REASONS MAY CONSTITUTE A WANTON
18 OR WILLFUL ACT OR OMISSION UNDER SECTION 38-33.3-303 (2)(b).

19 **SECTION 10.** In Colorado Revised Statutes, 38-33.3-303,
20 **amend** (3)(a), (4)(a)(I), (5), and (6); and **add** (2.7) as follows:

21 **38-33.3-303. Executive board members and officers - powers**
22 **and duties - reserve funds - reserve studies - audit - definitions - rules.**

23 (2.7) (a) COMMENCING JULY 1, 2023, EXCEPT AS OTHERWISE PROVIDED
24 IN RULES ADOPTED PURSUANT TO SUBSECTION (2.7)(b) OF THIS SECTION:

25 (I) AT LEAST ONCE EVERY THREE YEARS, THE EXECUTIVE BOARD
26 SHALL CAUSE TO BE CONDUCTED A STUDY OF THE RESERVES REQUIRED TO
27 MAINTAIN, REPAIR, REPLACE, AND RESTORE THE MAJOR COMPONENTS OF

1 THE COMMON ELEMENTS AND ANY OTHER PORTION OF THE COMMON
2 INTEREST COMMUNITY THAT THE ASSOCIATION IS OBLIGATED TO
3 MAINTAIN, REPAIR, REPLACE, OR RESTORE. THE STUDY MUST COMPLY
4 WITH THE MOST RECENT AVAILABLE EDITION OF THE NATIONAL RESERVE
5 STUDY STANDARDS PROMULGATED BY THE COMMUNITY ASSOCIATIONS
6 INSTITUTE OR ITS SUCCESSOR ORGANIZATION.

7 (II) AT LEAST ANNUALLY, THE EXECUTIVE BOARD SHALL:

8 (A) REVIEW THE RESULTS OF THE RESERVE STUDY TO DETERMINE
9 WHETHER THE RESERVES ARE SUFFICIENT; AND

10 (B) DISCLOSE TO ALL UNIT OWNERS, EITHER AS AN
11 ACCOMPANIMENT TO THE BUDGET SUMMARY DISTRIBUTED PURSUANT TO
12 SUBSECTION (4)(a)(I)(A) OF THIS SECTION OR OTHERWISE, A COPY OF THE
13 RESERVE STUDY OR A SUMMARY OF ITS CONCLUSIONS AND A STATEMENT
14 OF WHETHER THE ASSOCIATION IS CONTRIBUTING TO ITS RESERVE
15 ACCOUNT AT A RATE THAT EQUALS OR EXCEEDS THE ANNUAL
16 DETERIORATION RATE AS STATED IN THE RESERVE STUDY.

17 (b) THE DIRECTOR OF THE DIVISION OF REAL ESTATE SHALL ADOPT
18 RULES, TO BECOME EFFECTIVE NO LATER THAN JULY 1, 2022,
19 ESTABLISHING DE MINIMIS EXEMPTIONS TO THIS SUBSECTION (2.7). THE
20 EXEMPTIONS MAY BE BASED ON THE INITIAL VALUE OR REPLACEMENT
21 COST OF COMMON ELEMENTS, THE NUMBER OF UNITS IN THE COMMON
22 INTEREST COMMUNITY, THE LEVEL OF ANNUAL ASSESSMENTS, OR OTHER
23 FACTORS; EXCEPT THAT THE DIRECTOR SHALL NOT EXEMPT ANY
24 MULTIFAMILY RESIDENTIAL STRUCTURE.

25 (3) (a) The executive board may not act on behalf of the
26 association to amend the declaration, to terminate the common interest
27 community, or to elect members of the executive board or determine the

1 qualifications, powers and duties, or terms of office of executive board
2 members. ~~but the executive board may fill vacancies in its membership~~
3 ~~for the unexpired portion of any term~~ A VACANCY ON THE EXECUTIVE
4 BOARD OCCURRING MORE THAN SIXTY DAYS BEFORE THE EXPIRATION OF
5 A MEMBER'S TERM MUST BE FILLED BY A SPECIAL ELECTION HELD IN
6 ACCORDANCE WITH THE DECLARATION OR BYLAWS OR, IF THE
7 DECLARATION OR BYLAWS DO NOT PROVIDE FOR SPECIAL ELECTIONS, THE
8 EXECUTIVE BOARD SHALL GIVE ALL UNIT OWNERS NOTICE OF THE
9 VACANCY, INSTRUCTIONS AS TO HOW TO MANIFEST THEIR INTENT TO RUN,
10 AND AT LEAST TEN DAYS' NOTICE BEFORE THE DEADLINE FOR MAIL
11 BALLOTS OR BEFORE ANY SPECIAL MEETING TO ELECT A REPLACEMENT TO
12 FILL THE VACANCY, WHICHEVER OCCURS FIRST. IF A VACANCY OCCURS
13 WITHIN SIXTY DAYS BEFORE EXPIRATION OF A MEMBER'S TERM, THAT
14 POSITION ON THE EXECUTIVE BOARD MUST REMAIN OPEN UNTIL THE NEXT
15 REGULAR BOARD ELECTION UNLESS THE OPEN POSITION WOULD RESULT IN
16 THE LACK OF A QUORUM, IN WHICH CASE THE EXECUTIVE BOARD MAY
17 APPOINT AN INTERIM BOARD MEMBER TO FILL THE VACANCY UNTIL THE
18 NEXT REGULAR BOARD ELECTION.

19 (4) (a) (I) (A) Within ninety days after adoption of a proposed
20 budget for the common interest community, the executive board shall
21 mail, by first-class mail, or otherwise deliver, including posting the
22 proposed budget on the association's website, a summary of the budget to
23 all the unit owners and shall set a date for a meeting of the unit owners to
24 consider the budget. The meeting must occur within a reasonable time
25 after mailing or other delivery of the summary, or as allowed for in the
26 bylaws. The executive board shall give notice to the unit owners of the
27 meeting as allowed for in the bylaws.

1 (B) THE PROPOSED BUDGET MUST INCLUDE INFORMATION
2 PERTAINING TO RESERVES, INCLUDING AMOUNTS ALLOCATED TO THE
3 COMMUNITY'S RESERVE FUND; PROPOSED EXPENDITURES FROM THE
4 COMMUNITY'S RESERVE FUND; AND A HISTORY OF ANY ACTUAL
5 EXPENDITURES FROM THE COMMUNITY'S RESERVE FUND IN THE
6 IMMEDIATELY PRECEDING BUDGET YEAR.

7 (5) (a) Subject to subsection (6) of this section:

8 (I) The declaration, except a declaration for a large planned
9 community, may provide for a period of declarant control of the
10 association, during which period a declarant, or persons designated by
11 ~~such~~ THE declarant, may appoint and remove the officers and members of
12 the executive board. Regardless of the period of declarant control
13 provided in the declaration, a period of declarant control terminates no
14 later than the earlier of:

15 (A) Sixty days after conveyance of seventy-five percent of the
16 units that may be created to unit owners other than a declarant;

17 (B) ~~Two years~~ ONE YEAR after the last conveyance of a unit by the
18 declarant in the ordinary course of business; or

19 (C) Two years after any right to add new units was last exercised.

20 (II) The declaration for a large planned community may provide
21 for a period of declarant control of the association, during which period
22 a declarant, or persons designated by ~~such~~ THE declarant, may appoint and
23 remove the officers and members of the executive board. Regardless of
24 the period of declarant control provided in the declaration, a period of
25 declarant control terminates in a large planned community no later than
26 the earlier of:

27 (A) Sixty days after conveyance of seventy-five percent of the

1 maximum number of units that may be created under zoning or other
2 governmental development approvals in effect for the large planned
3 community at any given time to unit owners other than a declarant;

4 (B) ~~Six~~ TWO years after the last conveyance of a unit by the
5 declarant in the ordinary course of business; or

6 (C) ~~Twenty~~ TEN years after ~~recording of the declaration~~ THE
7 FIRST CONVEYANCE OF A UNIT TO A UNIT OWNER OTHER THAN THE
8 DECLARANT.

9 (b) A declarant may voluntarily surrender the right to appoint and
10 remove officers and members of the executive board before termination
11 of the period of declarant control, but, in that event, the declarant may
12 require, for the duration of the period of declarant control, that specified
13 actions of the association or executive board, as described in a recorded
14 instrument executed by the declarant, be approved by the declarant before
15 they become effective.

16 (c) If a period of declarant control is to terminate in a large
17 planned community pursuant to ~~subparagraph (H) of paragraph (a) of this~~
18 ~~subsection (5)~~ SUBSECTION (5)(a)(II) OF THIS SECTION, THEN, UPON
19 TERMINATION OF THE PERIOD, the declarant, or persons designated by the
20 declarant, ~~shall~~ no longer have the right to appoint and remove the
21 officers and members of the executive board unless, prior to the
22 termination date, the association approves an extension of the declarant's
23 ability to appoint and remove no more than a majority of the executive
24 board by vote of a majority of the votes entitled to be cast in person or by
25 proxy, other than by the declarant, at a meeting duly convened as required
26 by law. ~~Any such approval~~ AN EXTENSION APPROVED by the association
27 may contain conditions and limitations. ~~Such~~ THE extension of THE

1 declarant's appointment and removal power, together with any conditions
2 and limitations approved as provided in this ~~paragraph (c)~~, shall
3 SUBSECTION (5)(c), MUST be included in an amendment to the declaration
4 previously executed by the declarant.

5 (6) Not later than sixty days after conveyance of twenty-five
6 percent of the units that may be created to unit owners other than a
7 declarant, at least one member and not less than twenty-five percent of the
8 members of the executive board must be elected by unit owners other
9 than the declarant. Not later than sixty days after conveyance of fifty
10 percent of the units that may be created to unit owners other than a
11 declarant, not less than ~~thirty-three and one-third~~ FIFTY percent of the
12 members of the executive board must be elected by unit owners other
13 than the declarant.

14 **SECTION 11.** In Colorado Revised Statutes, 38-33.3-308,
15 **amend** (1), (2)(b)(I), and (2.5)(a) as follows:

16 **38-33.3-308. Meetings - access by unit owners and**
17 **representatives - publication of notices and agendas - printed and**
18 **electronic options.** (1) (a) Meetings of the unit owners, as the members
19 of the association, shall be held at least once each year. Special meetings
20 of the unit owners may be called by the president, by a majority of the
21 executive board, or by unit owners having twenty percent, or any lower
22 percentage specified in the bylaws, of the votes in the association. Not
23 less than ten nor more than fifty days in advance of any meeting of the
24 unit owners, the secretary or other officer specified in the bylaws shall
25 cause notice to be hand delivered or sent prepaid by United States mail to
26 the mailing address of each unit or to any other mailing address
27 designated in writing by the unit owner. The notice of any meeting of the

1 unit owners shall be physically posted in a conspicuous place, to the
2 extent that such posting is feasible and practicable, in addition to any
3 electronic posting or electronic mail notices that may be given pursuant
4 to ~~paragraph (b) of subsection (2)~~ SUBSECTION (2)(b) of this section. The
5 notice shall state the time and place of the meeting and the items on the
6 agenda, including the general nature of any proposed amendment to the
7 declaration or bylaws, any budget changes, and any proposal to remove
8 an officer or member of the executive board.

9 (b) AN AGENDA ITEM MAY BE ADDED TO THE AGENDA OF A
10 REGULAR OR SPECIAL MEETING OF THE UNIT OWNERS, OR OF A REGULAR OR
11 SPECIAL MEETING OF THE EXECUTIVE BOARD, UPON THE REQUEST OF UNIT
12 OWNERS HAVING TWENTY PERCENT, OR ANY LOWER PERCENTAGE
13 SPECIFIED IN THE BYLAWS, OF THE VOTES IN THE ASSOCIATION THAT
14 WOULD BE PERMITTED UPON THE MATTER SOUGHT TO BE PLACED ON THE
15 AGENDA.

16 (2) (b) (I) (A) The association is encouraged to provide all notices
17 and agendas required by this ~~article~~ ARTICLE 33.3 in electronic form, by
18 posting on a website or otherwise, in addition to printed form. If ~~such~~
19 electronic means are available, the association shall provide notice of all
20 regular and special meetings of unit owners AND OF THE EXECUTIVE
21 BOARD by electronic mail to all unit owners who so request and who
22 furnish the association with their electronic mail addresses. THE
23 ASSOCIATION SHALL PROVIDE electronic notice of a special meeting ~~shall~~
24 ~~be given~~ as soon as possible but at least ~~twenty-four hours~~ TEN DAYS
25 before the meeting, EXCEPT IN THE CASE OF AN EMERGENCY.

26 (B) AT LEAST ONCE EACH YEAR, THE ASSOCIATION SHALL NOTIFY
27 ALL UNIT OWNERS, IN TANGIBLE WRITTEN FORM, OF THE OPPORTUNITY TO

1 REQUEST NOTICE OF MEETINGS BY ELECTRONIC MAIL. A UNIT OWNER'S
2 REQUEST FOR NOTICE BY ELECTRONIC MAIL MUST ALSO BE IN TANGIBLE
3 WRITTEN FORM.

4 (C) UPON A CHANGE IN OWNERSHIP OF A UNIT, THE NEW OWNER IS
5 PRESUMED NOT TO HAVE REQUESTED NOTICE OF MEETINGS BY ELECTRONIC
6 MAIL UNTIL THE NEW OWNER MAKES A REQUEST, IN TANGIBLE WRITTEN
7 FORM, FOR NOTICE OF MEETINGS BY ELECTRONIC MAIL.

8 (2.5) (a) (I) Notwithstanding any provision in the declaration,
9 bylaws, or other documents to the contrary, all meetings of the association
10 and OF THE EXECUTIVE board of directors are open to every unit owner of
11 the association or to any person designated by a unit owner in writing as
12 the unit owner's representative.

13 (II) ALL PROCEEDINGS, OTHER THAN THOSE OCCURRING DURING
14 AN EXECUTIVE SESSION, MAY BE RECORDED BY A UNIT OWNER OR BY A
15 PERSON DESIGNATED BY A UNIT OWNER IN WRITING AS THE UNIT OWNER'S
16 REPRESENTATIVE, SUBJECT TO THE FOLLOWING CONDITIONS:

17 (A) RECORDING DEVICES AND ANY RELATED EQUIPMENT MUST
18 NOT PRODUCE DISTRACTING SOUND OR LIGHT EMISSIONS;

19 (B) THE EXECUTIVE BOARD OR UNIT OWNERS MAY, BY WRITTEN
20 RULE OR BYLAW ADOPTED IN ADVANCE, REQUIRE PRIOR NOTICE OF AUDIO
21 OR VIDEO RECORDING OF THE PROCEEDINGS OR REQUIRE RECORDING
22 DEVICES AND RELATED EQUIPMENT TO BE ASSEMBLED AND PLACED IN
23 POSITION BEFORE THE MEETING; AND

24 (C) THE EXECUTIVE BOARD OR UNIT OWNERS MAY, BY WRITTEN
25 RULE OR BYLAW ADOPTED IN ADVANCE, PROHIBIT PERSONS FROM MOVING
26 ABOUT THE MEETING SPACE TO FACILITATE AUDIO OR VIDEO RECORDING.

27 **SECTION 12.** In Colorado Revised Statutes, 38-33.3-310,

1 **amend** (1)(b)(I)(B), (2)(a), and (2)(b); and **add** (1)(b)(I)(E) as follows:

2 **38-33.3-310. Voting - proxies - independent observation of**

3 **elections.** (1) (b) (I) (B) ~~At the discretion of the board or~~

4 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN THE

5 "COLORADO REVISED NONPROFIT CORPORATION ACT", ARTICLES 121 TO

6 137 OF TITLE 7, OR ANY OTHER LAW, NO ACTION MAY BE TAKEN IN AN

7 OPEN MEETING BY SECRET OR WRITTEN BALLOT; EXCEPT THAT, upon the

8 request of AT LEAST twenty percent of the unit owners who are present at

9 the meeting or represented by proxy, if a quorum has been achieved, a

10 vote on any matter affecting the common interest community on which all

11 unit owners are entitled to vote shall be by secret ballot.

12 (E) ANY UNIT OWNER MAY, AT THE UNIT OWNER'S OWN EXPENSE,

13 EMPLOY A REGISTERED PARLIAMENTARIAN TO OBSERVE THE CONDUCT OF

14 AN ELECTION FOR A CONTESTED POSITION ON THE EXECUTIVE BOARD.

15 (2) (a) (I) Votes allocated to a unit may be cast pursuant to a proxy

16 duly executed by a unit owner. A proxy ~~shall~~ MUST BE SIGNED BY THE

17 UNIT OWNER AND IS ~~not be~~ valid if obtained through fraud or

18 misrepresentation. Unless otherwise provided in the declaration, bylaws,

19 or rules of the association, appointment of proxies may be made

20 substantially as provided in section 7-127-203. ~~C.R.S.~~

21 (II) A UNIT OWNER'S PROXY BELONGS SOLELY TO THE UNIT OWNER

22 OF RECORD FOR THE UNIT AND DOES NOT DEFAULT TO ANOTHER PARTY

23 UNLESS THE UNIT OWNER GIVES EXPRESS CONSENT IN WRITING BY SIGNING

24 AND DATING THE PROXY.

25 (b) If a unit is owned by more than one person, each owner of the

26 unit may vote or register protest to the casting of votes by the other

27 owners of the unit through a duly executed proxy. A unit owner may not

1 revoke a proxy given pursuant to this section except by actual notice of
2 revocation to the person presiding over a meeting of the association. A
3 proxy is void if it is not dated or purports to be revocable without notice.
4 A proxy terminates eleven months after its date. ~~unless it provides~~
5 ~~otherwise.~~

6 **SECTION 13.** In Colorado Revised Statutes, 38-33.3-310.5, **add**
7 (2) as follows:

8 **38-33.3-310.5. Executive board - conflicts of interest -**
9 **competitive bids - when required - definitions.** (2) WHEN THE
10 EXECUTIVE BOARD CONSIDERS ANY CONTRACT FOR GOODS OR SERVICES
11 WITH A VALUE EXCEEDING THE GREATER OF TEN THOUSAND DOLLARS OR
12 FIVE PERCENT OF THE ASSOCIATION'S ANNUAL BUDGET, THE BOARD SHALL
13 SOLICIT BIDS FROM AT LEAST THREE INDEPENDENT VENDORS; EXCEPT
14 THAT:

15 (a) IN THE CASE OF A LARGE PLANNED COMMUNITY MEETING THE
16 CRITERIA SET FORTH IN SECTION 38-33.3-116.3 (1), THE EXECUTIVE BOARD
17 SHALL SOLICIT COMPETITIVE BIDS WHEN THE VALUE OF THE GOODS OR
18 SERVICES EXCEEDS TWENTY THOUSAND DOLLARS, REGARDLESS OF
19 WHETHER THAT AMOUNT REPRESENTS FIVE PERCENT OF THE
20 ASSOCIATION'S ANNUAL BUDGET; AND

21 (b) CONTRACTS WITH EMPLOYEES OF THE ASSOCIATION AND
22 CONTRACTS FOR ATTORNEY, ACCOUNTANT, ARCHITECT, COMMUNITY
23 ASSOCIATION MANAGER, ENGINEERING, AND LANDSCAPE ARCHITECT
24 SERVICES ARE NOT SUBJECT TO THIS SUBSECTION (2).

25 **SECTION 14.** In Colorado Revised Statutes, 38-33.3-317,
26 **amend** (4); and **add** (1)(h.5), (1)(h.6), (2)(c), and (4.5) as follows:

27 **38-33.3-317. Association records - rules.** (1) In addition to any

1 records specifically defined in the association's declaration or bylaws or
2 expressly required by section 38-33.3-209.4 (2), the association must
3 maintain the following, all of which shall be deemed to be the sole
4 records of the association for purposes of document retention and
5 production to owners:

6 (h.5) A LIST OF THE CURRENT AMOUNTS OF ALL UNIQUE AND
7 EXTRAORDINARY FEES, ASSESSMENTS, AND EXPENSES THAT ARE
8 CHARGEABLE BY THE ASSOCIATION OR ITS AGENT IN CONNECTION WITH
9 THE PURCHASE OR SALE OF A UNIT, ARE INCURRED DUE TO UNIQUE AND
10 EXTRAORDINARY WORK, AND ARE NOT PAID FOR THROUGH HOA DUES,
11 INCLUDING TRANSFER FEES, RECORD CHANGE FEES, AND THE CHARGE FOR
12 A STATUS LETTER OR STATEMENT OF ASSESSMENTS DUE;

13 (h.6) ALL DOCUMENTATION PERTAINING TO AN HOA OR COMMON
14 INTEREST COMMUNITY THAT SHOULD OR MAY BE PROVIDED TO THE BUYER
15 UNDER THE MOST RECENT STANDARD CONTRACT TO BUY AND SELL REAL
16 ESTATE, AS PROMULGATED BY THE REAL ESTATE COMMISSION;

17 (2) (c) (I) THE ASSOCIATION SHALL PROVIDE AN ELECTRONIC COPY
18 OF THE INFORMATION DESCRIBED IN SUBSECTIONS (1)(h.5) AND (1)(h.6)
19 OF THIS SECTION TO THE HOA INFORMATION AND RESOURCE CENTER
20 CREATED IN SECTION 12-10-801 ON OR BEFORE JULY 1, 2022, AND
21 THEREAFTER WITHIN THIRTY DAYS AFTER ANY CHANGE.

22 (II) THE DIRECTOR OF THE DIVISION OF REAL ESTATE SHALL ADOPT
23 RULES, TO BECOME EFFECTIVE NO LATER THAN JULY 1, 2022,
24 ESTABLISHING DE MINIMIS EXEMPTIONS TO THIS SUBSECTION (2)(c). THE
25 EXEMPTIONS MAY BE BASED ON THE AGGREGATE TOTAL OF ALL
26 APPLICABLE FEES AND CHARGES, THE NUMBER OF UNITS IN THE COMMON
27 INTEREST COMMUNITY, OR OTHER FACTORS.

1 (4) The association may impose a reasonable charge, which may
2 be collected in advance and may cover the costs of labor and material, for
3 copies of association records; EXCEPT THAT:

4 (a) The charge may not exceed the estimated cost of production
5 and reproduction of the records, INCLUDING THE COSTS OF COPYING,
6 MAILING, AND ANY NECESSARY SPECIAL PROCESSING; AND

7 (b) THE ASSOCIATION SHALL NOT CHARGE A UNIT OWNER OR THE
8 UNIT OWNER'S AGENT FOR ANY COSTS ALREADY COVERED BY THE
9 ASSOCIATION'S REGULAR DUES.

10 (4.5) (a) AN ASSOCIATION'S FAILURE TO ALLOW INSPECTION OR
11 COPYING OF RECORDS IN ACCORDANCE WITH THIS SECTION WITHIN THIRTY
12 CALENDAR DAYS AFTER RECEIPT OF A WRITTEN REQUEST SUBMITTED BY
13 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND PAYMENT OF ANY FEES
14 REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION, CREATES A
15 REBUTTABLE PRESUMPTION THAT THE ASSOCIATION WILLFULLY REFUSED
16 TO COMPLY WITH THIS SECTION. TO DETERMINE WHETHER THE
17 ASSOCIATION WILLFULLY REFUSED TO COMPLY WITH THIS SECTION, A
18 COURT OF LAW OR ARBITRATOR MAY TAKE INTO ACCOUNT WHETHER THE
19 ASSOCIATION FAILED TO PRODUCE THE RECORDS AFTER THE REQUESTOR
20 MADE A GOOD-FAITH EFFORT TO FOLLOW UP WITH THE ASSOCIATION
21 ABOUT THE PRODUCTION OF THE RECORDS.

22 (b) A UNIT OWNER IS ENTITLED TO DAMAGES FOR AN
23 ASSOCIATION'S WILLFUL REFUSAL TO ALLOW INSPECTION OR COPYING AS
24 DESCRIBED IN SUBSECTION (4.5)(a) OF THIS SECTION IN THE AMOUNT OF
25 FIFTY DOLLARS PER DAY, COMMENCING ON THE ELEVENTH BUSINESS DAY
26 AFTER THE ASSOCIATION RECEIVED THE WRITTEN REQUEST, UP TO A
27 MAXIMUM OF FIVE HUNDRED DOLLARS OR THE UNIT OWNER'S ACTUAL

1 DAMAGES SUSTAINED AS A RESULT OF THE REFUSAL, WHICHEVER IS
2 GREATER.

3 (c) (I) ALL INFORMATION AND DOCUMENTATION PROVIDED BY THE
4 ASSOCIATION PURSUANT TO A REQUEST UNDER THIS SECTION OR POSTED
5 ON THE ASSOCIATION'S WEBSITE MAY BE RELIED UPON AS CURRENT AND
6 COMPLETE AS OF THE DATE ON WHICH IT IS ACCESSED BY OR TRANSMITTED
7 TO ANY PERSON ENTITLED TO RECEIVE IT. AN ERROR OR OMISSION BY THE
8 ASSOCIATION OR ITS AGENT THAT RESULTS IN A FAILURE OF THE
9 INFORMATION OR DOCUMENTATION TO MEET THIS STANDARD CREATES A
10 CLAIM FOR RELIEF BY A PERSON RELYING UPON IT FOR ACTUAL DAMAGES
11 DIRECTLY AND PROXIMATELY CAUSED BY THE FAILURE PLUS COURT COSTS.

12 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NEITHER
13 THE DIVISION OF REAL ESTATE NOR ANY OTHER GOVERNMENTAL AGENCY,
14 NOR ANY EMPLOYEE, AGENT, OR CONTRACTOR ACTING ON BEHALF OF THE
15 DIVISION OR OTHER GOVERNMENTAL AGENCY, IS LIABLE FOR DAMAGES
16 RESULTING FROM AN ERROR OR OMISSION IN CONNECTION WITH
17 INFORMATION OR DOCUMENTATION DESCRIBED IN THIS SUBSECTION
18 (4.5)(c).

19 **SECTION 15.** In Colorado Revised Statutes, 38-35.7-102,
20 **amend** (2)(b) as follows:

21 **38-35.7-102. Disclosure - common interest community -**
22 **obligation to pay assessments - requirement for architectural**
23 **approval.** (2) (b) (I) Upon request, the seller shall either provide to the
24 buyer or authorize the unit owners' association to provide to the buyer,
25 upon payment of the association's usual fee pursuant to section
26 38-33.3-317 (4):

27 (A) All of the common interest community's governing documents

1 and financial documents, as listed in the most recent available version of
2 the contract to buy and sell real estate promulgated by the real estate
3 commission as of the date of the contract; AND

4 (B) A STATEMENT AS TO WHETHER ANY COMMON ELEMENTS OF
5 THE COMMON INTEREST COMMUNITY HAVE SUSTAINED DAMAGE THAT MAY
6 RESULT IN A LOSS ASSESSMENT AND, IF SO, THE DATE THE DAMAGE
7 OCCURRED, A DESCRIPTION OF THE DAMAGE, AND AN ESTIMATE OF THE
8 MAXIMUM AMOUNT OF THE ANTICIPATED LOSS ASSESSMENT.

9 (II) THE BUYER IS ENTITLED TO RELY ON DOCUMENTS PROVIDED
10 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION AS BEING CURRENT,
11 COMPLETE, AND SPECIFICALLY APPLICABLE TO THE SELLER'S UNIT AS OF
12 THE DATE OF TRANSMITTAL TO THE BUYER. ANY ERROR OR OMISSION BY
13 THE SELLER, THE UNIT OWNERS' ASSOCIATION, OR ANOTHER PERSON THAT
14 RESULTS IN A FAILURE OF THE DOCUMENTS TO MEET THIS STANDARD
15 CREATES A CLAIM FOR RELIEF BY THE BUYER FOR ACTUAL DAMAGES
16 DIRECTLY AND PROXIMATELY CAUSED BY THE FAILURE PLUS COURT COSTS.

17 **SECTION 16.** In Colorado Revised Statutes, 10-4-110.8, **amend**
18 (5) as follows:

19 **10-4-110.8. Homeowner's insurance - prohibited and required**
20 **practices - estimates of replacement value - additional living expense**
21 **coverage - copies of policies - personal property contents coverage -**
22 **inventory of personal property - definitions - rules. (5) (a) In a**
23 **common interest community, as defined in section 38-33.3-103 (8):**
24 **~~C.R.S.~~**

25 (I) A unit owner may file a claim against the policy of the unit
26 owner's association to the same extent, and with the same effect, as if the
27 unit owner were a named insured if the following conditions are met:

1 ~~(H)~~ (A) The unit owner has contacted the executive board or the
2 association's managing agent in writing, and in accordance with any
3 applicable association policies or procedures for owner-initiated
4 insurance claims, regarding the subject matter of the claim;

5 ~~(H)~~ (B) The unit owner has given the association at least fifteen
6 days to respond in writing, and, if so requested, has given the
7 association's agent a reasonable opportunity to inspect the damage; and

8 ~~(H)~~ (C) The subject matter of the claim falls within the
9 association's insurance responsibilities.

10 ~~(b)~~ (II) The association's insurer, when determining premiums to
11 be charged to the association, shall not take into account any request by
12 a unit owner for a clarification of coverage.

13 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR
14 CONTRACT, A CLAIM UNDER THE UNIT OWNER'S LOSS ASSESSMENT
15 COVERAGE ATTACHES ON THE DATE OF THE ASSESSMENT.

16 (b) THIS SUBSECTION (5) APPLIES TO EVERY UNIT, AS DEFINED IN
17 SECTION 38-33.3-103 (30).

18 **SECTION 17.** In Colorado Revised Statutes, 12-10-801, **amend**
19 (3)(a)(I), (3)(a)(III), and (3)(a)(IV); and **add** (3)(a)(I.5), (3)(a)(V),
20 (3)(a)(VI), and (3)(a)(VII) as follows:

21 **12-10-801. HOA information and resource center - creation -**
22 **duties - rules - subject to review - repeal.** (3) (a) The HOA information
23 officer shall act as a clearing house for information concerning the basic
24 rights and duties of unit owners, declarants, and unit owners' associations
25 under the act by:

26 (I) Compiling a database about registered associations, including:

27 (A) The name; address; e-mail address, if any; website, if any; and

1 telephone number of each;

2 (B) THE MOST RECENT AVAILABLE INFORMATION ABOUT FEES AND
3 CHARGES UPON TRANSFER OF A UNIT, PROVIDED IN ACCORDANCE WITH
4 SECTION 38-33.3-317 (2)(c); AND

5 (C) IF AVAILABLE, A MAINTENANCE AND INSURANCE LIABILITY
6 CHART SHOWING THE ALLOCATION OF FINANCIAL RESPONSIBILITY
7 BETWEEN UNIT OWNERS AND THE ASSOCIATION FOR SPECIFIC STRUCTURAL
8 ELEMENTS AND PROPERTY WITHIN THE COMMON INTEREST COMMUNITY;

9 (I.5) MAINTAINING A WEB PAGE ON THE DIVISION'S WEBSITE
10 CONTAINING COPIES OF THE CURRENT VERSIONS OF THE DECLARATIONS,
11 PLATS, AND MAPS OF ALL COMMON INTEREST COMMUNITIES FORMED IN
12 COLORADO, AS RECORDED IN COUNTY LAND RECORDS, PURSUANT TO
13 SECTION 38-33.3-201 (1)(b), AS WELL AS THE INFORMATION ABOUT FEES
14 AND CHARGES PROVIDED PURSUANT TO SUBSECTION (3)(a)(I)(B) OF THIS
15 SECTION;

16 (III) Monitoring changes in federal and state laws relating to
17 common interest communities and providing information about the
18 changes on the division's website; ~~and~~

19 (IV) Providing information, including a "frequently asked
20 questions" resource AND A "BUYING A HOME IN AN HOA" EDUCATIONAL
21 GUIDE, on the division's website;

22 (V) DEVELOPING AN ONLINE BASIC KNOWLEDGE COURSE FOR
23 EXECUTIVE BOARD MEMBERS TO COMPLETE, FREE OF CHARGE, IN
24 ACCORDANCE WITH SECTION 38-33.3-209.6 (2);

25 (VI) MAINTAINING ON ITS WEBSITE A CURRENT LIST OF QUALIFIED
26 MEDIATORS AND MEDIATION FIRMS FROM WHICH PARTIES TO A DISPUTE
27 MAY CHOOSE IN ACCORDANCE WITH SECTION 38-33.3-124 (2)(a); AND

1 (VII) COORDINATING WITH THE STATE INTERNET PORTAL
2 AUTHORITY, PURSUANT TO SECTION 24-37.7-104 (4), TO HOST WEBSITES
3 ON BEHALF OF REGISTERED ASSOCIATIONS FOR COMMUNICATION WITH
4 THEIR UNIT OWNERS AND OTHERS.

5 **SECTION 18.** In Colorado Revised Statutes, 38-33.3-117,
6 **amend** (1.5)(h) as follows:

7 **38-33.3-117. Applicability to preexisting common interest**
8 **communities.** (1.5) Except as provided in section 38-33.3-119, the
9 following sections apply to all common interest communities created
10 within this state before July 1, 1992, with respect to events and
11 circumstances occurring on or after January 1, 2006:

12 (h) 38-33.3-303 (1)(b), **(2.7)**, (3)(b), and (4)(b);

13 **SECTION 19. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly; except that, if a referendum petition is filed pursuant
17 to section 1 (3) of article V of the state constitution against this act or an
18 item, section, or part of this act within such period, then the act, item,
19 section, or part will not take effect unless approved by the people at the
20 general election to be held in November 2022 and, in such case, will take
21 effect on the date of the official declaration of the vote thereon by the
22 governor.

23 (2) This act applies to insurance claims made and conduct
24 occurring on or after the applicable effective date of this act.