

HOA Forum: Meetings- Connecting With Homeowners In Your Community

Thank you for joining us today.
The presentation will begin shortly.



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Division of Real Estate

HOA Information & Resource Center

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Disclaimer:

The information provided during this presentation is for educational purposes only and is not meant to provide, nor should it be construed as legal advice.

Any legal questions should be directed to a qualified attorney licensed in Colorado.



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What Is the HOA Information & Resource Center?

▶ What the HOA Information & Resource Center does:

- ▶ Provides information to homeowners regarding their basic rights and responsibilities under the Colorado Common Interest Ownership Act (“CCIOA”).
 - ▶ Gathers, analyzes, and reports information through complaints and HOA registrations.
 - ▶ Creates resource materials.
 - ▶ Provides education and forums.
 - ▶ Provides a website with information for the public.
 - ▶ Registers HOAs pursuant to §38-33.3-401(1), C.R.S.
 - ▶ Provides an Annual Report to the Legislature.

▶ What the HOA Information & Resource Center does **not** do:

- ▶ Does not mediate or arbitrate on behalf of homeowners, board members, or community association managers.
 - ▶ Does not act as a regulatory program.
 - ▶ Does not provide legal advice.
- ▶ Does not investigate or intervene in disputes that arise between homeowners or associations.
 - ▶ Does not assess fines or penalties.
 - ▶ Does not enforce an HOA’s failure to register.



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“CCIOA”

-The Colorado Common Interest Ownership Act §§38-33.3-101 through 38-33.3-402 of the Colorado Revised Statutes (C.R.S.).



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Lexis Nexus

► An important free legal resource available to the public can be accessed at: <https://leg.colorado.gov/>. At this link, you can pull up the latest copy of the Colorado Common Interest Ownership Act (“CCIOA”). To start:

- 1) Hover over “Laws” at the top and a menu will appear.
- 2) Scroll down and click “Colorado Revised Statutes”.
- 3) On the next page, select “Click Here To Access The Colorado Revised Statutes Hosted By LexisNexis”.
- 4) Scroll down to where you can see the Titles listed numerically, beginning with “Title 1. Elections”
- 5) CCIOA is found in Title 38. Property – Real and Personal (§§38-1-101 --- 38-53-110). Click the “+” icon next to Title 38 to expand the Articles.
- 6) Next, click the “+” icon next to Real Property (§§38-30-101 — 38-46-104) to expand the sections further.
- 7) Next, click the “+” icon next to Interests in Land (Arts. 30 — 34)
- 8) Next, click the “+” icon next to Article 33.3. Colorado Common Interest Ownership Act (Pts. 1 — 4)
- 9) This is where you may view the various parts (1-4) of CCIOA, including Part 1. General Provisions, Part 2. Creation, Alteration, and Termination of Common Interest Communities, Part 3 Management of the Common Interest Community, and Part 4 Registration.



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Overview:

- What is a homeowners meeting?
- How frequently should they be held?
- Are there notice requirements?
- Minutes/agendas?
- What does state law have to say about it?
- Quorum Scenarios
- Best practices and pro tips



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What Is A Homeowners Meeting?

“A general meeting of sorts for the entire HOA membership”
-HOA Management.com



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What Are The Main Types of Homeowners Meetings?

Unit Owners',
or
'Homeowners'

- Special Meetings
- Executive Sessions

Board

- Special Meetings
- Executive Sessions



Unit Owners', or 'Homeowners'

HOA Meetings

- ▶ **C.R.S. §38-33.3-308. Meetings.**
- ▶ Shall be held **at least** once per year.
- ▶ Not less than ten nor more than fifty days in advance of any meeting of the unit owners, the secretary or other officer specified in the bylaws shall cause notice to be hand delivered or sent prepaid by U.S. mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner.
- ▶ Notice of any meeting of the unit owners shall be physically posted in a conspicuous place, to the extent that such posting is feasible and practicable.



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Unit Owners', or 'Homeowners'

(continued)

HOA Meetings

- ▶ The notice shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, and budget changes, and any proposal to remove an officer or member of the executive board.
- ▶ State law encourages associations to provide all notices and agendas in electronic form (email), or by posting on a website. If such means are available, and if a unit owner so requests and furnishes their email address to the association, then the association shall provide notice of all regular and special meetings of unit owners by email.



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Board

- ▶ **C.R.S. §38-33.3-308. Meetings.**
- ▶ No state requirement as to the frequency of board meetings, however, the executive board may call as many board meetings as needed to achieve its goals.
- ▶ All regular and special meetings of the association's executive board (or any committee thereof) shall be open to attendance by all members of the association or their representatives.
- ▶ Agendas for meetings of the executive board shall be made reasonably available for examination by all members of the association or their representatives.



Special Meetings

- ▶ **C.R.S. §38-33.3-308. Meetings.**
- ▶ No state requirement as to the frequency of special meetings, however, the community may call as many special meetings as needed to achieve its goals.
- ▶ May be called by: (1) the **president**, by (2) a **majority of the executive board**, or by (3) **unit owners having twenty percent** (or any lower percentage specified in the bylaws) **of the votes of the association**.
- ▶ Same notice requirements as Unit Owners' Meetings.
- ▶ Electronic notice of a special meeting shall be given as soon as possible but at least twenty-four hours before the meeting.



How to Call a Special Meeting

HOA Meetings

Special Meetings

The HOA President

A majority of the
Executive Board

Unit Owners having
20% of the votes of the
association

§38-3.3-308(1)



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Executive Sessions

- ▶ The members of the executive board (or any committee thereof) may hold an executive, or 'closed door', session and may restrict attendance to executive board members and such other persons requested by the executive board during a regular or specially announced meeting or a part thereof.
- ▶ Prior to the time the members of the executive board (or any committee thereof) convene in executive session, the chair of the body shall announce the general matter of discussion.
- ▶ No rule or regulation of the board (or any committee thereof) shall be adopted during an executive session. A rule or regulation may be validly adopted only during a regular or special meeting or after the body goes back into regular session following an executive session.
- ▶ The general matters of discussion at such an executive session shall include only matters enumerated in paragraphs (a) to (f) on the next few slides:



Executive Sessions

- ▶ (a) Matters pertaining to employees of the association or the managing agent's contract or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the association;
- ▶ (b) Consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client;
- ▶ (c) Investigative proceedings concerning possible or actual criminal misconduct;



Executive Sessions

- ▶ (d) Matters subject to specific constitutional, statutory, or judicially imposed requirements protecting particular proceedings or matters from public disclosure;
- ▶ (e) Any matter, the disclosure of which would constitute an unwarranted invasion of individual privacy, including a disciplinary hearing regarding a unit owner and any referral of delinquency; except that a unit owner who is the subject of a disciplinary hearing or a referral of delinquency may request and receive the results of any vote taken at the relevant meeting; Before you can refer a delinquent owner for collections, a vote must be taken
- ▶ (f) Review of or discussion relating to any written or oral communication from legal counsel.
- ▶ **C.R.S. §38-33.3-308. Meetings.**



Working Session

- ▶ Not defined in CCIOA, but not prohibited by CCIOA either (must still be in accordance with the HOA governing documents and policies).
- ▶ A working session is any 'gathering' of the unit owners, board members, or any other HOA interested party where issues and general community topics may be discussed, but NOT VOTED ON. **No official HOA business may be conducted.**
- ▶ Therefore, unit owners do not have a right to notice of a working session or a right to participate, and minutes are not required to be taken.



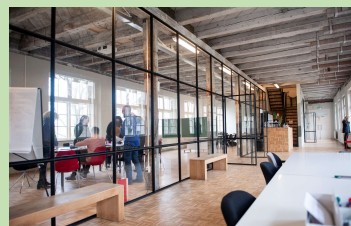
Unit Owner Participation

- ▶ At an appropriate time determined by the board (but **before** the board votes on an issue under discussion) unit owners or their designated representatives shall be permitted to speak regarding that issue. The board may place reasonable time restrictions on persons speaking during the meeting. If more than one person desires to address an issue and there are opposing views, the board shall provide for a reasonable number of persons to speak on each side of the issue. **C.R.S. §38-33.3-308(2.5)(b).**



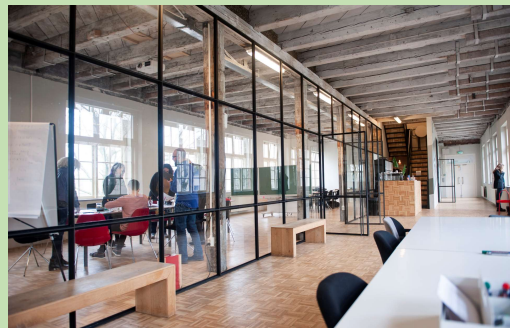
Quorums (1 of 2)

- ▶ Oxford dictionary defines quorum as “the minimum number of members of an assembly that must be present at any of its meetings to make the proceedings of that meeting valid.”
- ▶ For any meeting of the association, the specific requirements for quorum will first be found in the association’s bylaws. If the bylaws are **silent** on quorum requirements, then...
- ▶ ...a quorum is deemed present if persons entitled to cast twenty percent, or, in the case of an association with over one thousand unit owners, ten percent, of the votes which may be cast for election of the executive board are present, in person or by proxy at the beginning of the meeting.



Quorums (2 of 2)

- ▶ **Unless the bylaws specify a larger percentage**, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast fifty percent of the votes on that board are present at the beginning of the meeting or grant their proxy, as provided in section **C.R.S. §7-128-205(4)**



“Is There A Quorum???”

1. An HOA has fifty (50) unit-owners who may cast a vote for election of the executive board. The HOA governing documents do not contain any quorum requirements (i.e., they are ‘silent’). The annual homeowners meeting is scheduled to start at 6PM. How many unit owners are needed to make quorum?

Answer: 10. 20% is needed in this particular instance.



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“Is There A Quorum???”

2. An HOA has two hundred (200) unit-owners. The HOA Bylaws state 25% of unit owners must be in attendance at the beginning of the meeting at all association meetings in order for a quorum to be met. Proxies may be used if a homeowner is unable to attend. There are currently 46 members present and 3 executed proxies have been given to the Secretary. Is there a quorum?

Answer: No. There is not 25% of unit owners represented at this meeting, so there is no quorum.



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“Is There A Quorum???”

3. The executive board of Nicholas Yokeech Homeowners’ Association is about to meet for its monthly board meeting. This is a particularly apathetic community with only sixteen (16) unit owners out of four hundred (400) in attendance. There are many important issues that need to be discussed and voted on, including switching insurance carriers and installing a new \$5,000 security gate at the entrance to the community. HOA member Carlos is surprised to learn two board members are absent, even though three out of five board members are still present. Is there a quorum at this executive board meeting?

Answer: Yes, because persons entitled to cast fifty percent of the votes on the board are present at the beginning of the meeting (three out of five).

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Meeting Agendas

- ▶ No state requirement other than the meeting notice shall state the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove an officer or member of the executive board.
- ▶ Agendas for meetings of the executive board shall be made reasonably available for examination by all members of the association or their representatives.
- ▶ The association is encouraged to provide all agendas in electronic form (in addition to printed form).
- ▶ **C.R.S. §38-33.3-308.**



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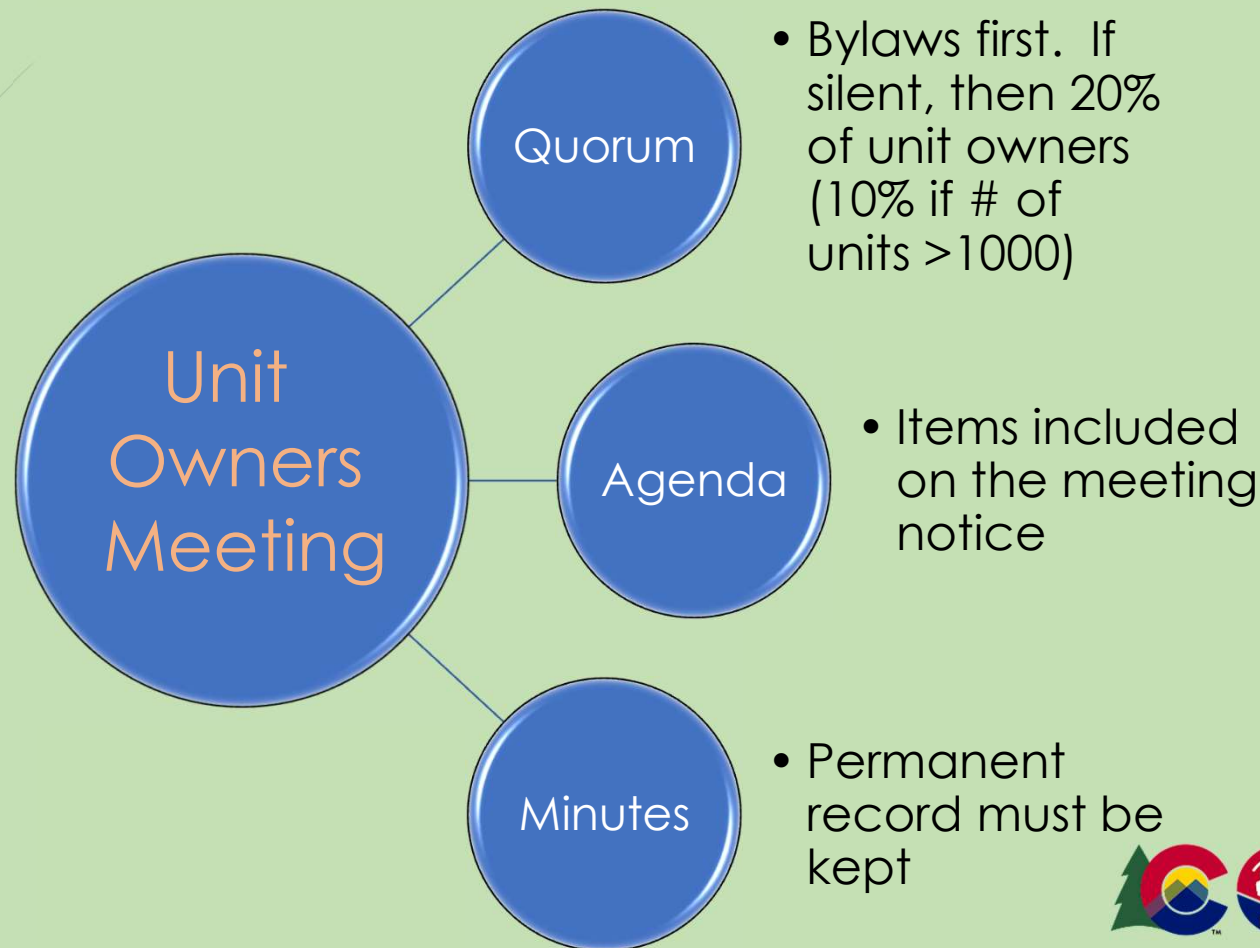
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Meeting Minutes

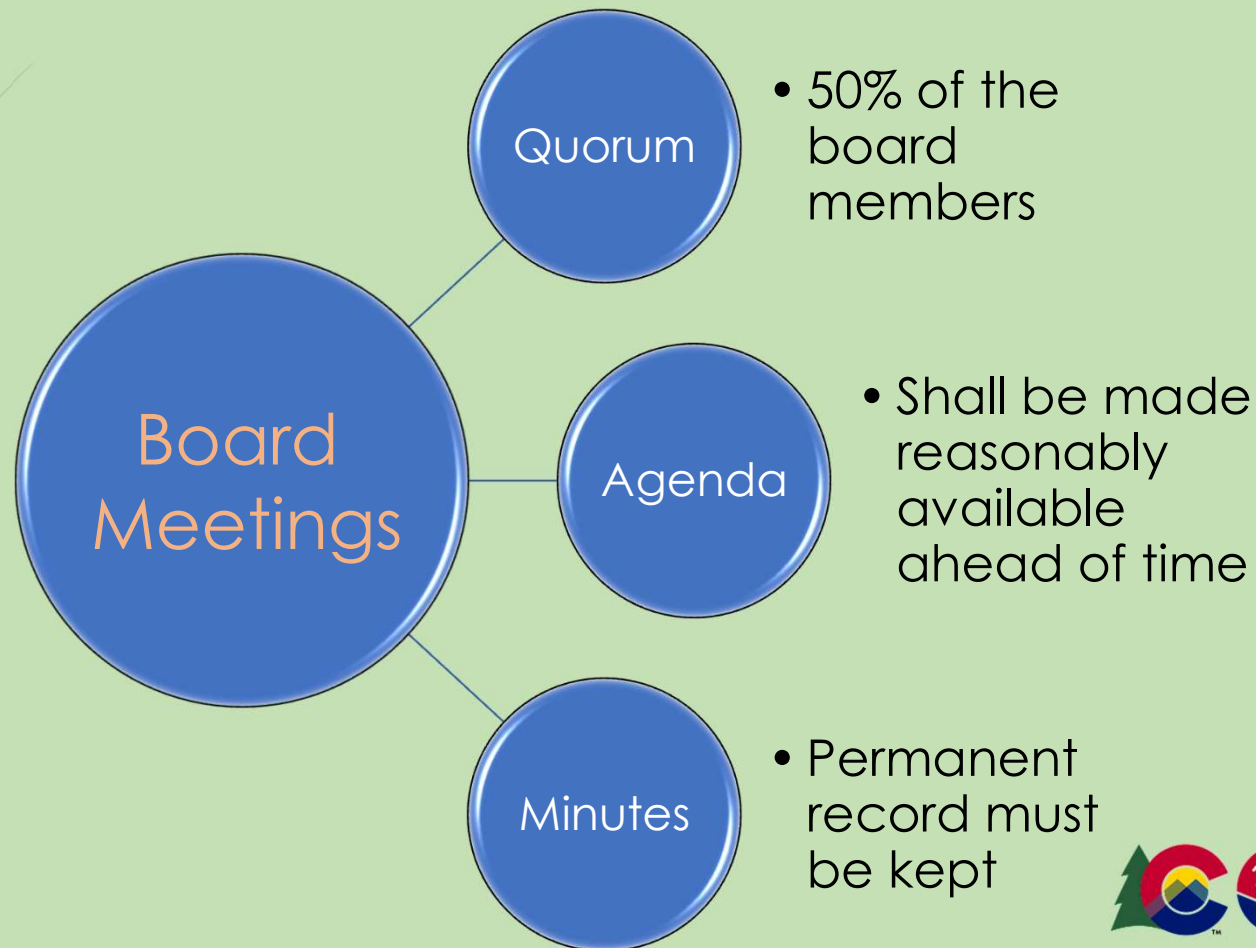
- ▶ The association shall keep, as **permanent records**, minutes of all meetings of the unit owners and all meetings of the executive board, and/or a record of all actions taken by the unit owners or executive board without a meeting, and/or a record of all actions taken by any committee of the executive board. **C.R.S. §38-33.3-317(1)(c).**
- ▶ The only section of CCIOA which speaks to the *contents* of minutes is section **C.R.S. §38-33.3-308(7)** which states that “Minutes of all meetings at which an executive session was held shall indicate that an executive session was held and the general subject matter of the executive session”.



Helpful Reminders



Helpful Reminders



Pro Tips (1 of 2)



- ▶ Don't forget to follow your governing documents.
- ▶ Make sure a quorum has been established before conducting business.
- ▶ Prepare a well-organized agenda to avoid wasting time on unimportant issues that may arise.
- ▶ Allocate a set amount of time per issue (5 minutes, 10 minutes, etc.) and stick to it.
- ▶ Have concerned homeowners submit their questions before the meeting to allow the board to do some research beforehand.
- ▶ Attempt to hold meetings in a neutral location, such as a recreation center or library conference room.



Pro Tips (2 of 2)



- ▶ Discuss the conduct of meetings policy before the meeting starts. Highlight the important parts. Bring copies to the meeting in case someone challenges you.
- ▶ If the association doesn't have a community association manager, it might consider hiring one to professionally run meetings.








Where can I locate slides and recordings of HOA Forums?

Welcome to the Colorado HOA Information and Resource Center

The HOA Information & Resource Center created by House Bill 10-1278, became effective January 1, 2011. This legislation requires homeowners' associations in Colorado to register in order to determine the number of HOAs in Colorado; the number of units affected by HOAs; and gather basic information about these HOAs. The HOA Information and Resource Center also serves as a resource for consumers to understand their basic rights and duties under the Colorado Common Interest Ownership Act.

[Usage](#)

-  File a Complaint
-  Register your HOA
-  Purchasing in a HOA
-  Association Records
-  ORN Request

HOA Life

- ▼ Living in an HOA
- ▼ Managing your HOA
- ▲ Education and Outreach Opportunities

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Where can I locate the Frequently Asked Questions (“FAQ”) on HOAs?

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[Image](#)



File a Complaint



Register your
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Purchasing in a
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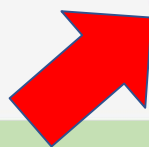
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- ✓ Living in an HOA
- ✓ Managing your HOA
- ✓ Education and Outreach Opportunities
- ✓ CCIOA, Local, State, and Federal Laws

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Where can I locate the Board Member Education Resource Page?

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Where can I locate the latest legislative summaries?

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Page



File a Complaint



Register your
HOA



Purchasing in a
HOA



Association
Records



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[2022 Legislative Updates](#)

[Understanding CCIOA](#)

[Federal Laws that Impact HOAs](#)

[State and Local Laws that Impact HOAs](#)

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[Frequently Asked Questions for HOA Homeowners, Board members, and Other Interested Parties](#)

P.S. 2023
Legislative
Summaries
coming soon!



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HOA Information & Resource Center Education and Resources

Check Out HOA Resources For
Yourself At:

Web: <https://dre.colorado.gov/hoa-center>

Send Inquiries Via E-mail To:

dora_dre_hoainquiries@state.co.us



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HOA Meetings



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