



HB18-1126 – Prohibiting Dog Restrictions in HOAs

The Community Associations Institute (CAI) **OPPOSES** HB 1126 unless amended.

Prohibiting restrictive covenants concerning dog breeds, height, and weight limits in HOAs is **NOT a matter of statewide concern**.

- Currently under the Colorado Community Interest Ownership Act (CCIOA), in C.R.S. 38-33.3-106.5, the issues of statewide concern include:
 - Political and patriotic expression
 - Emergency vehicles
 - Fire prevention
 - Renewable energy devices
 - Affordable housing, and
 - Drought prevention measures.
- If it was a matter of statewide concern, then it should override all municipality bans on dog breeds.
- If it was a matter of statewide concern around affordable housing, it would need to apply to all other types of housing like apartments and non-HOA communities.

NOT a solution to help with the affordable housing crisis.

- Preventing planned communities from prohibiting particular breeds or regulating weight and size of dogs will not reduce the price of housing or increase the overall number of housing units available.
- By not including apartments and non-HOA properties, this bill is only addressing a small fraction of housing options.

NOT a solution to an identified problem in all housing options.

- Rather, HB 1126 is an attempt at addressing an issue by aiming the law only at HOAs and stands to invite confusion and creative rule-making that will not serve owners living in associations.
- HOAs would lose the ability to restrict dangerous dogs with documented incidents of injuries to residents in a community, while leaving this option available to apartments and other non-HOA communities.

CAI would **SUPPORT** a bill recognizing an association's right to adopt a restrictive covenant addressing dog breeds/size/weight but disallowing any rule that prohibits dogs without a covenant to support it. Such a legislative policy would serve important educational purposes around lack of authority in those communities with rules that extend beyond the bounds of the covenants. The following language captures the type of policy acceptable to CAI:

C.R.S. 38-33.3-106.5(3) Unless provided for in the declaration, the keeping of dogs may not be prohibited. If the declaration permits dogs, an association may regulate the number of dogs per household and may enforce rules concerning dog or owner behavior, including dangerous dogs, nuisance barking, waste disposal, and other matters.