

# COLORADO HOA INFORMATION AND RESOURCE CENTER HOA Roundup

October - December 2016

## Community Association Manager Licensing

Community Association Managers and Management Companies are licensed by the Division of Real Estate as of July 1, 2015. The relevant statutes and rules and regulations for these managers are located on the Division's website under the Community Association Manager program.

An association can verify that their manager and management company is in compliance with the licensing act by visiting the Division website.

### 2016 HOA Legislative Update

During the 2016 Colorado Legislative Session there were two HOA-related bills that were signed into law.

HB16-1149: "Concerning a requirement that the executive board of a common interest community created in Colorado before July 1, 1992, comply with the budget reporting provision of the Colorado Common Interest Ownership Act." (Eff. July 1, 2018)

This bill amends § 38-33.3-117, by adding the budget reporting requirements found in § 38-33.3-303(4)(a)(I) for pre-CCIOA CICs. The requirements include providing owners with notice and a copy of the proposed budget and holding an owner's meeting regarding the budget. The bill also amends § 38-33.3-116 to increase a limited expense planned community's annual average common expense liability cap to \$400, which can be adjusted annually by the consumer price index.

HB16-1005: "Concerning the use of rain barrels to collect precipitation from a residential rooftop for nonpotable outdoor uses." (Eff. August 10, 2016)

This bill amends § 38-33.3-106.5, by adding a new part (j) to this section which sets forth prohibitions contrary to public policy within the CIC. This new part (j) refers to the use of a rain barrel, which is defined in § 37-96.5-102, C.R.S., to collect precipitation from a residential rooftop in accordance with § 37-96.5-103, C.R.S. The use of the rain barrel precipitation collection as is applicable to CIC's does not confer upon a resident in a CIC the right to place or connect a rain barrel on any property that is: (a) leased, except with permission of the lessor; (b) a common or limited common element of a CIC; (c) maintained by the HOA for a CIC; or (d) attached to 1 or more other units, except with permission of the other unit owners.

For a full reading of these and other bills, please visit the HOA Information and Resource Center's resource pages.

## HOA Information and Resource Center

1560 Broadway, Suite 925, Denver, CO 80202  
[www.dora.colorado.gov/dre](http://www.dora.colorado.gov/dre)

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The HOA Information and Resource Center registers and collects information concerning homeowner's associations, including an HOA's contact information, and handles consumer inquiries and complaints from homeowners. The Center provides education, assistance and information to homeowners, HOA boards, declarants and other interested parties concerning their rights and responsibilities pursuant to the Colorado Common Interest Ownership Act ("CCIOA").

To file a complaint against an HOA, HOA board or Declarant, you can download the HOA complaint form on the HOA Information and Resource Center website.

The HOA Officer will follow-up with you and provide you with resources and information concerning your HOA issues.

To file a complaint, visit the HOA Center homepage at [www.dora.colorado.gov/dre](http://www.dora.colorado.gov/dre) and click on Homeowners Associations.



**COLORADO**  
Department of  
Regulatory Agencies  
Division of Real Estate

## [Additional Bills and Rules](#)

### **HB14-1254: (Disclosure of Fees by a Community Association Manager)**

A 2014 bill mandates the disclosure of fees and charges to an HOA by a community association manager ("CAM") or management company. The CAM must disclose to the HOA board all fees charged during contract negotiation and thereafter annually. These fees include amounts that the manager charges or will charge to the CIC, homeowners, and purchasers of units in the CIC for or as a result of any service, product, transaction, or item of value provided. In addition to these disclosures, the CAM shall also disclose to the executive board all remuneration it receives that is in any way connected to its relationship with the HOA. In addition, any transfer fee must be disclosed in the management contract or on a line item in the closing settlement statement. The Division will be able to take disciplinary action against a CAM that fails to make a full and true disclosure of any such fees, charges, or remuneration.

### [Community Association Manager Rule F-6: CONTRACTS, AGREEMENTS, AUTHORIZATIONS AND DISCLOSURES MUST BE IN WRITING.](#)

3) A CAM or CAM company must disclose in writing and at no charge, within 3 business days after a request by an owner in a common interest community, or by a buyer or seller who is under contract for the purchase of real property or a unit in a common interest community, or their respective agent, all fees and charges that the CAM or CAM company will charge in connection with the sale, transfer and closing of the real estate or unit in a common interest community.

### [Community Association Manager Licensing Program](#)

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A community association manager complaint form can be completed online at:  
<https://apps.colorado.gov/dre/licensing/Activities/Complaint.aspx>

### [Community Association Manager Position Statements](#)

The Division has adopted the following Position Statements:

**DP-1: Director Position on Record Retention Requirements** (adopted 1/13/16), concerning the retention of the common interest community's documents by the CAM or CAM company following termination of the management agreement.

**DP-2: Director Position on Supervising a Person Holding an Apprentice License** (adopted 9/28/16), concerning the control and direct supervision of an apprentice licensee under a licensed community association manager.

[For a copy of these position statements, please visit the Community Association Manager Program website.](#)

## [HOA Center Reports](#)

The HOA Information and Resource Center published its 2015 Annual Report concerning the state of the HOA's in Colorado, and its 2013 Report to the Colorado Legislature on the Study of Comparable HOA Information and Resource Centers in the U.S. The Division also published a 2016 Report reviewing the first 6 months of the new CAM licensing program.

[For a copy of these reports, please visit the HOA Center resource pages.](#)

## [Upcoming HOA Forums](#)

Location: Department of Regulatory Agencies (DORA)  
1560 Broadway Ave., Denver, CO 80202 (unless noted off-site).  
Free Events to the Public - Seats are limited.  
Please RSVP to: [gary.kujawski@state.co.us](mailto:gary.kujawski@state.co.us) or call 303-894-2355 or to [melissa.palos-cervantes@state.co.us](mailto:melissa.palos-cervantes@state.co.us) or call 303-894-2154.

Date: **October 12, 2016 (Wednesday)**

Time: 12:00 pm to 2:00 pm

Topic: HOA General Information and Topical Presentation

Location: Greeley Area Realtor Association, 819 11th Street, Greeley, CO 80631. TO RSVP: 970-353-8884

Date: **October 12, 2016 (Wednesday)**

Time: 6:30 pm to 8:30 pm

Topic: HOA General Information and Topical Presentation

Location: City of Boulder, Municipal Services Center, 5050 Pearl Street, Boulder, CO 80301. TO RSVP: 303-441-1895

Date: **October 14, 2016 (Friday)**

Time: 10:00 am to 12:00 pm

Topic: HOA General Information and Topical Presentation

Location: Denver Metro Association of Realtors - West office, 950 Wadsworth Blvd., Lakewood, CO 80214.

TO RSVP: 303-756-0553

Date: **November 2, 2016 (Wednesday)**

Time: 10:00 am to 12:00 pm

Topic: HOA Forum – CO Revised Non Profit Corporation Act

Room: Main Floor Suite 110-D, at DORA.

Date: **December 7, 2016 (Wednesday)**

Time: 10:00 am to 12:00 pm

Topic: HOA Forum – Fair Housing Issues in Residential HOAs

Room: 1250-C, at DORA.

Date: **December 14, 2016 (Wednesday)**

Time: 10:00 am to 12:00 pm

Topic: HOA Forum – HOA Legislation and General Q&A forum

Room: Main Floor Suite 110-D, at DORA.

[Additional forums can be found on the Center's website.](#)



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