COLORADO
Department of Regulatory Agencies
Division of Real Estate

HOUSE BILL 23-1068

CONCERNING PET ANIMAL OWNERSHIP IN HOUSING, AND, IN CONNECTION THEREWITH, PROHIBITING RESTRICTIONS ON DOG BREEDS FOR OBTAINING HOMEOWNER'S INSURANCE, PROVIDING FOR THE MANNER IN WHICH PET ANIMALS ARE HANDLED WHEN A WRIT OF RESTITUTION IS EXECUTED, LIMITING SECURITY DEPOSITS AND RENT FOR PET ANIMALS FROM PERSONAL PROPERTY LIENS

[Click the hyperlink above for the actual signed act text]

Sponsors: BY REPRESENTATIVE(S) Valdez, Duran, Garcia, Lindsay, Mabrey, McCormick, Ortiz, Woodrow, Amabile, Joseph, Sharbini; also SENATOR(S) Winter F. and Jaquez Lewis, Cutter.

Signed By The Governor: June 7, 2023.

Summary: This bill addresses various factors surrounding pet ownership affecting homeowners, homeowner associations, landlords, and tenants.

Homeowner's Insurance: The bill states that insurers may not (1) refuse to issue, (2) cancel, (3) refuse to renew, or (4) increase a premium or rate for a homeowner's insurance or increase a premium for either homeowner's insurance or fire insurance based on the breed or mixture of breeds of a dog that is kept at the dwelling. This provision, added to section 10-4.110.8, C.R.S., does not prohibit an insurer from the above if the particular dog kept at the dwelling is known to be a dangerous animal or if the particular dog has been declared to be dangerous in accordance with section 18-9-204.5, C.R.S. The insurer may not ask about the breed or mixture of breeds of any dog, however, *the insurer may ask if the dog is known to be dangerous*.

Writs of Restitution: In the event a writ of restitution is executed on a property, the officer executing the writ is directed to inspect the premise for any pet animals. At that time, the officer **must** provide any pet animals found during the inspection to the tenant, or contact the local animal control authority if the tenant is not present at the time of the writ of restitution execution.

If there are pet animals and the tenant is not present at the time of the writ of restitution execution, the landlord must post notice at the premises in a visible place with the name and contact information of the organization where the pet animal(s) have been taken. Furthermore, upon request of the tenant, the landlord shall provide the tenant with the name and contact information of the organization where the pet animals have been taken.

The bill expressly states that no pet animal shall be removed from the premises during the execution of a writ of restitution and left unattended on public or private

property. Stated another way, the officer needs to give the pet animal(s) to the tenant or an appropriate organization.

Security Deposits: In the case of rentals, a landlord may charge no more than $300.00 from a prospective tenant or current tenant to allow a pet animal to reside at the premises. Furthermore, section 38-12-106, C.R.S. also now states that the security deposit must be refundable to the tenant, whereas previously, many landlords required non-refundable security deposits for pets.

Additional Rent: A landlord is not permitted to charge additional rent in an amount that exceeds $35.00 per month or 1.5% of the monthly rent, whichever is greater, from a tenant as a condition of permitting the tenant's pet animal(s) to reside at the residential premises.

Landlord Lien: Section 38-20-102, C.R.S. creates a lien on a tenant's personal property that is then on or in the rental premises. The lien is effective upon "household furniture, goods, appliances, and other personal property of the tenant and the members of the tenant's household then being upon the rental premises, but exclusive of ***pet animals***, small kitchen appliances, cooking utensils, beds, bedding, necessary wearing apparel, personal or business records and documents, and the personal effects of the tenant and the members of the tenant's household." (***emphasis added***)

Effective Date: January 1, 2024, *unless a referendum is initiated within 90 days after the final adjournment of the General Assembly.*

Related Tags: Division of Real Estate Generally
Landlord/Tenant
Consumers

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COLORADO
Department of Regulatory Agencies
Division of Real Estate

HOUSE BILL 23-1105

CONCERNING THE CREATION OF TASK FORCES TO EXAMINE ISSUES AFFECTING CERTAIN HOMEOWNERS' RIGHTS, AND, IN CONNECTION THEREWITH, CREATING THE HOA HOMEOWNERS' RIGHTS TASK FORCE AND THE METROPOLITAN DISTRICT HOMEOWNERS' RIGHTS TASK FORCE, AND MAKING AN APPROPRIATION

[Click the hyperlink above for the actual signed act text]

Sponsors: BY REPRESENTATIVE(S) Parenti and Titone, Amabile, Bacon, Boesenecker, Brown, English, Froelich, Gonzales-Gutierrez, Hamrick, Jodeh, Lieder, Lindsay, Marshall, Ricks, Sharbini, Sirota, Valdez, Vigil, Weissman, Willford, Woodrow, Dickson, Kipp, Mabrey, Michaelson Jenet, Snyder, Story; also SENATOR(S) Cutter and Fields; Bridges, Gonzales, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Rodriguez.

Signed by the Governor: May 24, 2023.

Summary: This bill creates two task forces which shall explore issues confronting HOA Homeowners' Rights and Metropolitan District Homeowners' Rights. Specifically, the HOA Homeowners' Rights Task Force will look at:

1. Issues confronting HOA homeowners' rights
2. Fining authority and practices
3. Foreclosure practices
4. Communications with HOA Homeowners regarding association processes and HOA Homeowners' rights and responsibilities
5. Association Records: a representative sample of association documents (Declaration, Covenants, Bylaws, Articles of Incorporation, rules & regulations, responsible governance policies, financial statements, most recent reserve study, records of actions of the board regarding collections activity or legal action taken against a unit owner)
6. HOA Center Complaints
7. Complaints made to any homeowners' advocacy groups
8. Laws affecting Common Interest Communities

After the HOA Homeowners' Rights Task Force convenes, the Metropolitan District Homeowners' Rights Task Force will as well. The Metropolitan District Homeowners' Rights Task Force will examine issues confronting communities that are governed by the board of a metropolitan district, including:

1. Tax levying authority and practices
2. Foreclosure Practices

3. Communications with homeowners regarding metropolitan district processes and homeowners' rights and responsibilities
4. Governance Policies, including voting and election policies
5. The process by which a metropolitan district could transition into a CIC under CCIOA
6. The recommendations and report of the HOA Homeowners' Rights Task Force.

Effective Date: May 24, 2023.

The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Related Tags: HOA Center
Task Forces

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COLORADO
Department of Regulatory Agencies
Division of Real Estate

HOUSE BILL 23-1174

CONCERNING HOMEOWNERS' INSURANCE, AND IN CONNECTION THEREWITH, REQUIRING CERTAIN REPORTS RELATED TO THE COST OF RECONSTRUCTING A HOME, INCREASING THE NOTICE REQUIREMENT BEFORE AN INSURER CAN CANCEL OR REFUSE TO REVIEW A HOMEOWNERS INSURANCE POLICY, CREATING GUARANTEED REPLACEMENT COST COVERAGE IN HOMEOWNER'S INSURANCE, AND MAKING AN APPROPRIATION

[Click the hyperlink above for the actual signed act text]

Sponsors: BY REPRESENTATIVE(S) Amabile and Brown, Boesenecker, Dickson, Herod, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Mabrey, Martinez, McCormick, Michaelson Jenet, Ricks, Sharbini, Story, Titone, Velasco, Weissman, Willford, McCluskie, Bacon, Bird, English, Epps, Froelich, Garcia, Hamrick, Mauro, Ortiz, Parenti, Valdez; also SENATOR(S) Baisley and Roberts, Cutter, Danielson, Gardner, Hansen, Jaquez Lewis, Kirkmeyer, Kolker, Liston, Marchman, Pelton B., Priola, Smallwood, Sullivan, Will, Fenberg.

Signed by the Governor: May 12, 2023.

Summary:

Report Regarding the Cost of Reconstructing Homes In Colorado: Beginning with a report due by April 1, 2025, and annually thereafter, an independent third party will prepare a report on the cost of reconstructing homes in Colorado. The report will consider various factors including differing regions of the state, home types by design structure, different home customization types and other factors set forth in section 10-4-110.8(8), C.R.S.

Intent to Cancel or Refuse To Renew: Next, this bill requires that an insurer must mail by first-class mail to the named insured, at the last address shown in the insurer's records, at least sixty (60) days in advance, a notice of intent to cancel or refuse to renew a policy. The notice must specifically state the reason or reasons for proposing to take such action. Exception to this rule is where cancellation is for nonpayment of premium, in which case, the insurer needs to provide at least ten (10) days' notice of cancellation accompanied by the reasons for taking such action.

Effective Date: 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general

election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

More specifically, unless a referendum is initiated, August 7, 2023.

Related Tags: Division of Real Estate Generally
Landlord/Tenant
Consumers

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COLORADO
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Division of Real Estate

HOUSE BILL 23-1233

CONCERNING ENERGY EFFICIENCY, AND, IN CONNECTION THEREWITH, REQUIRING THE STATE ELECTRICAL BOARD TO ADOPT RULES FACILITATING ELECTRIC VEHICLE CHARGING AT MULTIFAMILY BUILDINGS, LIMITING THE ABILITY OF THE STATE ELECTRICAL BOARD TO PROHIBIT THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS, FORBIDDING PRIVATE PROHIBITIONS ON ELECTRIC VEHICLE CHARGING AND PARKING, REQUIRING LOCAL GOVERNMENTS TO COUNT CERTAIN SPACES SERVED BY AN ELECTRIC VEHICLE CHARGING STATION FOR MINIMUM PARKING REQUIREMENTS, FORBIDDING LOCAL GOVERNMENTS FROM PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS, EXEMPTING ELECTRIC VEHICLE CHARGERS FROM BUSINESS PERSONAL PROPERTY TAX, AND AUTHORIZING ELECTRIC VEHICLE CHARGING SYSTEMS ALONG HIGHWAY RIGHTS-OF-WAY

[Click the hyperlink above for the actual signed act text]

Sponsors: BY REPRESENTATIVE(S) Mauro and Valdez, Brown, Woodrow, Bacon, Boesenecker, deGruy Kennedy, Dickson, Duran, Epps, Froelich, Garcia, Hamrick, Jodeh, Joseph, Kipp, Lindsay, Mabrey, Michaelson Jenet, Ortiz, Parenti, Sirota, Story, Amabile, English, Gonzales-Gutierrez, McCormick, Velasco, Vigil, Willford; also SENATOR(S) Priola and Winter F., Cutter.

Signed by the Governor: May 23, 2023.

Summary: The Colorado General Assembly has repeatedly issued legislative declarations regarding its desire to reduce greenhouse gas emissions and has identified vehicle electrification as a key strategy for the transportation sector. HB23-1233 acknowledges that it is less expensive to build electric-vehicle-capable parking spaces at the time of initial construction rather than through retrofitting after initial construction.

The bill sets forth a time frame by which the state electrical board will prepare rules surrounding EV power transfer infrastructure for multifamily buildings, applying to new construction and major renovations of multifamily buildings. These rules are required to be prepared by September 1, 2023 and shall take effect sometime after March 1, 2024.

For tenants, a tenant may install, at their own expense, a Level 1 or Level 2 electric vehicle charging system. The amended provisions pertaining to tenants, found in section 38-12-601, C.R.S. apply to both residential rental properties and commercial rental properties.

For Common Interest Communities ("CICs"), which include HOAs, POAs, condominiums, and cooperatives, the bill encourages allowing electric charging

stations and the parking of electric vehicles. The bill also further clarifies that a board shall not prohibit a unit owner from the installation of a Level 1 or Level 2 electric vehicle charging system on or in: (1) a unit, (2) an assigned or deeded parking space that is part of or assigned to a unit, or (3) a parking space that is accessible to both the unit owner and other unit owners. The board shall also not restrict parking based on a vehicle being a plug-in hybrid vehicle or plug-in electric vehicle.

Effective Date: May 23, 2023.

The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Related Tags: Division of Real Estate Generally
HOA Center
Landlord/Tenant
Consumers

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COLORADO
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HOUSE BILL 23-1287
CONCERNING A COUNTY'S REGULATORY AUTHORITY RELATED TO SHORT-TERM RENTALS OF LODGING UNITS

[Click the hyperlink above for the actual signed act text]

Sponsors: BY REPRESENTATIVE(S) McCluskie and Lukens, Amabile, Bird, Brown, Catlin, Dickson, Duran, Froelich, Gonzales-Gutierrez, Jodeh, Kipp, Lindsay, Mabrey, McCormick, McLachlan, Michaelson Jenet, Pugliese, Sirota, Snyder, Story, Velasco, Vigil, Weissman, Willford, Woodrow; also SENATOR(S) Roberts and Will, Hansen, Priola.

Signed by the Governor: June 5, 2023.

Summary: In Colorado, the board of county commissioners may adopt ordinances for control or licensing of those matters of purely local concern. Among other things, board of county commissioners may license and regulate an owner or owner's agent who rents or advertises the owner's lodging unit for a short-term rental and vacation rental services.

For vacation rental services, a board of county commissioners may require a vacation rental service that displays a short-term rental for a lodging unit to obtain a local short-term rental license or permit number and require the removal of a listing if the short-term rental license or permit is suspended or revoked or has been issued a notice of violation.

Section 30-15-401(1)(s)(I), C.R.S., defines an owner's agent, but that definition expressly exempts "a vacation rental service, except that when a vacation rental service provides additional services for the owner that are related to the owner's lodging but unrelated to providing a means of offering the lodging unit for short-term rentals, then the board of county commissioners may license and regulate the vacation rental service as an owner's agent.

Effective Date: 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

More specifically, unless a referendum is initiated, August 7, 2023.

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COLORADO
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SENATE BILL 23-016
CONCERNING MEASURES TO PROMOTE REDUCTIONS IN GREENHOUSE GAS EMISSIONS IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION

[Click the hyperlink above for the actual signed act text]

Sponsors: BY SENATOR(S) Hansen, Buckner, Cutter, Danielson, Exum, Fields, Gonzales, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Rodriguez, Winter F., Fenberg; also REPRESENTATIVE(S) McCormick and Sirota, Amabile, Bacon, Boesenecker, Brown, deGruy Kennedy, Dickson, English, Epps, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lindsay, Lindstedt, Mabrey, McLachlan, Ricks, Sharbini, Titone, Valdez, Velasco, Vigil, Weissman, Willford, Woodrow, Story, Garcia, Michaelson Jenet, Ortiz, Parenti, McCluskie.

Signed by the Governor: May 11, 2023.

Summary: Generally, SB23-016 addresses the various climate goals of the State of Colorado. By and through the Colorado energy office, the State of Colorado is tasked with working with communities, utilities, and private and public organizations to attain the following goals:

1. Support achieving legislative goals to reduce statewide greenhouse gas pollution
2. Make progress towards eliminating greenhouse gas pollution from electricity generation, gas utilities, and transportation
3. Implement the renewable energy standard established in section 40-2-124, C.R.S.
4. Support the deployment of renewable energy, such as wind, hydroelectricity, solar, clean hydrogen, and geothermal
5. Evaluate, and when appropriate, support the deployment of cleaner energy sources such as clean hydrogen, geothermal, recovered methane, recovered heat, and advanced nuclear
6. Support the deployment of energy efficiency and energy load management technologies and practices
7. Evaluate, and where appropriate, support the deployment of innovative energy technologies as described in section 40-12-123, C.R.S.
8. Support the deployment of energy storage systems including both long-duration and short duration energy storage
9. Support the implementation of clean heat plans pursuant to section 40-3.2-108,C.R.S.
10. Support widespread transportation electrification

11. Support beneficial electrification, as defined in section 40-1-102(1.2) in the building, industrial, and oil and gas sectors
12. Support industrial emissions reductions
13. Support pollution reduction through carbon capture and sequestration and other forms of carbon management, and
14. Support sustainable land-use patterns that reduce energy consumption and greenhouse gas pollution.

In carrying out these goals, the bill addresses a variety of approaches including drinking water, oil and gas wells, and renewable energy generation devices.

For purposes of the Division of Real Estate, and the HOA Information & Resource Center, the following sections apply. At section 38-30-168(1)(b), the definition of "renewable energy generation device" is expanded to now include a "heat pump system, as defined in section 39-26-732(2)(c), C.R.S." In addition, the Colorado Common Interest Ownership Act ("CCIOA") is amended to clarify the definition of an "Energy Efficiency Measure", which includes "a heat pump system, as defined in section 39-26-732(2)(c), C.R.S." Reference to "Energy Efficiency Measure" can be found at section 38-33.3-106.7 of CCIOA.

Effective Date: 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

More specifically, unless a referendum is initiated, August 7, 2023.

Related Tags: Landlord/Tenant
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COLORADO
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SENATE BILL 23-178
CONCERNING REMOVING BARRIERS TO WATER-WISE LANDSCAPING IN COMMON INTEREST COMMUNITIES

[Click the hyperlink above for the actual signed act text]

Sponsors: BY SENATOR(S) Jaquez Lewis and Will, Marchman, Priola, Bridges, Buckner, Coleman, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Moreno, Roberts, Sullivan, Fenberg; also REPRESENTATIVE(S) McCormick and Lindsay, Amabile, Bird, Boesenecker, Brown, Dickson, Froelich, Hamrick, Herod, Jodeh, Kipp, Martinez, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sirota, Snyder, Titone, Valdez, Velasco, Weissman, Willford, Woodrow, McCluskie.

Signed by the Governor: May 17, 2023

Summary: This Senate Bill was introduced on March 3, 2023 and was signed by the Governor on May 17, 2023.

This bill allows unit owners residing in a Common Interest Community (homeowners association, property owners association, recreational association, cooperative, etc.) greater flexibility in deciding whether to install xeriscaping, non-vegetative turfgrass, or drought-tolerant vegetative landscapes on property the unit owner **is responsible for maintaining**. Previously, such property could have included a limited common element. Now, such property could also include any *right-of-way* or *tree lawn* under the purview of the unit owner.

An essential element of this bill is that this new law applies only to a unit that is a single-family detached home and does not apply to a unit that is a single-family attached home that shares one or more walls with another unit or a condominium.

As previously enacted, an association may adopt and enforce design or aesthetic guidelines or rules that apply to landscape installations that regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on property. However, of particular import, now an association must:

A. Not prohibit the use of non-vegetative turfgrass in the backyard of a residential property;
B. Not unreasonably require the use of hardscape on more than twenty percent of the landscaping area of a unit owner's property;
C. Allow a unit owner an option that consists of at least eighty percent drought-tolerant plantings; and

D. Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property. "Vegetable garden" means a plot of ground or an elevated soil bed in which pollinator plants, flowers, or vegetables or herbs, fruits, leafy greens, or other edible plants are cultivated.

In addition, each association shall select at least three preplanned water-wise garden designs that are preapproved for installation in front yards within the common interest community. Such designs may be downloaded from the Colorado State University extension plant select organization (or from a municipality, utility, or other entity that creates such garden designs). In order to better assist HOA interested parties, a link to the Colorado State University Extension Plant Select organization can be found at: https://plantselect.org/.

For illustrative purposes only, three such preplanned water-wise garden designs an association might select from the above website could include:

1. High Elevation Planting Design Front Yard (Up to 8125') by Annie Barrow
2. Waterwise Cottage - Lauren Springer Ogden Collection
3. Dry Shade Garden design from Garden Thyme, Inc.

If an association has a public website, it shall post information concerning the preapproved garden designs. If an association does not have a website, it is encouraged to notify all unit owners in writing of the new preapproved garden designs or add the preapproved garden designs to its association governing documents (as well as notify unit owners of any subsequent amendments or changes in the future). A unit owner does not need to obtain association approval prior to selecting one of the preapproved garden designs, and a unit owner's decision in selecting one of the preapproved garden designs shall be considered by the association to be in compliance with the association's aesthetic guidelines. An association shall also allow a unit owner to use reasonable substitute plants when a plant in a preapproved garden design is not available.

If an association knowingly violates this act, a unit owner who is affected by the violation may bring a civil action to restrain further violation and to recover up to a maximum of five hundred dollars ($500.00) or the unit owner's actual damages, whichever is greater. Unit owners should note that before a unit owner commences a civil action, the unit owner must notify the association in writing of the violation and allow the association forty-five days after receipt of the notice to cure the violation. Unit owners should consider how they will prove that they provided notice to the association. Examples of "proof" might include service of process or certified mail with return receipt requested, but the bill does not identify what constitutes "proof".

An association may still:

A. Adopt bona fide safety requirements consistent with applicable landscape codes or recognized safety standards for the protection of persons and property.
B. Prohibit or restrict changes that interfere with the establishment and maintenance of fire buffers or defensible spaces; or
C. Prohibit or restrict changes to existing grading, drainage, or other structural landscape elements necessary for the protection of persons and property.

The bill also amends section 37-60-126, C.R.S., stating that any section of a restrictive covenant or of the declaration, bylaws, or rules and regulations of a Common Interest Community that prohibits or limits xeriscape, prohibits or limits the installation or use of drought-tolerant vegetative or nonvegetative landscapes, requires cultivated vegetation to consist wholly or partially of turf grass, or prohibits the use of nonvegetative turf grass in the backyard of a residential property ***is hereby declared contrary to public policy and, on that basis, is unenforceable***.

Effective Date: 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

More specifically, unless a referendum is initiated, August 7, 2023.

Related Tags: Brokers
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