

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0538.01 Jennifer Berman x3286

SENATE BILL 16-082

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SENATE SPONSORSHIP

Carroll,

HOUSE SPONSORSHIP

Ryden,

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROHIBITION OF RETALIATORY ACTION AGAINST A  
102 HOMEOWNER BY THE HOMEOWNERS' ASSOCIATION TO WHICH  
103 THE HOMEOWNER BELONGS.

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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://www.leg.state.co.us/bills summaries>.)*

The bill prohibits a homeowners' association or other person from retaliating or discriminating against a homeowner who files a complaint; otherwise acts in furtherance of a complaint, report, or investigation of an alleged violation of the "Colorado Common Interest Ownership Act" (CCIOA) or a legally enforceable document created under the CCIOA;

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

or exercises or attempts to exercise any right as a homeowner.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 38-33.3-125 as  
3 follows:

4           **38-33.3-125. Retaliation prohibited.** (1) AN ASSOCIATION OR ITS  
5 BOARD OF DIRECTORS OR MANAGER, ANOTHER UNIT OWNER, OR ANY  
6 PERSON ACTING ON BEHALF OF AN ASSOCIATION OR A UNIT OWNER, SHALL  
7 NOT RETALIATE OR DISCRIMINATE AGAINST A UNIT OWNER WHO, THROUGH  
8 A LAWFUL ACTION DONE IN AN EFFORT TO ADDRESS, PREVENT, OR STOP A  
9 VIOLATION:

10           (a) COMPLAINS OR OTHERWISE REPORTS AN ALLEGED VIOLATION;

11           (b) CAUSES A COMPLAINT OR REPORT OF AN ALLEGED VIOLATION  
12 TO BE FILED;

13           (c) PARTICIPATES IN OR COOPERATES WITH AN INVESTIGATION OF  
14 A COMPLAINT OR REPORT FILED;

15           (d) OTHERWISE ACTS IN FURTHERANCE OF A COMPLAINT, REPORT,  
16 OR INVESTIGATION CONCERNING AN ALLEGED VIOLATION; OR

17           (e) EXERCISES OR ATTEMPTS TO EXERCISE ANY RIGHT UNDER:

18           (I) THIS ARTICLE;

19           (II) THE ASSOCIATION'S BYLAWS, ARTICLES, OR RULES AND  
20 REGULATIONS;

21           (III) THE DECLARATION; OR

22           (IV) ANY COVENANT OR OTHER LEGALLY ENFORCEABLE  
23 DOCUMENT SETTING FORTH THE RIGHTS AND RESPONSIBILITIES OF THE  
24 ASSOCIATION, ITS BOARD OF DIRECTORS OR MANAGER, OR THE UNIT  
25 OWNER.

1           (2) A UNIT OWNER MAY BRING A CIVIL ACTION IN COUNTY OR  
2 DISTRICT COURT ALLEGING A VIOLATION OF THIS SECTION. IF THE UNIT  
3 OWNER PREVAILS, THE COURT MAY ISSUE AN INJUNCTION OR AWARD  
4 DAMAGES, COURT COSTS, ATTORNEYS' FEES, OR ANY OTHER RELIEF THAT  
5 THE COURT DEEMS APPROPRIATE.

6           (3) AS USED IN THIS SECTION, "VIOLATION" MEANS A VIOLATION  
7 OF:

8           (a) THIS ARTICLE;

9           (b) AN ASSOCIATION'S BYLAWS, ARTICLES, OR RULES AND  
10 REGULATIONS;

11           (c) A DECLARATION ESTABLISHING A COMMON INTEREST  
12 COMMUNITY; OR

13           (d) ANY COVENANT OR OTHER LEGALLY ENFORCEABLE DOCUMENT  
14 SETTING FORTH THE RIGHTS AND RESPONSIBILITIES OF AN ASSOCIATION,  
15 ITS BOARD OF DIRECTORS OR MANAGER, OR A UNIT OWNER.

16           **SECTION 2. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.