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# 2024 HOA Information & Resource Center Annual Report

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

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## 1. Executive Summary

The HOA Information & Resource Center (the “HOA Center”) was created in 2010<sup>1</sup>, and is housed within the Colorado Division of Real Estate (the “Division”), a division of the Colorado Department of Regulatory Agencies (“DORA”). Pursuant to state law in Colorado (the “State”), the HOA Center collects and compiles information about Common Interest Communities<sup>2</sup> (“CIC”) from its registration mandate, as well as from general inquiries and complaints received from the public. In general, the term public is used to include members of CICs, board members of CICs, Community Association Managers (“CAMs”) of CICs, and other interested parties. The HOA Center is also responsible for providing information and resources to unit owners (“homeowners”), CIC boards, Declarants<sup>3</sup>, and other interested parties about the rights and responsibilities set forth in the Colorado Common Interest Ownership Act<sup>4</sup> (“CCIOA”) and other applicable State law. Homeowners of a CIC most commonly reside within a homeowner’s association (“HOA”).

As mandated by § 12-10-801(3)(c), C.R.S., the HOA Information Officer (the “HOA Officer”), who administers the Center, presents an annual report to the Director of the Division (the “Director”) after analyzing the above-referenced information.

This document, the 2024 HOA Information & Resource Center Annual Report (the “Report”), provides an overview of CIC law, an examination of feedback from homeowners and others in matters involving CICs, and insights into the trends and statistics of the CIC industry within Colorado. A diverse set of statistics on complaints received and CIC registration figures are prominently covered. The Report also contains a summary of legislation enacted in 2024 that pertains to CICs, select operational details of the HOA Center, and notes on the future direction of the HOA Center.

In summary, the Report is an integral part of the Center’s ongoing commitment to providing unbiased information, education, and resources to those affected by,

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<sup>1</sup> HB10-1278, as codified in § 12-10-801(1), C.R.S.; effective January 1, 2011.

<sup>2</sup> From § 38-33.3-103(8), C.R.S.:

“‘Common interest community’ means real estate described in a declaration with respect to which a person, by virtue of such person’s ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration. Ownership of a unit does not include holding a leasehold interest in a unit of less than forty years, including renewal options. The period of the leasehold interest, including renewal options, is measured from the date the initial term commences.”

<sup>3</sup> From § 38-33.3-103(12), C.R.S.:

“‘Declarant’ means any person or group of persons acting in concert who:

(a) As part of a common promotional plan, offers to dispose of to a purchaser such declarant’s interest in a unit not previously disposed of to a purchaser; or

(b) Reserves or succeeds to any special declarant right.”

The declarant is typically the developer of the community.

<sup>4</sup> §§ 38-33.3-101 to 402, C.R.S. (2024).

involved with, or interested in CICs and in carrying out the Division's mandate of consumer protection more broadly.

## 2. Definitions

"CAM" means a Community Association Manager, or Community Association Management Company, or association property manager, or association property management company. The term more broadly represents the specific individual or company that provides management and administrative services for a CIC, usually pursuant to a written, negotiable contract. CAMs were regulated in Colorado from July 1, 2015, to July 1, 2019. In 2019, HB19-1212 was vetoed, which would have continued the CAM licensing program. Multiple bills were introduced in the General Assembly over the past several years including House Bill 22-1239 and House Bill 24-1078 to re-institute CAM licensing; however, these bills were ultimately lost and did not become law. As a result, CAMs are currently unlicensed and unregulated in the State.

"CCIOA" means the Colorado Common Interest Ownership Act, §§ 38-33.3-101 to 402, C.R.S. (2024).

"Common Elements" means (a) in a condominium or cooperative, all portions of the condominium or cooperative other than the units; and (b) in a planned community, any real estate within a planned community owned or leased by the association, other than a unit.<sup>5</sup>

"Common Interest Community" or "CIC" or "Common Interest Communities" or "CICs" means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance, or improvement of other real estate described in a declaration.<sup>6</sup> CIC is the formal term for an HOA or other commonly-referred to type of association, such as a townhouse owners association, a property owners association, a condominium owners association, a road owners association, or more simply, an owners association.

"Complaint Category" refers to one of a multitude of issues-or category of issues-identified by the HOA Center while analyzing a complaint. For example, "Communication with Homeowners/Board" and "Conflicts of Interest" is a complaint category.

"Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership

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<sup>5</sup> § 38-33.3-103(5), C.R.S.

<sup>6</sup> § 38-33.3-103(8), C.R.S.

portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.<sup>7</sup>

“Cooperative” means a common interest community in which the real property is owned by an association, each member of which is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit.<sup>8</sup>

“Director” means the Director of the Colorado Division of Real Estate.

“Division” means the Colorado Division of Real Estate.

“Fire-Hardened Building Materials” means materials that meet:

- The criteria of ignition-resistant construction set forth in sections 504 to 506 of the most recent version of the International Wildland-urban Interface Code;
- The criteria for construction in wildland areas set forth in the most recent version of the NFPA standard 1140, "Standard for Wildland Fire Protection", and the criteria for reducing structure ignition hazards from wildland fire set forth in the most recent version of the NFPA standard 1144, "Reducing Structure Ignitions from Wildland Fire"; or
- The requirements for a wildfire-prepared home established by the IBHS.
  - "IBHS" means the Insurance Institute for Business and Home Safety or its successor organization.
  - "NFPA" means the National Fire Protection Association or its successor organization.<sup>9</sup>

“HOA Center” means the HOA Information & Resource Center, as defined in § 12-10-801(1), C.R.S.

“HOA Officer” means the HOA Information Officer.

“Planned Communities” means a common interest community that is not a condominium or cooperative. A condominium or cooperative may be part of a planned community.<sup>10</sup> Generally, CICs registered as a planned community encompasses many single-family houses, each of which is equivalent to a single unit; the structure of the house and a defined surrounding area are owned exclusively by the homeowner.

“Units” means a physical portion of the common interest community which is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. If a unit in a cooperative is owned

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<sup>7</sup> § 38-33.3-103(9), C.R.S.

<sup>8</sup> § 38-33.3-103(10), C.R.S.

<sup>9</sup> § 38-33-3.106.5(1)(3)(e), C.R.S.

<sup>10</sup> § 38-33.3-103(22), C.R.S.

by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit which is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not thereby affected.<sup>11</sup> Examples include condominiums, townhomes, duplexes, single-family homes, undeveloped parcels of land, etc.

“Xeriscape” means the combined application of the seven principles of landscape planning and design, soil analysis and improvement, hydro zoning of plants, use of practical turf areas, uses of mulches, irrigation efficiency, and appropriate maintenance under section 38-35.7- 107 (1)(a)(III)(A)<sup>12</sup>, C.R.S.

### 3. Legislative Review

In 2024, the 74th General Assembly’s second regular session convened on January 10, 2024, and adjourned on May 8, 2024. During the session, many important bills were passed into law by the Colorado General Assembly, including several which directly affect CICs in the State. After the session ended, the HOA Center prepared detailed legislative summaries of each bill that affects associations. These summaries are published on the HOA Center’s website.<sup>13</sup> In addition, the HOA Officer presented a webinar presentation (an “HOA Forum”) on June 28, 2024, to discuss these important changes to Colorado law. In 2024, the HOA Forum had one hundred forty-one (141) attendees.<sup>14</sup> The HOA Center regularly receives comments from the public that these summaries are a useful reference tool for those affected by, involved with, or interested in CICs.

The specific bills affecting CICs passed in the 2024 legislative session are as follows:

- a. **HB24-1007**- CONCERNING RESIDENTIAL OCCUPANCY LIMITS
- b. **HB24-1051**- CONCERNING THE REGULATION OF BUSINESSES THAT OBTAIN A PERMIT FROM THE PUBLIC UTILITIES COMMISSION TO TOW MOTOR VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.
- c. **HB24-1091**- CONCERNING PROHIBITING RESTRICTIONS ON THE USE OF FIRE-HARDENED BUILDING MATERIALS IN RESIDENTIAL REAL PROPERTY.
- d. **HB24-1108**- CONCERNING A STUDY OF THE MARKET FOR PROPERTY AND CASUALTY INSURANCE POLICIES ISSUED TO CERTAIN ENTITIES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.
- e. **HB24-1152**- CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING UNITS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.
- f. **HB24-1173**- CONCERNING STREAMLINING THE PROCESS FOR PERMITTING ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS

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<sup>11</sup> § 38-33.3-103(30), C.R.S.

<sup>12</sup> § 38-33.3-103(33), C.R.S.

<sup>13</sup> See <https://dre.colorado.gov/colorado-general-assembly-2024-legislative-updates>

<sup>14</sup> <https://www.youtube.com/live/CkYqutEgC54>

- g. **HB24-1233**- CONCERNING MODIFICATIONS TO CERTAIN PROCEDURAL REQUIREMENTS WITH WHICH A UNIT OWNERS' ASSOCIATION MUST COMPLY WHEN SEEKING PAYMENT OF DELINQUENT AMOUNTS OWED BY A UNIT OWNER
- h. **HB24-1337**- CONCERNING THE RIGHTS OF A UNIT OWNER IN A COMMON INTEREST COMMUNITY IN RELATION TO THE COLLECTION OF AMOUNTS OWED BY THE UNIT OWNER TO THE COMMON INTEREST COMMUNITY
- i. **HB24-1383**- CONCERNING DECLARATIONS THAT FORM COMMON INTEREST COMMUNITIES UNDER THE "COLORADO COMMON INTEREST OWNERSHIP ACT"
- j. **SB24-005**- CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES
- k. **SB24-021**- CONCERNING EXEMPTING CERTAIN SMALL COMMUNITIES FROM CERTAIN REQUIREMENTS OF THE "COLORADO COMMON INTEREST OWNERSHIP ACT"
- l. **SB24-058**- CONCERNING LANDOWNER LIABILITY UNDER THE COLORADO RECREATIONAL USE STATUTE
- m. **SB24-129**- CONCERNING PROTECTING THE PRIVACY OF PERSONS ASSOCIATED WITH NONPROFIT ENTITIES, AND, IN CONNECTION THEREWITH, PROHIBITING PUBLIC AGENCIES FROM TAKING CERTAIN ACTIONS RELATING TO THE COLLECTION AND DISCLOSURE OF DATA THAT MAY IDENTIFY SUCH PERSONS
- n. **SB24-134**- CONCERNING THE OPERATION OF A HOME-BASED BUSINESS IN A COMMON INTEREST COMMUNITY
- o. **SB24-145**- CONCERNING THE ENACTMENT OF THE "UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS ACT"

### 3.1 **HB24-1007-CONCERNING RESIDENTIAL OCCUPANCY LIMITS**<sup>15</sup>

Nicknamed "HOME"-the Harmonizing Occupancy Measures Equitably Act-this bill is designed to address housing availability across the entire state of Colorado. Previously, some local governments limited the number of people living together in a single dwelling based on familial relationships. HB24-1107 prohibits this practice as of the effective date, July 1, 2024, except in the following circumstances where local governments retain the authority, including:

1. Demonstrated health and safety standards like international building code standards, fire code regulations, wastewater management, water quality standards), and
2. Affordable housing program guidelines.

Common Interest Communities (HOAs, POAs, Condominiums, Cooperatives) are considered private entities (not "Local Governments"). Therefore, this act DOES NOT apply to HOAs. An HOA may still enforce these types of restrictions on occupancy if they are provided for in the association's governing documents.

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<sup>15</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1007\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1007_signed.pdf)



### 3.2 HB24-1051-CONCERNING THE REGULATION OF BUSINESSES THAT OBTAIN A PERMIT FROM THE PUBLIC UTILITIES COMMISSION TO TOW MOTOR VEHICLES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.<sup>16</sup>

In 2022, the Colorado General Assembly significantly revised the laws governing towing carriers in the State of Colorado. This bill further clarifies some of those changes. Relevant to Common Interest Communities (HOAs, POAs, Condominiums, Cooperatives), associations were no longer allowed to tow a vehicle from a common parking area just because the vehicle had expired tags. Associations were also prohibited from towing a vehicle from a common parking area with less than twenty-four (24) hours-notice after posting a notice.

The Colorado General Assembly now has clarified that a towing carrier may NOT tow a vehicle without the consent of the vehicle owner (“nonconsensually”), unless the towing carrier has received documented permission. Documented permission MAY NOT BE:

1. Automated
2. Preapproved

Furthermore, the documented permission MUST be:

1. For each individual tow
2. Signed by a person with authority on a form to be created by the Public Utilities Commission. The towing carrier MUST retain completed forms for a period of 3 years and MUST provide a copy of the signed form to the vehicle owner upon request.

Signage requirements have been set forth to adequately disclose nonconsensual towing from property. Those requirements include signage that:

1. Is not less than two square feet in size
2. Has lettering not less than one inch in height
3. Has lettering that must sharply contrast with the background color of the sign and must sharply contrast with the structure on which the signage is placed
4. Contains information in the following order:
  - a. The restriction or prohibition on parking
  - b. The times of the day and days that the restriction is applicable, but, if the restriction applies 24 hours a day, 7 days a week, the sign must say “Authorized Parking Only”.
  - c. The name and telephone number of the towing carrier
5. Is printed in English and Spanish
6. Is permanently mounted both:

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<sup>16</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1051\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1051_signed.pdf)

- a. At the entrance to the private property so that the sign faces outward toward the street in a manner that makes it visible before and upon entering the private property
  - b. Inside the private property so that the sign faces outward toward the parking area
- 7. Is not obstructed from view or that is placed in a manner that prevents direct visibility
- 8. Is not placed higher than 10 feet or lower than 3 feet from the surface closest to the sign's placement

### 3.3 HB24-1091-CONCERNING PROHIBITING RESTRICTIONS ON THE USE OF FIRE-HARDENED BUILDING MATERIALS IN RESIDENTIAL REAL PROPERTY.<sup>17</sup>

House Bill 24-1091 generally prohibits covenants and other restrictions that disallow the installation, use, or maintenance of fire-hardened building materials in residential real property, including in common interest communities.

“Fire-hardened building material” means any material(s) that meet one of the following three (3) criteria:

- 1. The criteria of ignition-resistant construction set forth in sections 504 to 506 of the most recent version of the International Wildland-Urban Interface Code;
- 2. The criteria for construction in wildland areas set forth in the most recent version of the NFPA Standard 1140, “Standard for Wildland Fire Protection”, and the criteria for reducing structure ignition hazards from wildland fire set forth in the most recent version of the NFPA Standard 1144, “Reducing Structure Ignitions from Wildland Fire”; or
- 3. The requirements for a wildfire-prepared home established by the IBHS.

“NFPA” is defined as the National Fire Protection Association (or its successor organization), and “IBHS” is defined as the Insurance for Business and Home Safety (or its successor organization).

This new law also permits a unit owners’ association to adopt and enforce reasonable standards regarding the design, dimensions, placement, and external appearance of a fire-hardened building material used for fencing at a unit owner’s property so long as the standards do not:

- 1. Increase the cost of the fencing by more than ten (10) percent compared to other fire-hardened building materials used for fencing; or

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<sup>17</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1091\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1091_signed.pdf)

2. Require a period of review and approval that exceeds sixty (60) days after the date on which the application for review is filed.

The individual (or group of individuals) in the common-interest community charged with reviewing and deciding such applications by a unit owner for fire-hardened building materials should ensure any approval or denial of such application is not done arbitrarily or capriciously.

According to this new law, the association may also adopt bona fide safety requirements that are consistent with applicable safety codes or nationally recognized safety standards.

In addition, a unit owner does not have a right to construct or place fire-hardened building materials on property that is:

1. owned by another person,
2. leased (except with permission of the lessor), or
3. considered a limited common element or general common element of the common-interest community.

### **3.4 HB24-1108-CONCERNING A STUDY OF THE MARKET FOR PROPERTY AND CASUALTY INSURANCE POLICIES ISSUED TO CERTAIN ENTITIES IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.<sup>18</sup>**

Across the State of Colorado, homeowners, business owners, and Common Interest Communities (HOAs, POAs, Condominiums, Cooperatives) have witnessed increasing difficulties associated with insurance coverage. Accordingly, the General Assembly has directed the Division of Insurance to conduct a study to seek input from insurers, consumer groups, and other interested parties. A report will be prepared on or before January 1, 2026.

### **3.5 HB24-1152-CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING UNITS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.<sup>19</sup>**

The language of HB24-1152 establishes extensive legislative findings that accessory dwelling units (“ADUs”) can offer compact and relatively affordable housing which should have minimal impacts on infrastructure, and which provide numerous other benefits to Coloradans.

As such, HB24-1152 allows single ADU use as an accessory to a single-unit detached dwelling by June 30, 2025. Such ADUs may be subject to an administrative approval process of a subject jurisdiction. By the same date, the subject jurisdiction may NOT require:

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<sup>18</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1108\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1108_signed.pdf)

<sup>19</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1152\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1152_signed.pdf)

1. New off-street parking, as long as there is an existing driveway, garage, tandem parking space, or other off-street parking space or a parking space is required by an applicable zoning district.
2. The ADU or other dwelling on the same lot to be owner-occupied.
3. A restrictive design or dimension standard

In addition to the appropriation of funds to further the goals of this law, the bill also expressly amends the Colorado Common Interest Ownership Act (“CCIOA”). Specifically, in Common Interest Communities, no provision of a Declaration, Bylaw, or Rule may restrict the creation of an ADU as an accessory use to any single unit detached dwelling. If any such provision was passed/implemented, whether before the effective date of HB24-1152 or after the effective date of HB24-1152, such restriction is void as a matter of public policy. The placement of this provision in CCIOA at section 38-33.3-106.5, C.R.S. is important because this section of CCIOA applies to all Common Interest Communities in Colorado: CCIOA communities, pre-CCIOA communities, and limited expense communities.

Although each association may impose Reasonable Restrictions, the law is written in a manner to allow the installation of ADUs in single unit detached dwelling situations. It defines Reasonable Restrictions as a “substantive condition or requirement that does not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct an Accessory Dwelling Unit.”

### **3.6 HB24-1173-CONCERNING STREAMLINING THE PROCESS FOR PERMITTING ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.<sup>20</sup>**

The State of Colorado has ambitious goals of leading the nation in the electrification of vehicles and the reduction of greenhouse gas emissions. According to the U.S. Department of Energy, an electric vehicle produces, on average, less than 25% of the average emissions of a motor vehicle powered by an internal combustion engine over its lifetime.

With that, the Colorado General Assembly has found there to be a significant shortage of electric vehicle (EV) charging stations in the state to take advantage of this promising technology. Accordingly, House Bill 24-1173 streamlines the permitting process of counties and municipalities so that more EV charging systems may be constructed at reduced time and cost.

Without inundating the reader with too much information, this bill seeks to accomplish seven (7) items with respect to those counties and municipalities engaged in the EV-charger permitting process:

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<sup>20</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1173\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1173_signed.pdf)

1. Provide a list of industry-specific definitions including definitions for “Electric Motor Vehicle Charging System” and “County/Municipal Permitting Agency”
2. Provide instructions for adopting codes and ordinances related to EV-charger permits
3. Require the Colorado Energy Office to publish an EV-charger permitting model code that contains guidelines for the adoption of EV-charger permit standards and permitting processes
4. Impose certain requirements related to the approval, conditional approval, or denial of an application for an EV-charger permit
5. Require a checklist be provided to all prospective applicants of EV-charging stations containing all required items that must be included in the application
6. Direct the Colorado Energy Office to provide technical assistance to assist in complying with the requirements of this bill, including aiding with developing and adopting codes and training staff with interpreting EV-charger permit standards and processes
7. Impose notice requirements related to the determination of an EV-charger permit

With this bill, additional funds have been appropriated to the Colorado Energy Office for use in awarding grants to state agencies, public universities, public transit agencies, local governments, landlords of multifamily apartment buildings, private nonprofit or for-profit organizations, and unit owners’ associations of common interest communities. Importantly, the Colorado Energy Office will also provide analysis and technical support to applicants related to the development and permitting of EV-charging stations.

Boards of homeowner associations are encouraged to contact the Colorado Energy Office to see if the association is eligible for grant-funding for the construction of electric-vehicle charging stations on the association’s property.

### **3.7 HB24-1233-CONCERNING MODIFICATIONS TO CERTAIN PROCEDURAL REQUIREMENTS WITH WHICH A UNIT OWNERS’ ASSOCIATION MUST COMPLY WHEN SEEKING PAYMENT OF DELINQUENT AMOUNTS OWED BY A UNIT OWNER.<sup>21</sup>**

During the 2022 Legislative Session, a large and comprehensive bill, HB22-1137, was passed into law. This new law, HB24-1233, builds on HB22-1137 and amends certain aspects of the Colorado Common Interest Ownership Act (“CCIOA”). Specifically, section 38-33.3.209.5, C.R.S. of CCIOA requires an association to adopt policies, procedures, and rules and regulations concerning multiple areas of association governance. There are currently nine required policies and HB24-1233 mandates that associations update one of these policies, the Collection Policy, to reflect the following changes:

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<sup>21</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1233\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1233_signed.pdf)

1. The association must first contact the unit owner of a unit delinquency before taking action.
2. The association must maintain a record of the efforts to contact the unit owner.
3. Any contact with the unit owner must be provided to the unit owner and another person who has been identified by the unit owner as a Designated Contact.
4. Any contact with the unit owner must be provided to the unit owner in a language identified by the unit owner. If the unit owner does not identify a language other than English, contact can be made in English.
5. The unit owner and the Designated Contact must receive the same correspondence and notices any time communications are sent out, except that any unit owner that has identified a preferred language other than English must receive communications and notices in that preferred language.
6. Communications and notices must be sent by certified mail, return receipt requested AND two of the following methods:
  - a. Telephone, including leaving a voice message, if possible
  - b. Text message
  - c. EmailNOTE: For the last two years, associations were required to physically post a copy of the correspondence or notice on the property. HB24-1233 removed this requirement.
7. The association is expressly permitted to charge the actual cost of the certified mail, but the fee may not exceed the actual cost of certified mail.

Finally, this bill clarifies that section 38-33.3-209.5 does not apply to timeshares.

### **3.8 HB24-1337-CONCERNING THE RIGHTS OF A UNIT OWNER IN A COMMON INTEREST COMMUNITY IN RELATION TO THE COLLECTION OF AMOUNTS OWED BY THE UNIT OWNER TO THE COMMON INTEREST COMMUNITY.**<sup>22</sup>

In staying true to his stated housing affordability goals, Governor Polis signed House Bill 24-1337 on June 5, 2024. With this new law, Colorado homeowners residing within common interest communities (HOAs) will be better protected from foreclosure action on their units resulting from an HOA homeowner's failure to pay delinquent assessments, fines, and other HOA charges.

Perhaps most significantly, this bill limits the reimbursement amount for attorney fees the HOA may seek to collect from a unit owner who is delinquent on assessments to:

1. \$5,000, or

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<sup>22</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1337\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1337_signed.pdf)

2. 50% of the original money owed, whichever is less

The same monetary restriction of attorney fees applies for any association attempting to defend or enforce its rules or bylaws in court and when the association prevails in the same matter.

In determining reasonable attorney fees, a court must also consider relevant factors including:

1. the amount of the unpaid assessments;
2. whether foreclosure action was contested; and
3. whether the attorney fees incurred are disproportionate to the needs of the case.

Other important elements of the bill include restrictions on when an association may foreclose on a lien, and the creation of a right of redemption for 180 days following a foreclosure sale. Per the new bill, an association may only foreclose on a lien if the association has performed one of the three (3) following functions:

1. Obtained a personal judgment against the unit owner in a civil action; or
2. Attempted to bring a civil action against the unit owner but was prevented by the death of or incapacity of the unit owner; or
3. Attempted to bring a civil action against the unit owner but the association was unable to serve the unit owner within 180 days.

Additionally, an association has authority to foreclose on a lien if the unit owner is in a bankruptcy civil action. It is important to note the association may not foreclose on a lien if the unit owner is following a payment plan offered by the association in accordance with 38-33.3-209.5, C.R.S.

The new bill also establishes a right of redemption for 180 days following a foreclosure sale. In general, the procedures for the bill's right of redemption are based on the procedures in current law. A person wanting to redeem the unit under the bill must file a notice of intent to redeem within 30 days after the foreclosure sale. The following people have the right of redemption in order of priority:

1. The unit owner
2. A tenant of the unit
3. A nonprofit entity whose primary purpose is the development or preservation of affordable housing
4. A community land trust
5. A cooperative housing corporation
6. The state of Colorado or a political subdivision of the state of Colorado

If two (2) or more people with the right of redemption attempt to redeem the property, the person with the highest priority is awarded the property and the lower priority rights of redemption are extinguished.

Finally, the bill provides that at least 30 days before initiating legal action to foreclose a lien, an association must provide notice to the unit owner that the unit owner has the right to engage in mediation prior to litigation. This is important because prior to the passage of this bill, there was no state requirement an association offer mediation to the unit owner prior to litigation (except as provided for in an association's governing documents). Mediation is a form of alternative dispute resolution that may save both unit owners and associations time and money.

### **3.9 HB24-1383-CONCERNING DECLARATIONS THAT FORM COMMON INTEREST COMMUNITIES UNDER THE "COLORADO COMMON INTEREST OWNERSHIP ACT".<sup>23</sup>**

House Bill 24-1383 modifies the act of executing and recording a declaration to a common interest community.

Previously, the Colorado Common Interest Ownership Act ("CCIOA") only required a declaration to be executed in the same manner as a deed. In some cases, in Colorado, an affiliate of the real estate owner (but not the real estate owner) was allowed to execute a declaration to a common interest community.

With the passage of House Bill 24-1383, the General Assembly has determined this action to be contradictory to state law. Now, a declaration to a common interest community must be executed by, or on behalf of, the owner of the real estate. In most cases, the owner of the real estate is the developer of the common interest community (or the "Declarant").

Additionally, House Bill 24-1383 provides that any amendment to a declaration that adds real estate to an existing common interest community must be executed by, or on behalf of, the owner(s) of the real estate to be added, as shown by the records of the county clerk and recorder's office of the county where the real estate is located.

### **3.10 SB24-005-CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.<sup>24</sup>**

Over the last several legislative sessions, the Colorado General Assembly has directed numerous efforts to address the impacts of climate change and water supply issues in Colorado and other western United States.

As such, the law states that after January 1, 2026, Common Interest Communities, like HOAs, POAs, condominiums, or Cooperatives, as well as Local Entities, such as cities, counties, special districts and metropolitan districts, shall not install, plant, or place any nonfunctional turf, artificial turf, or invasive species, as part of a new development project or redevelopment project.

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<sup>23</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_1383\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_1383_signed.pdf)

<sup>24</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_005\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_005_signed.pdf)



Nonfunctional turf is turf that is not functional, including street right-of-way, parking lot, median, or transportation corridor turf.

Artificial turf is synthetic materials developed or designed to resemble natural grass.

Invasive species are defined as plants that are not native to the state and that:

1. Are introduced into the state accidentally or intentionally
2. Have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and
3. Have harmful effects on the state's environment or economy or both.

This law is forward looking. It does not prohibit:

1. The maintenance of nonfunctional turf, artificial turf, or invasive species in place before January 1, 2026.
2. The installation of grass seed or sod that is a native plant or has been hybridized for arid conditions, like what we find here in Colorado.
3. The use of artificial turf on athletic fields of play.

### **3.11 SB24-021-CONCERNING EXEMPTING CERTAIN SMALL COMMUNITIES FROM CERTAIN REQUIREMENTS OF THE "COLORADO COMMON INTEREST OWNERSHIP ACT".<sup>25</sup>**

Under current law, certain small homeowner associations ("HOAs") are exempt from various requirements of the Colorado Common Interest Ownership Act ("CCIOA") based on the HOA's creation date, number of residential units, and average annual common expense liability of each unit.

Specifically, this bill consolidates these exemptions for small associations by increasing the number of units allowed from ten (10) to twenty (20) units for associations created between the years 1992 and 1998 and uniformly applying the common expenses threshold and inflation adjustment regardless of when an HOA was created.

In addition, the bill provides that a cooperative or planned community that may claim the exemption may elect instead to be subject to all of CCIOA by adopting an amendment to its declaration evidencing its election.

Finally, the bill requires the HOA Information Officer in the Department of Regulatory Agencies ("DORA") to provide notice of the bill to cooperatives and planned communities that are affected by the bill, including notice of the option to opt out of the exemption.

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<sup>25</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_021\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_021_signed.pdf)

### 3.12 SB24-058-CONCERNING LANDOWNER LIABILITY UNDER THE COLORADO RECREATIONAL USE STATUTE.<sup>26</sup>

Colorado's wide variety of recreational options is a commonly cited reason for people moving and traveling to Colorado. As such, the Colorado General Assembly has developed the Colorado Recreational Use Statute which limits owner's liability when lands are used for recreational purposes. Until the passage of SB24-058, the Colorado Recreational Use Statute did not protect an owner's liability for willful or malicious failure to warn against known dangerous conditions.

Now, SB24-058 protects unit owners by explaining that an owner is not committing a willful or malicious failure if:

1. The owner posts a warning sign at the primary access point where the individual entered the land, which sign satisfies certain criteria.
2. The owner maintains photographic or other evidence of the sign.
3. The dangerous condition, use, structure, or activity that caused the injury or death is described by the sign.

In addition to this signage requirement, SB24-058 also expands protections by defining a landowner to be:

1. The possessor of a fee interest.
2. A tenant, lessee, or occupant.
3. The possessor of any other interest in land, including a possessor or holder of a conservation easement.

Signage must meet specific requirements including language, size, and location. The sign must state:

**“WARNING!  
YOU ARE ENTERING THIS LAND FOR RECREATIONAL PURPOSES. IF YOU LEAVE THE DESIGNATED TRAIL, ROUTE, AREA, OR ROADWAY, YOU WILL BE DEEMED TRESPASSING. THERE ARE INHERENT DANGERS AND RISKS ASSOCIATED WITH USING THIS LAND THAT MAY CAUSE SERIOUS INJURY OR DEATH, INCLUDING CHANGING WEATHER CONDITIONS; OPEN AND OBVIOUS VARIATIONS IN STEEPNESS, SURFACE CONDITIONS, AND CONSISTENCY OF TERRAIN, SUCH AS FOREST GROWTH, ROCKS, STUMPS, WATERWAYS, STREAMBEDS, CLIFFS, EXTREME TERRAIN, AND TREES; WILDLIFE; AND MINING OR AGRICULTURAL ACTIVITIES, STRUCTURES, REMNANTS, EQUIPMENT, OR OPERATIONS.”**

Signage must also be:

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<sup>26</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_058\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_058_signed.pdf)

1. At least 8 inches in width and 10 inches in length or 8 inches in length and 10 inches in width.
2. Posted in a conspicuous place at the primary access point to the property.

### **3.13 SB24-129-CONCERNING PROTECTING THE PRIVACY OF PERSONS ASSOCIATED WITH NONPROFIT ENTITIES, AND, IN CONNECTION THEREWITH, PROHIBITING PUBLIC AGENCIES FROM TAKING CERTAIN ACTIONS RELATING TO THE COLLECTION AND DISCLOSURE OF DATA THAT MAY IDENTIFY SUCH PERSONS.<sup>27</sup>**

The State of Colorado has taken the position that member-specific data, including personal identifying information (“PII”) needs to be protected. Accordingly, it was found that it is in the public interest to prohibit public agencies from collecting or disclosing member-specific data.

Although the State of Colorado has taken important steps to protect PII, it is incumbent on responsible individuals to take reasonable steps to protect the PII of both board members, officers, and unit owners alike. Particularly regarding Common Interest Communities, responsible individuals are running a business, sometimes with thousands or hundreds of thousands of dollars in revenue and expenses each year. Protecting financial information and PII is an important consideration for every responsible individual and consumers alike.

### **3.14 SB24-134-CONCERNING THE OPERATION OF A HOME-BASED BUSINESS IN A COMMON INTEREST COMMUNITY.<sup>28</sup>**

In recent years, the advent of remote work has enabled many homeowners to operate, or consider operating, a business from their unit. The year 2024 has been no exception, with Coloradans pursuing passions like blogging, dog grooming, podcasting, and teaching from the comfort of their homes.

Governor Polis signed Senate Bill 24-134 on April 19, 2024. With ninety-three (93) “Aye” votes and only one (1) “No” vote, the chambers of the General Assembly made it abundantly clear the state favors allowing homeowners to operate a home-based business in their home, regardless of any HOA covenants or restrictions which may imply the opposite.

Senate Bill 24-134 allows a unit owner (or resident of the unit owner with the unit owner’s permission) to operate a home-based business at a unit owner’s unit. A homeowner’s association may no longer seek to enforce any covenant or restriction that would prohibit a unit owner from operating a home-based business.

According to the bill, a “home-based business” means a business for which the main office is located at, or the business operations primarily occur at, a unit.

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<sup>27</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_129\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_129_signed.pdf)

<sup>28</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_134\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_134_signed.pdf)

The home-based business must still comply with, and an association may adopt and enforce, any reasonable and applicable rules and regulations governing architectural control, parking, landscaping, noise, nuisance, or other matters concerning the operation of a home-based business.

The operation of a home-based business in a common interest community must also comply with any applicable noise or nuisance ordinances or resolutions of the municipality or county where the common interest community is located.

Boards and community managers should closely review their association governing documents to ensure the governing documents may not inadvertently (or intentionally) prohibit the operation of a home-based business.

### 3.15 SB24-145-CONCERNING THE ENACTMENT OF THE "UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS ACT".<sup>29</sup>

While most Common Interest Communities are created with the common benefit of ALL unit owners in mind, historically, this was not always the case. An unfortunate aspect of the history of Common Interest Communities is that certain restrictions were imposed on the land in decades past which were discriminatory based on race, color, religion, national origin, sex, familial status, disability, or other personal characteristics. Unfortunately, some of these restrictions remain and they are referred to as “unlawful restrictions”.

Even before SB24-145, unlawful restrictions have long been unenforceable, however, the offending language remained in official documents. SB24-145 aims to correct that by creating a method and process by which a unit owner or association can remove the offending language.

For a traditional landowner, the owner may submit to the recorder for recordation an amendment to remove the unlawful restriction, but only as to the owner’s property.

For an association, the board and its officers may submit to the recorder for recordation an amendment to the governing documents WITHOUT a vote of the members of the association. In addition, a member of an association (a unit owner) may also request the board to exercise its authority to remove the unlawful restriction. Within 90 days of the member’s request, the board shall determine whether the governing document includes an unlawful restriction. If so, the board shall amend the governing document within the next 90 days.

In either case, the amendment must include a conspicuous statement substantially similar to the following language:

“THIS AMENDMENT REMOVES FROM THIS DEED OR OTHER DOCUMENT AFFECTING TITLE TO REAL PROPERTY AN UNLAWFUL RESTRICTION AS DEFINED UNDER THE UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS ACT. THIS AMENDMENT DOES NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF A RESTRICTION THAT IS NOT AN UNLAWFUL RESTRICTION.”

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<sup>29</sup> [https://leg.colorado.gov/sites/default/files/2024a\\_145\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2024a_145_signed.pdf)

## 4. Registration

The HOA Center continues to carry out an important aspect of its statutory mandate: registration of CICs in the State of Colorado.<sup>30</sup> CCIOA requires that all CICs located in Colorado register with the Division of Real Estate.<sup>31</sup> Upon registration, the HOA Center collects and compiles a database of CICs. Although the statutory language in CCIOA requires registration, the Division and the HOA Center do not have any jurisdiction to enforce the registration requirement. Nevertheless, CCIOA limits the rights of a CIC “to impose or enforce a lien for assessments under section 38-33.3-316 or to pursue an action or employ an enforcement mechanism otherwise available to it under section 38-33.3.123 [which] is suspended until the association is validly registered pursuant to this section.”<sup>32</sup>

Absent the authority to enforce the registration requirement, both the Division and the HOA Center collect the statutorily required information which is expressly enumerated in CCIOA:

1. Fee: Except for those CICs collecting five thousand dollars (\$5,000.00) or less in revenue annually, OR for those CICs that are not authorized to make assessments and do not have revenue<sup>33</sup>, the Division collects a registration fee set in accordance with § 12-10-215, C.R.S.
2. CIC Name
3. Name of the CIC’s management company, if any
4. Managing agent, if any, or the Designated Agent name
5. Physical Address of the CIC
6. Valid address for the CIC or the management company, managing agent, or Designated Agent
7. Email address, if any, for the CIC or the management company, managing agent, or Designated Agent
8. Website, if any, for the CIC or the management company, managing agent, or Designated Agent
9. Telephone number for the CIC or the management company, managing agent, or Designated Agent
10. The number of units in the CIC<sup>34</sup>

Notably, there are data points that the Division and HOA Center are **NOT** statutorily required to collect and does **NOT** collect, such as:

1. The current amount of regular assessments (“HOA dues”)
2. Any previous or current Special Assessments levied on the unit owners
3. The number of unit owners delinquent on their assessments

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<sup>30</sup> § 12-10-801(3)(a)(I), C.R.S.

<sup>31</sup> § 38-33.3-401, C.R.S.

<sup>32</sup> § 38-33.3-401(3), C.R.S.

<sup>33</sup> § 38-33.3-401(2)(b), C.R.S.

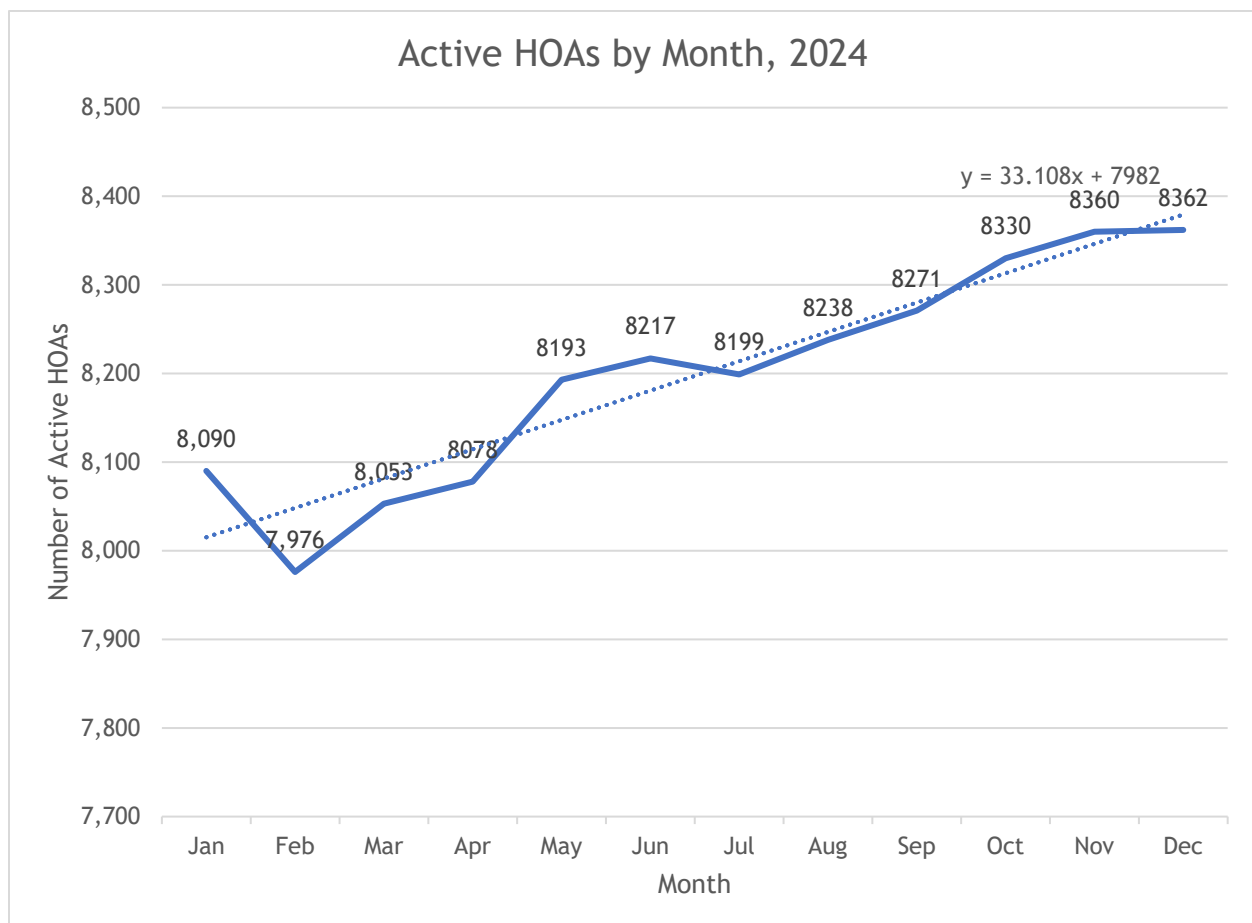
<sup>34</sup> § 38-33.3-401(2), C.R.S.

4. The number of liens foreclosed upon
5. Whether there are any pending lawsuits affecting the community and whether any damages sought by the parties to the lawsuit could affect the community's legal fees/regular assessments

Although the HOA Center reviews the information submitted upon initial registration, the HOA Center is unable to review any information for CICs that do not register or renew. Accordingly, the HOA Center presumes that there are a significant number of CICs that do not comply with the registration process set forth in § 38-33.3-401, C.R.S.

As in years past, the HOA Center continues to provide the public with registration information, education, and outreach. Through these efforts, the HOA Center continues to reach out to a wide range of the population of Colorado, explaining the benefits of registration and providing other information available from the HOA Center.

#### 4.1 Active CICs



**Figure 4.1 Active CICs by Month, 2024**

Figure 4.1 shows eight thousand ninety (8,090) CICs were registered as “Active” at the beginning of 2024. That number increased to eight thousand three hundred and sixty-two (8,362) by the end of the year, an increase of approximately three and thirty-six one-hundredths percent (3.36%). The trendline indicates that, on average, for every month in 2024, thirty-three (33) additional CICs became Active. These additional CICs may have been newly formed associations, been previously expired or had never registered with the Division.

## 4.2 Expired CICs

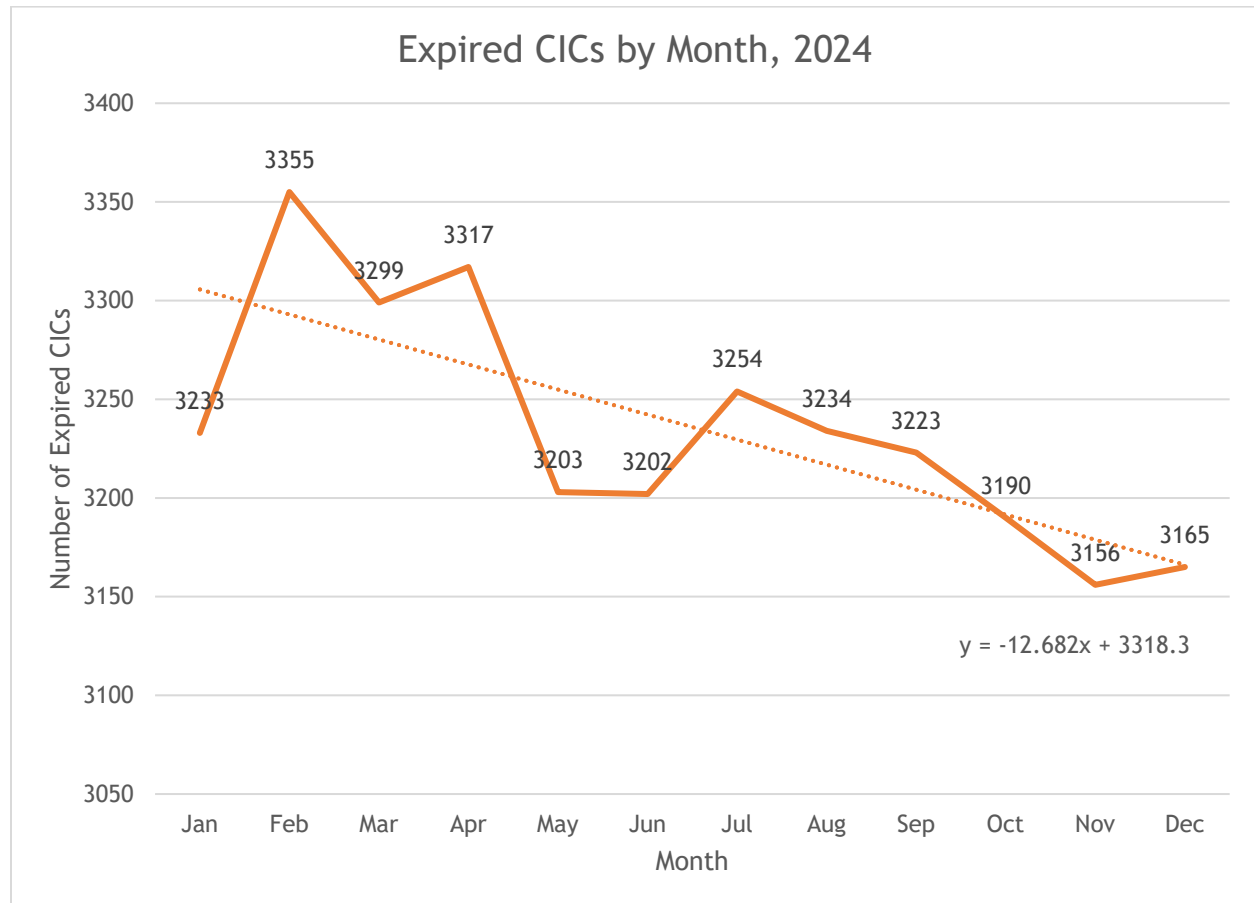


Figure 4.2 Expired CICs by Month, 2024

Figure 4.2 indicates three thousand, two hundred thirty-three (3,233) CICs were registered as “Expired” with the HOA Center at the beginning of 2024. The number of “Expired” CICs decreased to three thousand one hundred sixty-five (3,165) by the end of the year, a decrease of approximately 2.10%).

The trendline indicates that, on average, for every month in 2024, thirteen (13) less CICs were Expired.

A CIC may be “Expired” for a number of reasons: First, the CIC (or managing agent/CAM) may have forgotten to renew by the end of the registration cycle.

Second, regular turnover of HOA boards - as well as community managers-tends to lead to a net decline in institutional knowledge (much like the turnover of employees in the private sector). When an existing board member steps down-or a manager terminated-knowledge of the state registration requirement can be lost. Third, the current penalty enforcement mechanism authorized by section 38-33.3-401, C.R.S. (suspension of an association's ability to file a lien or employ an enforcement mechanism) may not be a great enough deterrence to boards for failure to register. While every effort is made by the HOA Center to inform CICs of the importance of the registration requirement, it is ultimately up to the volunteer board members and their managing agents to ensure compliance with the registration mandate.

As of the date of the writing of this report (March 2024), a CICs initial registration fee is forty-five dollars (\$45.00), and a CICs annual renewal fee is forty-four dollars (\$44.00).

A common inquiry/request received by the HOA Center is for contact information for the CIC, the CIC's board members, and/or the CIC's community manager. Because the information submitted by a CIC during the registration process (for example, the email address or telephone number for the association or its management company/managing agent) is self-reported, the HOA Center is unable to guarantee the accuracy of the information in its database. As such, it can sometimes be difficult for prospective purchasers of property within a CIC-or nonmembers of the CIC-to contact the association.

### 4.3 Population

The statistical data collected in accordance with section 38-33.3-401, C.R.S. are utilized to estimate the approximate number of Colorado residents who reside in a CIC. As in years past, the HOA Center relies on numbers provided publicly by the United States Census Bureau. Namely, the HOA Center utilizes the average number of persons per household, which, as of March 5, 2025, is 2.45 persons per household, according to the 2020 Decennial Census published by the United States Census Bureau.<sup>35</sup>

At the end of 2024, the Division had eight thousand three hundred sixty-two (8,362) active CIC registrations and three thousand one hundred sixty-five (3,165) expired CIC registrations, for a total of eleven thousand five hundred twenty-seven (11,527) total CIC registrations in Colorado. The total number of units reported to the Division at the end of 2024, for both Active and Expired registrations, was one million seventy-five thousand nine hundred ninety (1,075,990). By multiplying the number of units by the average number of persons per household discussed above, the total number of *estimated* Coloradans living in a CIC at the end of 2024 equaled approximately two million seven hundred thirty-three thousand and fifteen (2,733,015), an increase of twelve thousand seventy-nine (12,079) individuals from the prior year.

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<sup>35</sup> See <https://www.census.gov/quickfacts/>



As reported by the United States Census Bureau, the total estimated population of Colorado as of July 1, 2024, was five million nine hundred fifty-seven thousand four hundred ninety-three (5,957,493).<sup>36</sup>

When calculating the percentage of Coloradans living in a CIC, the HOA Center divides the total number of Coloradans living in a CIC by the total estimated population of Colorado on July 1, 2024, to arrive at forty-five and eight tenths percent (45.8%), or approximately forty-six percent (46%), percent of the total population of Colorado. See Figure 4.3, below.

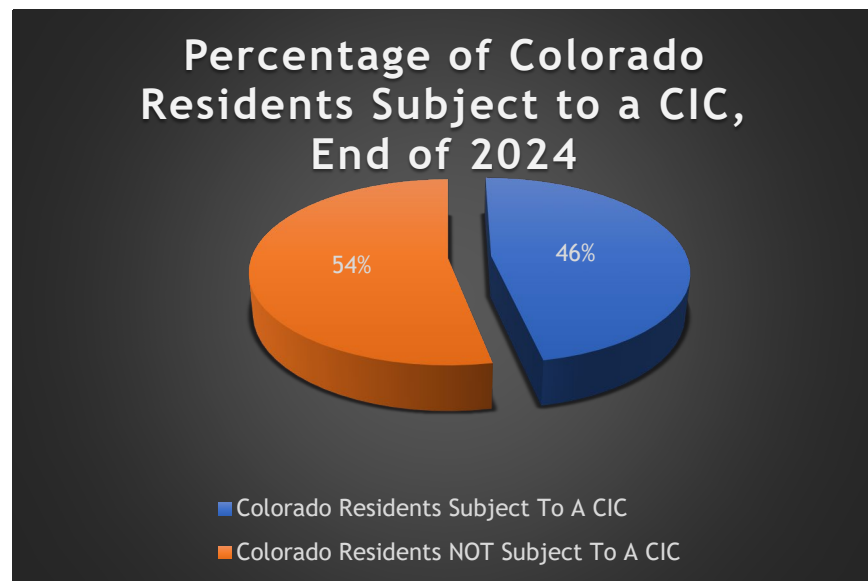


Figure 4.3 Percentage of Colorado Residents Subject to a CIC, End of 2024

#### 4.4 Management Type

Among the various data collected by the Division pursuant to section 38-33.3-401, C.R.S. is information on the management arrangement of CICs. Options included in the Division's database include (a) Self-Managed and (b) Professionally Managed. The level at which a CIC may utilize the services of a professional management company varies significantly. For more information on what the HOA Center commonly refers to as "hybrid" management, the HOA Center offered an HOA Forum on August 12, 2022, on the topic wherein the HOA Center discussed possible scenarios for hybrid management.<sup>37</sup> The data presented in this HOA Forum still remains accurate today. Generally, a hybrid management arrangement may occur when a CIC board elects to delegate certain responsibilities to a professional management company but retains other responsibilities.

<sup>36</sup> See <https://www.census.gov/quickfacts/fact/table/CO/PST045224>

<sup>37</sup> See <https://dre.colorado.gov/recent-hoa-forums>.

An inquiry commonly received by the HOA Center is that if a CIC has a professional management company, is the CIC board free of most, if not all, responsibilities? The answer is no. A professional management company acts as an agent of the CIC board, but the relationship does not release the board of its duties. By virtue of the agency relationship between the two parties, the actions of the professional management company are a direct reflection of the CIC board. It is important that all CIC board members understand that whether the CIC is self-managed, professionally managed, or utilizes some form of hybrid management, the CIC board is still ultimately responsible for complying with the CIC's governing documents and applicable law.

At the end of 2024, there were eight thousand three hundred sixty-two (8,362) active registrations with the Division. The historical proportions between self-managed and professionally managed CICs continue to be like years prior to 2024. As Figure 4.4 below shows, of eight thousand three hundred sixty-two (8,362) active registrations in Colorado, six thousand six hundred seventy-nine (6,679) registrations reported professional management while one thousand, six hundred eighty-three (1,683) reported that the CIC is self-managed.



**Figure 4.4 Professionally Managed vs. Self-Managed CICs In Colorado**

In 2024, the percentage of Active Registrations that reported as Professionally Managed vs. those that reported as Self-Managed was nearly identical to the percentage reported in 2023.

Further analysis provides additional context to the divide between self-managed and professionally managed CICs. Of the one thousand six hundred eighty-three (1,683)

active self-managed CICs at the end of 2024, about sixty-one percent (61%) are in communities identified as Planned Communities, about thirty-five percent (35%) are in communities identified as Condominiums, and only about four percent (4%) are in communities identified as Cooperatives. These percentages remained approximately the same from 2023 to 2024. Figure 4.5 demonstrates these proportions.

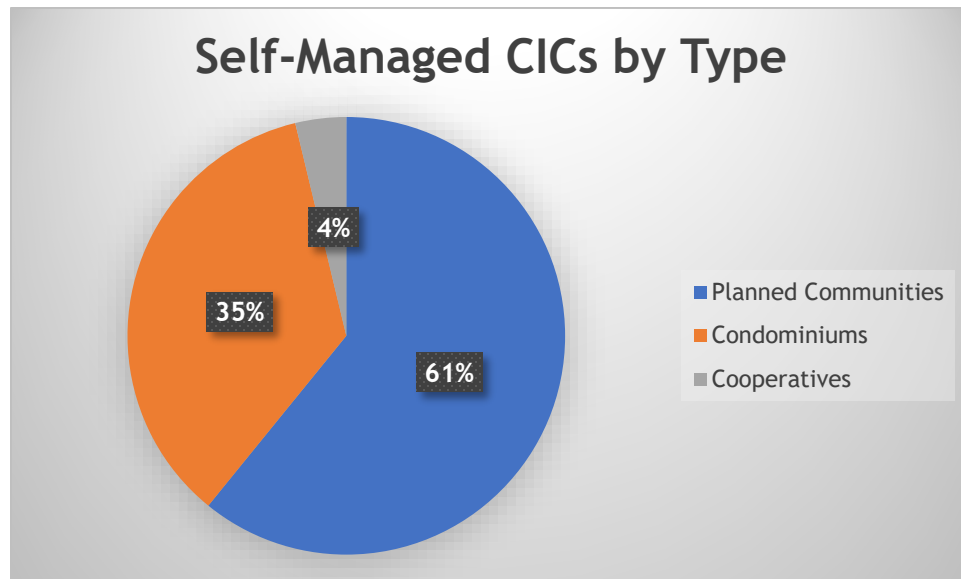


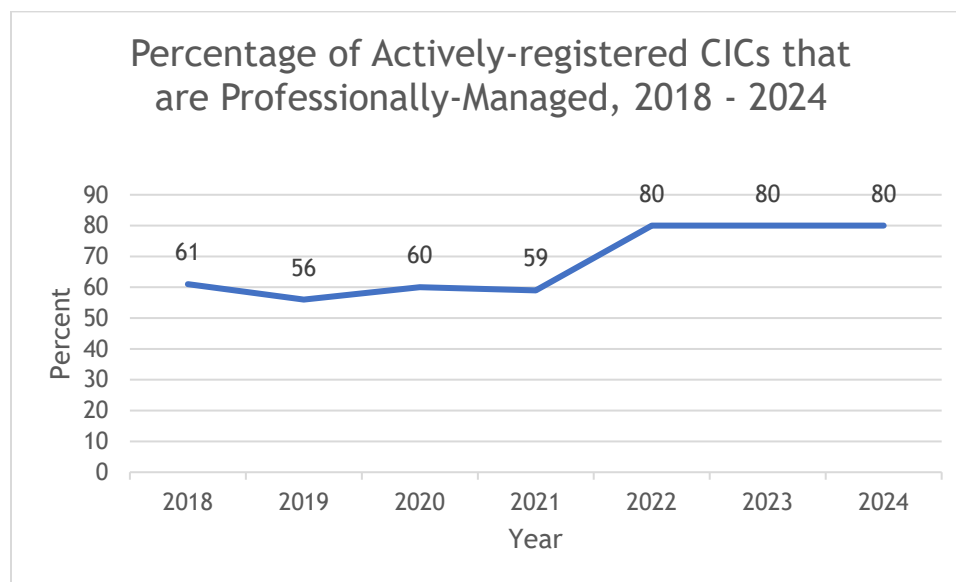
Figure 4.5 Self-Managed CICs By Type

A similar analysis for professionally managed CICs can be found below. Of the six thousand six hundred seventy-nine (6,679) active professionally managed CICs, forty-nine percent (49%) are in communities identified as Planned Communities, fifty percent (50%) are in communities identified as Condominiums, and only about one percent (1%) are in communities identified as Cooperatives. These percentages also remained similar from 2023 to 2024. Figure 4.6 demonstrates these proportions.



**Figure 4.6 Professionally Managed CICs By Type**

The statistics collected and reported by the Division and HOA Center continue to show a preference for professional management, *with the important caveat that hybrid management arrangements are included in the professional management statistics*. Furthermore, the preference shown by CIC boards across the State of Colorado for professional management appears to have increased in the years since the termination of the Community Association Manager Program (“CAM Program”), which was housed in the Division from January 1, 2015, until July 1, 2019. For instance, in the HOA Center’s 2018 report, completed before the CAM Program was terminated, approximately sixty-one percent (61%) of the registered CICs were reported to be professionally managed while thirty-nine percent (39%) were reported to be self-managed.<sup>38</sup> When compared to the current Report, professionally managed CICs have increased by approximately nineteen percent (19%). Figure 4.7 below demonstrates this change.



**Figure 4.7 Percentage of Actively registered CICs that are Professionally Managed, 2018 - 2024**

The COVID-19 pandemic may have also contributed to the increase in professionally managed communities from 2021 to 2022 (and beyond). The pandemic forced many communities to conduct their meetings virtually, leading to confusion about how to properly obtain quorum, vote, and allow owners to speak prior to the board making any decisions. Professional management companies, and their trusted third-party vendors, were able to offer novel solutions like digital ballots and voting software so that communities could continue to conduct their business in a remote environment.

<sup>38</sup> 2018 Annual Report of the HOA Information and Resource Center, available at: [https://drive.google.com/file/d/0B1VD36mBqe1EX1FLbWx3aI91cHJ6enh0NnotTk9maU14VC1v/view?resourcekey=0-tgFShI\\_avv9bKV0aknhF6Q](https://drive.google.com/file/d/0B1VD36mBqe1EX1FLbWx3aI91cHJ6enh0NnotTk9maU14VC1v/view?resourcekey=0-tgFShI_avv9bKV0aknhF6Q).

Any preference for self-managed or professionally managed communities is directly related to a variety of factors discussed in the HOA Center’s August 12, 2022, HOA Forum.<sup>39</sup> Since every CIC is different, considerations for the board may be, but are not limited to, the community size, the community location and availability of a professional management company in the community’s geographic area, the cost of professional management, the experience level of board members, the time-availability of the board members, and the type of amenities the community offers to unit members.

## 5. Inquiries

### 5.1 General Inquiries

During 2024, the HOA Center received a total of three thousand eight hundred eleven (3,811) inquiries which is a decrease of approximately fourteen (14) percent over the number of inquiries received in 2023. The decrease may have been attributed to the Task Force created by HB23-1105 winding down, as well as consumers more generally understanding the significant modifications to CIC collections procedures changed by HB22-1137. Figure 5.1 shows the total number of general inquiries received by the HOA Center since 2020:

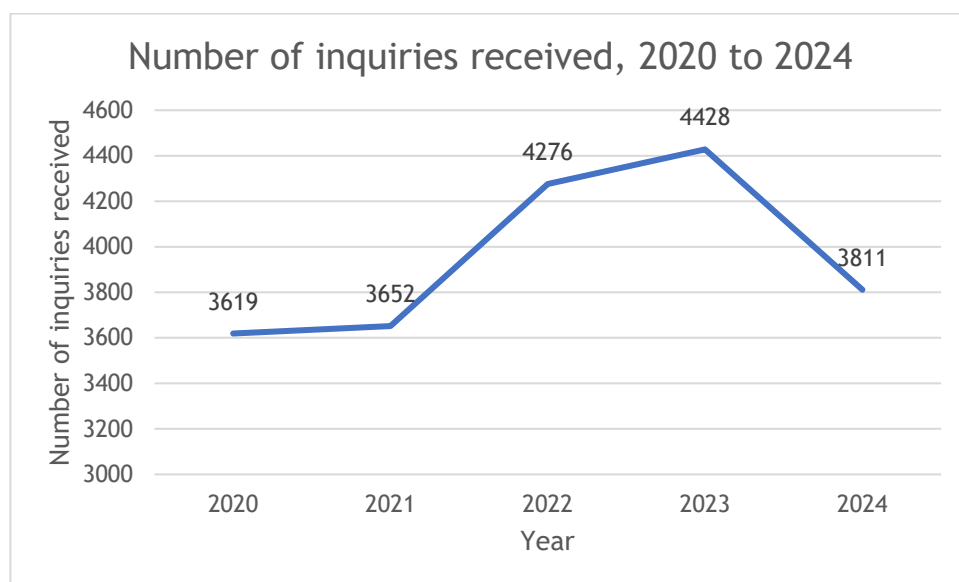


Figure 5.1 Number of inquiries received by the HOA Center, 2020-2024

These inquiries were received from a variety of sources including homeowners, tenants, CAMs, attorneys, real estate brokers, title agencies, lending institutions, members of the public interested in learning more about living in a CIC, legislators and their aides, and current board members of CICs. During 2024, because the Division continued to work remotely, few inquiries were addressed in-person, but rather, by email, telephone, and written correspondence.

<sup>39</sup> See <https://dre.colorado.gov/recent-hoa-forums>.

Standard processes within the HOA Center are to provide answers to questions and to provide guidance on the inquiring party's general rights and responsibilities pursuant to applicable law. In many inquiries, references to CCIOA and/or the Colorado Nonprofit Corporation Act ("Nonprofit Act")<sup>40</sup> are provided. When appropriate, copies or links to current law, HOA Center websites, helpful articles prepared by third parties, or other resources are delivered to the inquiring party. The HOA Center does not provide legal advice. Similarly, while the HOA Center does not provide referrals to third-party vendors, such as to an attorney specializing in the type of law required by the inquiring party or to an accounting firm to provide tax advice, the HOA Center does make appropriate referrals to other government agencies or non-profit organizations. Some examples of referrals to agencies and non-profit organizations made in 2024 include but are not limited to the Colorado Department of Local Affairs, the Colorado Public Utilities Commission, the Colorado Civil Rights Division, Colorado Legal Services, and the United States Department of Housing and Urban Development.

## 5.2 Nature of Inquiries

Due to the diversity and complexity of inquiries received, many inquiries are unable to be categorized and fall in to the "General Inquiry" category. However, the HOA Center can categorize the remaining top inquiry types and the number of those types of inquiries received in 2024 as exhibited in Figure 5.2 below.

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<sup>40</sup> §§ 7-21-101-301, C.R.S., *et seq.*

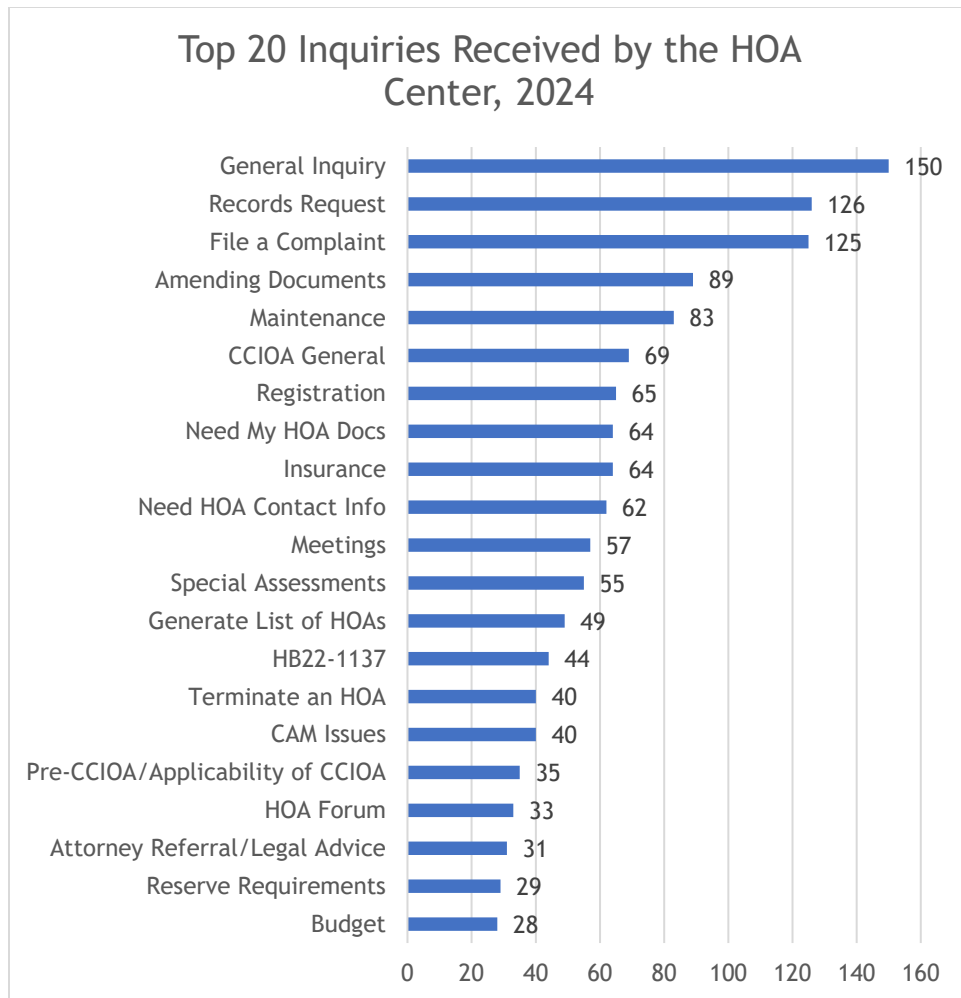


Figure 5.2 Top 20 Inquiries and the number received, 2024

An inquiry that falls into the “General Inquiry” category can range from a wide variety of issues related to a consumer’s rights and responsibilities of living in a CIC. For example, one consumer asked whether a certain amount of legal fees charged to his delinquent assessment account was reasonable prior to the passage of HB24-1337. Another requested assistance scanning the Colorado Revised Statutes to locate a law that would prevent a CIC from using email or mail to approve or veto an HOA yearly budget if the procedure was allowed for in its governing documents. Still another wanted to know if CICs are required to submit their governing documents (Declaration, Bylaws, Policies, etc.) to the state and if there was any way to find out which homes belong to which HOAs for their undergraduate research project. As evident by the unique nature of these inquiries, the HOA Center categorized one-hundred and fifty of these in 2024.

In 2024, the HOA Center received one hundred twenty-six (126) inquiries related to Records Request (or, which records an association is required to maintain and produce per state law). Often, consumers wanted to know how section 38-33.3-317 of CCIOA (the “Records” section) applied to their case and sought information on how best to

proceed against a board or CAM that was refusing to provide the required records. Because the HOA Center is unable to offer legal advice, the consumer was directed to review the records request section, as well as their HOAs existing policies and procedures, for submitting a proper records request. The consumer was also provided with information about possible remedies available to them in the event their association refused to comply with the request under House Bill 21-1229. Less seeking professional legal advice, the consumer simply wanted to know whether a certain type of record was required to be produced according to the statute.

For the “File a Complaint” category (third from the top in Figure 5.2 above), consumers wanted to know how to file a complaint with the HOA Center. Consumers also wanted to know what to expect once a complaint was filed, as well as sought to understand more fully the limitations of the HOA Center’s role in investigating their complaint. Importantly, the HOA Center does not steer or encourage consumers to file a complaint based on the consumer’s perceived gravitas of their concerns. Rather, the HOA Information Officer treats all inquiries with the same degree of neutrality and unbiased examination as mandated by section 12-10-801, C.R.S.

Some of the remaining categories can be roughly broken down as follows:

- **“CCIOA General”** - The role of the HOA Information & Resource Center including statutory authorization and mandates; the applicability of the Colorado Common Interest Ownership Act; and the rights of a CIC related to its ability to enforce its covenants, bylaws, and rules and regulations.
- **“Need HOA Contact Info”** - A potential homebuyer asking for HOA board member contact information; an existing owner asking for the principal address of the current CAM; or a current homeowner asking for the name of their CIC.
- **“Assessment Collections”** - A homeowner requesting their current assessment amount owed; a board member inquiring how to file a lien on a delinquent unit; a board member inquiring about the “average” assessment rate in Colorado, or an aggrieved homeowner seeking information on assessment increases in their community.
- **“Registration”** - A homeowner wanting to know an association’s legal authority if the association is not registered with the HOA Center; a real estate broker wanting to download a list of all Active HOAs in a particular County; or a Designated Agent emailing for instructions how to reset their login credentials.
- **“Meetings”** - Homeowners wanting to know state law as it pertains to various meeting types (unit owner meeting, board meeting, or special meeting); tenants wanting to know what board members may or may not talk about during an executive session; or officers seeking information on meeting notice requirements.



## 6. Complaints

While most of the complaints received by the HOA Center tend to be from homeowners, the HOA Center accepts complaints from all parties affected by, living in, or working with CICs. In 2024, the HOA Center received complaints from three hundred (300) individuals (or “complainants”). This number is a decrease of twenty-seven (27) from 2023, when the HOA Center received complaints from three hundred twenty-seven (327) individuals.

Figure 6.1 below shows the number of complainants who filed a complaint by month in 2024.

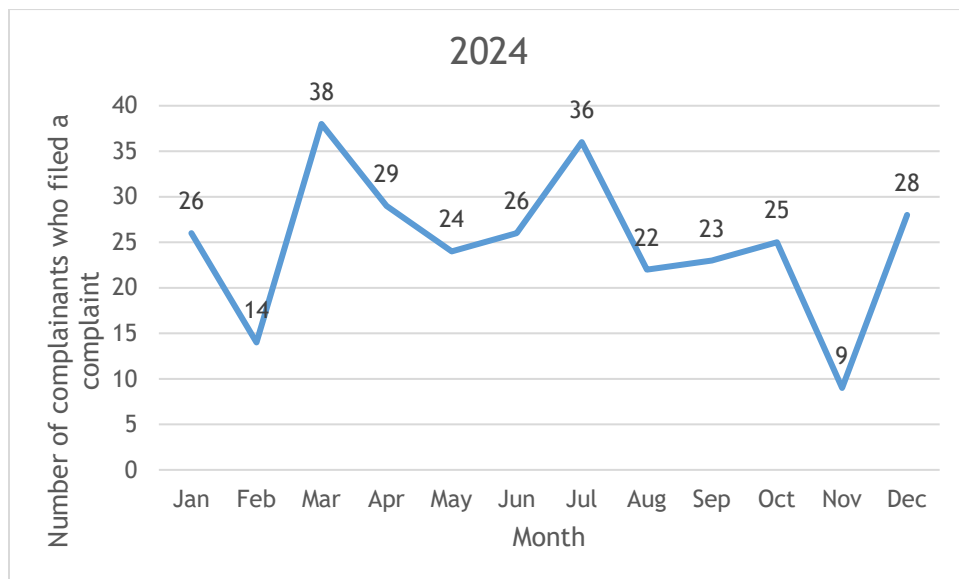


Figure 6.1 Number of complainants who filed a complaint by month, 2024

The HOA Center has elected to receive complaints by a variety of methods to ensure that the HOA Center does not inadvertently exclude any portion of the population. Accordingly, the HOA Center accepts complaints via online submission, electronic mail, telephone, facsimile, and mail. Additionally, since some complainants have expressed concerns about retaliation in the event a complaint has been filed, the HOA Center also allows complaints to be filed anonymously. In 2024, the HOA Center received complaints from fifty-three (53) anonymous complainants, or about eighteen percent (18%) of the total number of complaints received from all complainants. This dichotomy is represented by Figure 6.2 below.

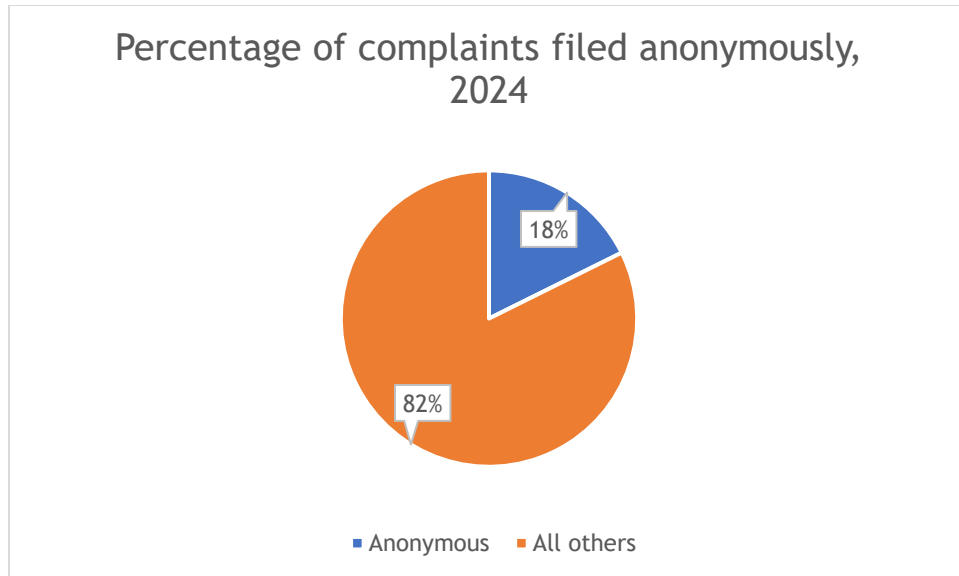


Figure 6.2 Percentage of complaints filed anonymously, 2024

## 6.1 Complaint Categories

A list of complaint categories utilized by the HOA Center in its analysis of 2024 complaints is included below.

- Accounting/Finances (Assessments/Fines/Interest/Budgeting/Audit)
- Communication with Homeowners/Board
- Conflicts of Interest
- Declarant Not Following Through with Transfer of Control
- Discrimination
- Diversion/Theft/Fraud/Misappropriation/Deception
- Elections and Voting
- Excessive Assessments, Fees, or Fines/Collections/Foreclosure
- Failure to Produce Records
- Harassment/Retaliation/Intimidation
- Health & Safety/Security
- Improper/Selective Enforcement of Covenants
- Insurance
- Liens
- Meetings
- Misc. (Green Energy, Pets, Pools, Satellite Dishes, Political Signs)
- Not Following Governing Documents
- Not Performing Maintenance/Repairs/Construction Defects
- Nuisance
- Parking
- Regulatory Compliance & Registration
- Reserves

- Use of Amenities
- Xeriscaping/Landscaping

## 6.2 Complaint Category Origination

When analyzing the complaint categories identified by the HOA Center, the data is categorized in several ways including by Region, Community Type, CIC Size, Management Arrangement, and by Respondent Type.

**Complaint Category by Region:** The HOA Center has analyzed the regional breakdown of complaints for purposes of tracking complaint categories in the state. Figure 6.2 below shows the regional divisions of the state for tracking purposes.

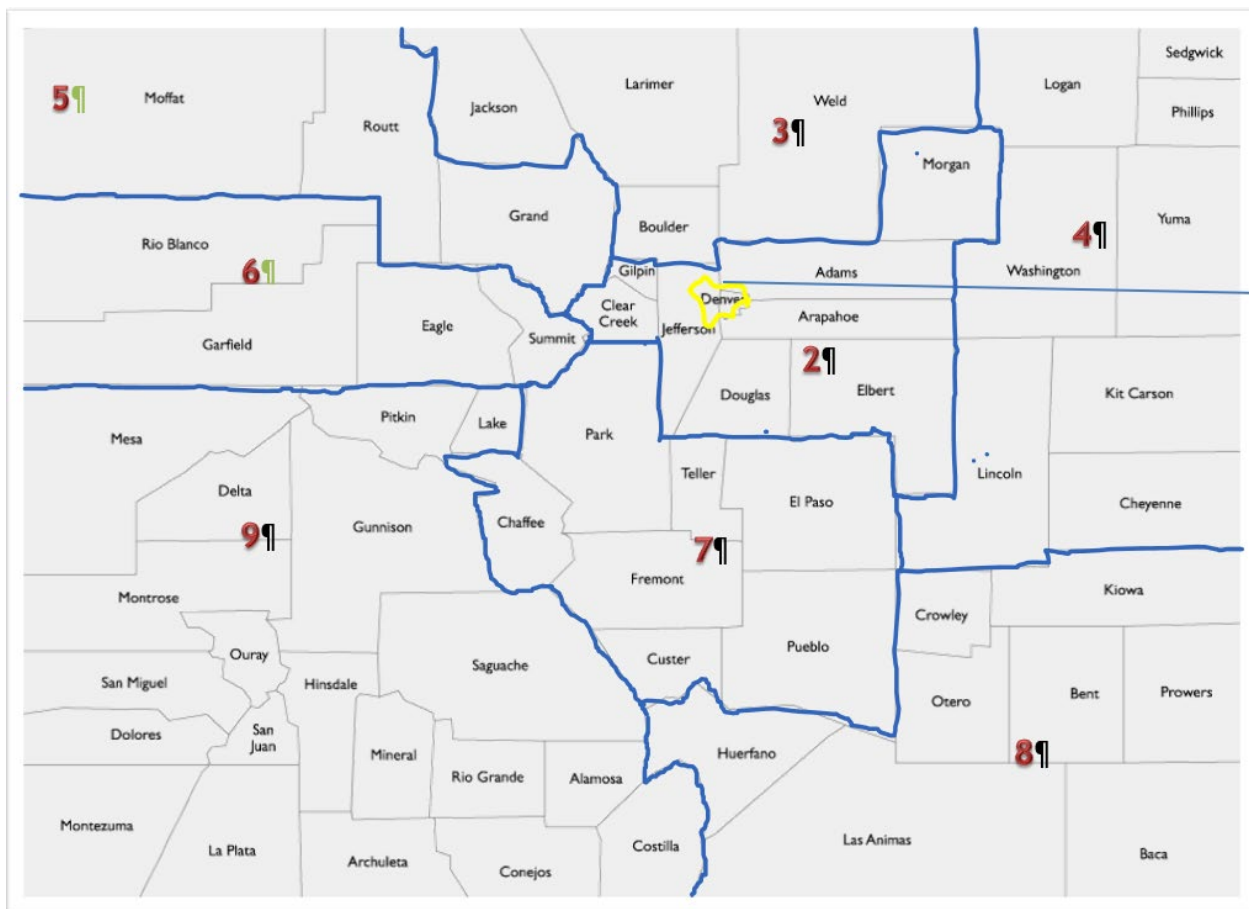
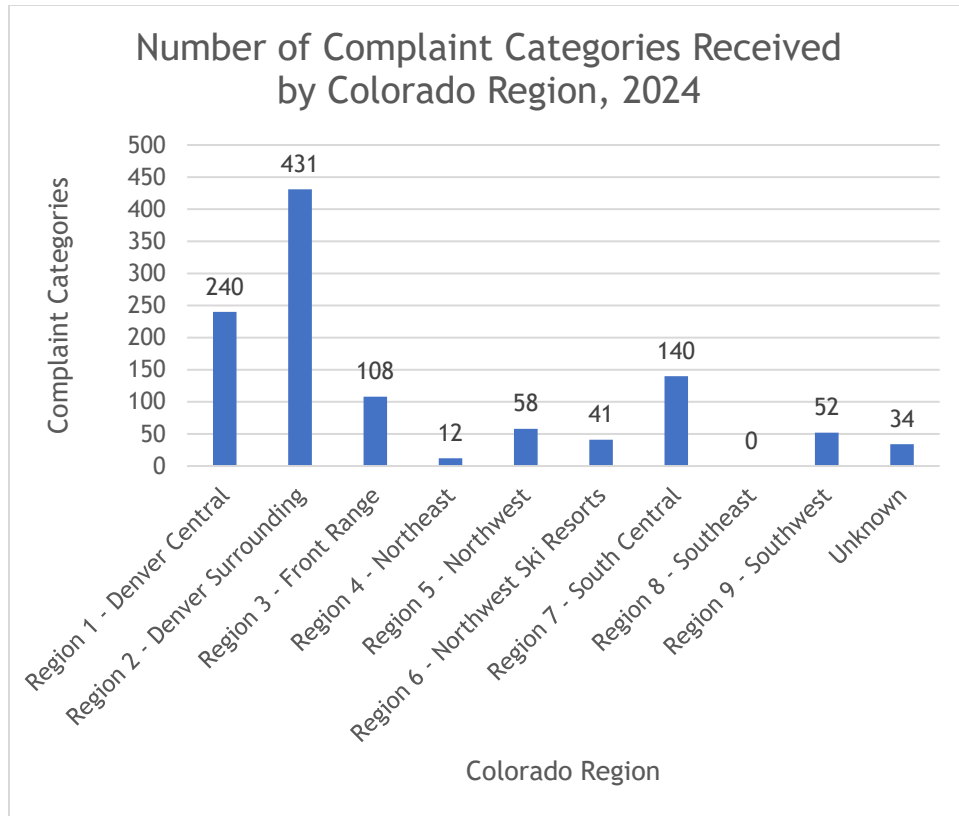


Figure 6.2 Regional Division of the State of Colorado by The HOA Center

As Figure 6.3 below indicates, the three regions of Denver Central, Denver Surrounding, and South Central comprise most of the complaints identified by the HOA Center in 2024, approximately seventy-three (73%), with most of the remaining complaint elements originating from the Front Range and Northwest regions.



**Figure 6.3 Number of Complaint Categories by Region, 2024**

**By Community Type:** As referenced earlier, the HOA Center identifies three (3) primary types of CICs: planned communities, condominiums, and cooperatives. When a complaint is submitted to the HOA Center which identifies a CIC that is not registered with the Division, the HOA Information Officer is unable to determine the community type. Accordingly, there are some complaints with an unidentified community type.

Figure 6.4 below shows the number of complaint-categories according to the type of community.

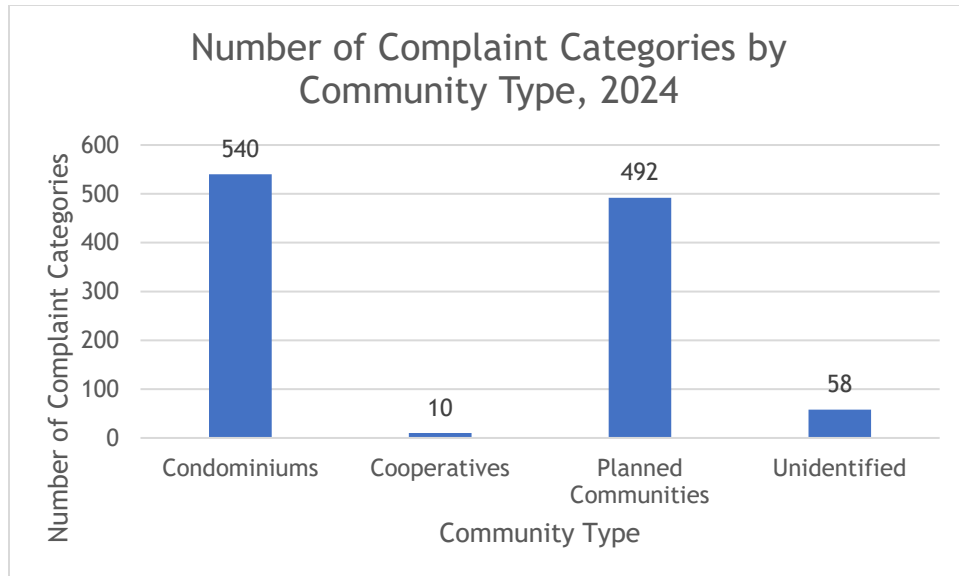


Figure 6.4 2023 Complaint Categories Matched by Community Type, 2023

Some might argue that condominiums deserve the lion's share of complaints due to units within condominiums inherently being located closer to one another. However, this is not entirely the case, as exhibited by the figure above. Planned communities are most generally understood to be single-family home neighborhoods.

**By CIC Size:** Another useful metric tracked by the HOA Center is the number of complaints by the size of the CIC. An analysis of the actively registered CICs in Colorado as of December 31, 2024, shows that the median number of units for actively registered CICs in Colorado is forty-two (42) units and the average number of units in actively registered CICs in Colorado is approximately one hundred nine (109). Figure 6.5 shows the number of actively registered CICs in Colorado based on each CIC's number of units.

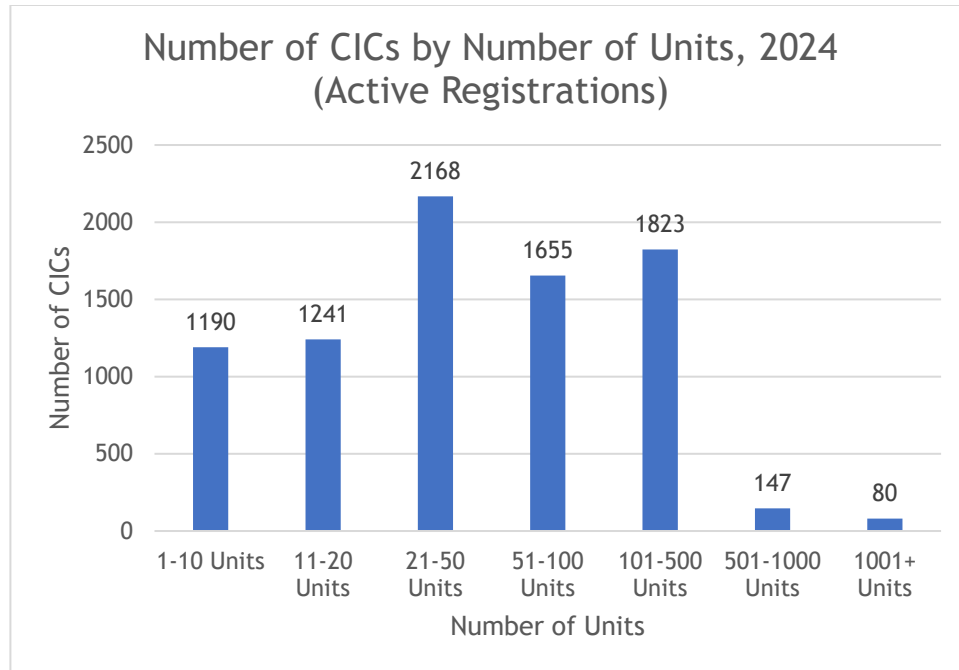


Figure 6.5 Number of CICs by Number of Units, 2024 (Active Registrations)

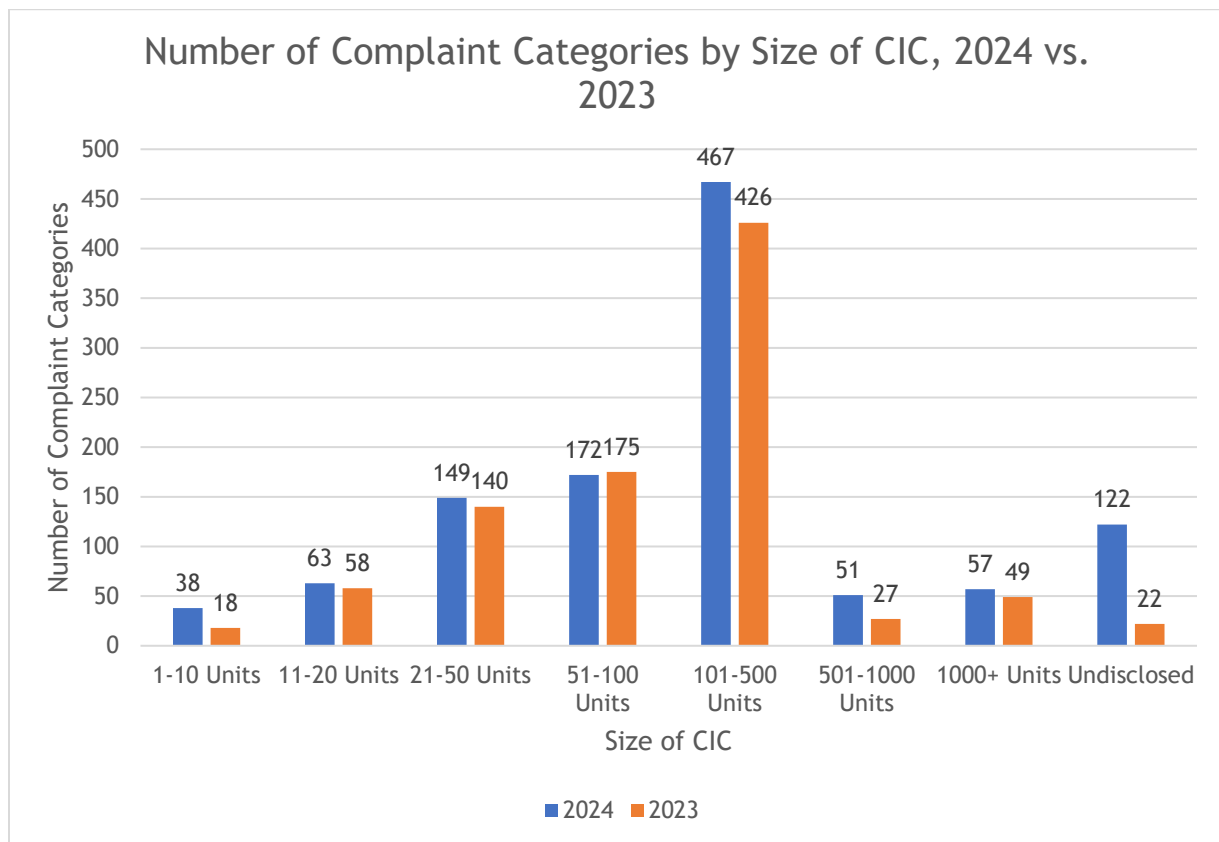
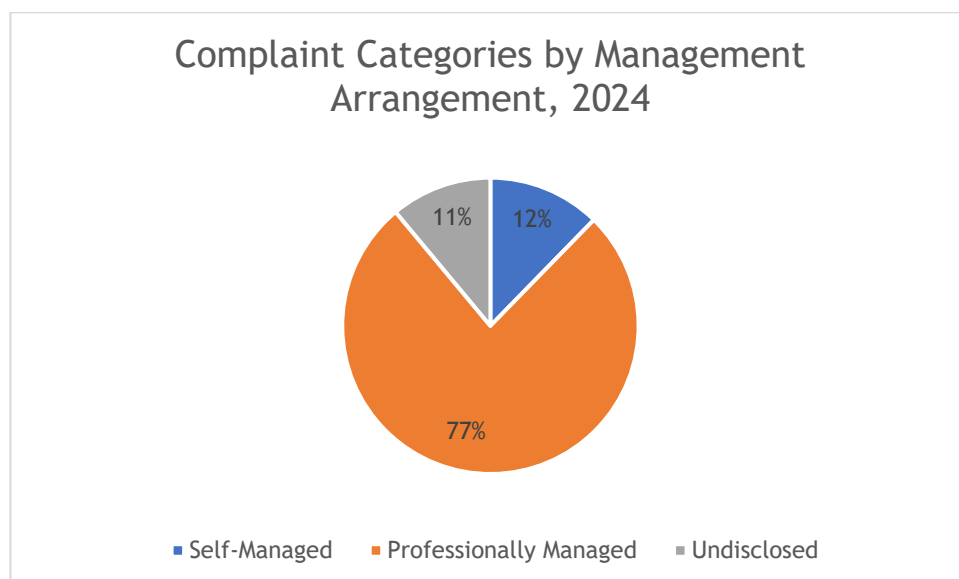


Figure 6.6 Number of Complaints Categories by Size of CIC, 2024 vs. 2023

Figure 6.6 above illuminates an interesting trend across complaints received by CIC size: the number of complaints received per CIC size increases steadily, until it plateaus in the 101-501 unit range, and then declines sharply in the 501 and greater unit range. It is difficult to explain this trend, other than the possibility that the larger CICs in the state (those with at least 501 units) may have a more robust dispute resolution process compared to their lesser-unit counterparts. An established dispute resolution process may help to reduce, or eliminate entirely, the need for owners to file complaints with the state.

**By Management Arrangement:** The HOA Center also tracks complaint categories based on the management arrangement of the community: whether the CIC is self-managed or professionally managed. As discussed previously in this report, approximately twenty percent (20%) of the communities in Colorado report that they are self-managed, while the remaining eighty percent (80%) are professionally managed.<sup>41</sup> The number of complaints received by the HOA Center reflects a similar proportion. As Figure 6.7 below indicates, approximately twelve percent (12%) of complaints pertain to self-managed communities, and approximately seventy-seven percent (77%) pertain to professionally managed CICs. The HOA Center was unable to determine the management arrangement for eleven percent (11%) of the complaints it received due to insufficient or incomplete data submitted by complainants.



**Figure 6.7 2022 Complaints by Management Arrangement**

When examined as a group, the three figures above (6.5, 6.6, and 6.7) illustrate that many issues submitted to the HOA Center relate to the performance/action of professional management companies that manage between 21-500 units.

**By Respondent Type:** The HOA Center tracks complaints based on who the complainant identifies as the party responsible for their grievance, otherwise referred

<sup>41</sup> See Figure 4.4.

to as the “Respondent”. This includes whether the Respondent is: (a) an individual board member (or the board collectively), (b) a CAM (individual manager or management company), or (c) the Declarant. A common misunderstanding that some complainants share is the difference between their CIC and their CAM: misidentifying their CIC as their CAM, or their CAM as their CIC. In complaints where the complainant does not expressly state who the offending party is, the HOA Officer is required to carefully review all available information to determine the responsible party or contact the complaining party for more information.

In matters where a CAM is identified as the Respondent, the CIC board is not absolved of responsibility merely because a complaint is directed specifically toward a CAM. For example, a CAM may have forgotten to schedule a required annual meeting or allow for a vote to be taken at a budget ratification meeting. While the CAM could be acting outside of compliance with CCIOA, in this case, the CIC Board is also responsible for not ensuring their managing agent (the CAM) is adhering to applicable law or acting appropriately. In such cases, the complaint is tracked against the CIC Board for failing to hold the CAM accountable. Therefore, it is important to recognize that in Figure 6.8 below, an issue directed toward a CAM may be included in the seventy four percent (74%) of HOA/HOA Board complaints. In those cases where a community association manager or community association management company was specifically identified in the complaint, and where the board seemed to be ignorant or otherwise unaware of the CAM’s actions, the complaint was attributed to a manager/management company in Figure 6.8. The reader should understand the heightened accountability placed on HOA boards.

With that being understood, in 2024, the HOA Center observed a large proportion of complaints directed at individual board members or boards, with approximately seventy four percent (74%) of all complaint categories lodged against the CIC Board. Twenty-six percent (26%) of complaint categories were against a specific manager or management company, while zero percent (0%) were directed toward a Declarant.



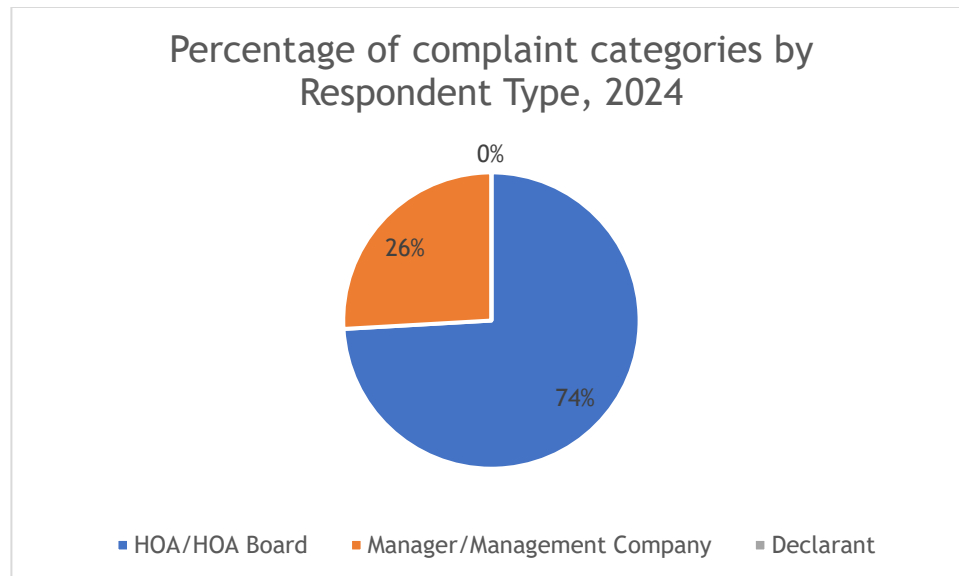


Figure 6.8 2022 Percentage of complaint categories by Respondent Type

## 6.2 Complaints by Issue

Although the HOA Officer engages in discussion or correspondence with the complainant (except in the case of anonymous complaints), due to the HOA Center’s lack of jurisdiction to investigate or enforce applicable Colorado law, the HOA Officer can utilize the filing of a complaint to provide resources and information to the complainant, as discussed further in this Report. Nevertheless, complaints received by the HOA Center are self-reported. As such, the HOA Center relies on the information provided in the complaints as well as any follow-up correspondence with the complainant to reasonably categorize and report on the issues and concerns contained in the complaints it has received.

Each complaint received by the HOA Center is carefully reviewed for the issues and concerns therein and additional information is sought from the complainant when applicable. In 2024, the HOA Center categorized complaints received into twenty-four (24) different issues (complaint categories), as enumerated in Section 6.1 above. The twenty-four (24) issues encompass the wide array of complaints received by the HOA Center. In future years, the HOA Center will continue to reexamine the number of categories to provide a level of detail necessary to allow an interested stakeholder to make an informed decision on the nature of HOA complaints in Colorado.

As was the case in previous reports, the complaint area for which the HOA Center continues to see the most issues are in “Communication with Homeowner/Board.” While this issue category is broad because it covers (1) communication complaints from unit owners about board members or CAMs, (2) tenants complaining about communication with board members or CAMs, (3) real estate professionals like title companies and real estate agents complaining about communication with board members or CAMs, and (4) board members complaining about communication from CAMs, the prevalence of these types of complaints is important to note. In 2024,

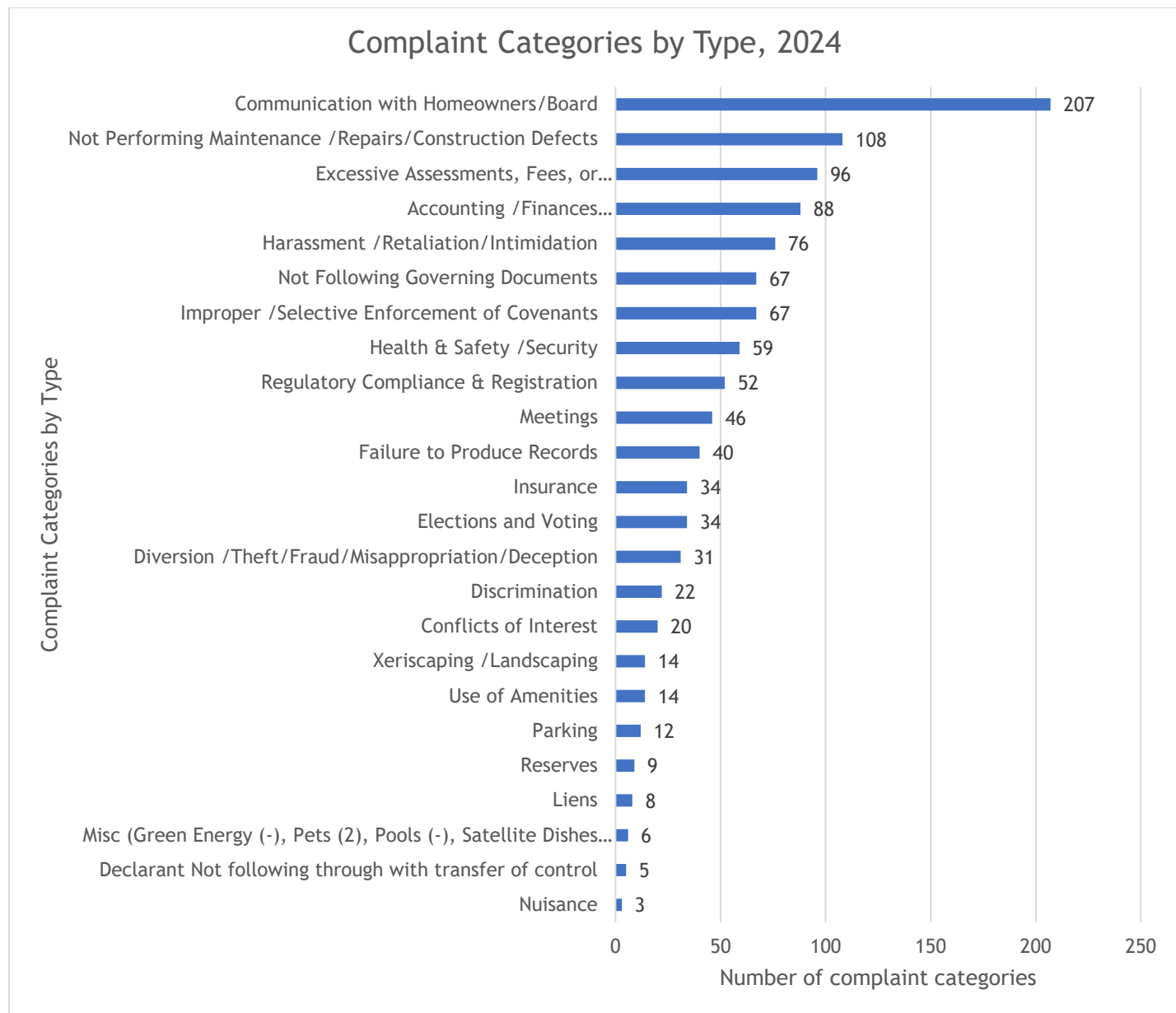
communication issues constituted more than two hundred (207) complaints. Accordingly, the HOA Center has made communication tips an important theme in many of its HOA Forum presentations. By identifying the required communications for these entities, but also encouraging additional non-required communications, CICs can more effectively address many of the questions, concerns, and complaints which tend to arise between disputing parties.

In 2024, the HOA Center received complaints from real estate brokers and other real estate professionals. The most frequently complained about issue from brokers pertained to the provision of governing documents during a real estate transaction, as section 7 of the Colorado Real Estate Commission's Contract to Buy and Sell Real Estate (Residential)<sup>42</sup> (the "CBS") specifically requires sellers to provide certain CIC documents. If the seller is not in possession of the most current set of documents listed in section 7 of the CBS, then they must request them from their CIC. In 2024, just like in previous years, the HOA Center continued to hear from brokers and title companies who are having trouble obtaining these documents, even after sellers have allegedly properly requested them.

Figure 6.9 shows the total number of complaints by Complaint Category. This Figure may serve as a helpful guide for homeowners and board members, alike, to better understand the general nature of the types of issues that arise in CICs across the State.

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<sup>42</sup> See <https://dre.colorado.gov/real-estate-broker-contracts-and-forms>.



**Figure 6.9 2024 Complaint Categories by Type**

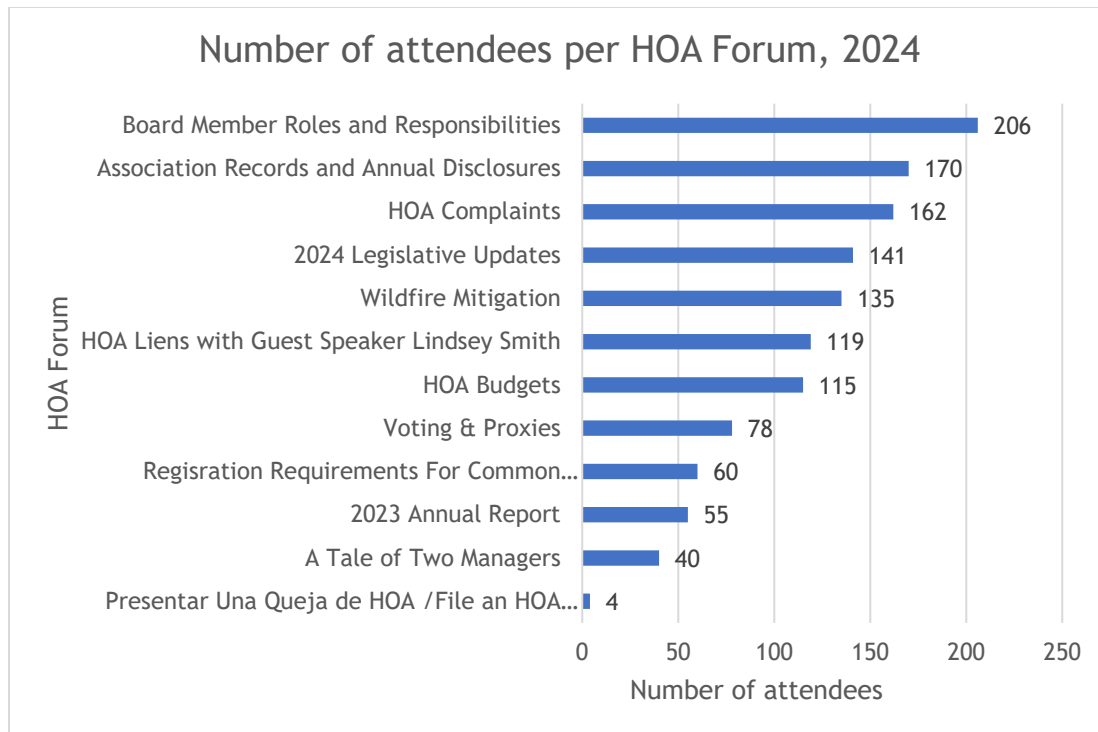
## 7. Accomplishments & Objectives

### 7.1 Review of 2024

During 2024, the HOA Center continued to focus on various methods of outreach and education. While most inquiries received by the HOA Center were from homeowners seeking information, the HOA Center increased its outreach and training efforts, focusing on board members and professional management company duties. Many of the HOA Forums were specifically tailored to board members and professional management companies to assist those parties in understanding and conducting themselves in accordance with applicable law, such as the HOA Forum offered on November 22, 2024, on board member roles and responsibilities.

This focus and attention were not at the expense of individualized attention to unit owners and other interested parties though. By providing timely responses to inquiries and inviting consumers to reach out regularly, whether that was by telephone, electronic mail, or by visiting the HOA Center website, the HOA Center has improved access to information and education on CICs in Colorado.

HOA Forums conducted during 2024 allowed attendees an opportunity to participate in robust question and answer and discussion sessions in a live, online moderated format. Figure 7.1 below identifies the number of attendees at each HOA Forum during 2024. These formats were produced and managed by the HOA Center and the Division on Zoom.



**Figure 7.1 Number of attendees per HOA Forum, 2024**

The HOA Center believes that one of the best ways interested parties can learn is by way of hearing the experiences and questions that people in other CICs have encountered, and how those individuals have addressed those issues. By dedicating time to attendees’ questions, the HOA Officer has been able to successfully emphasize issues and themes and provide “real world” examples of the topics addressed in HOA Forums.

Technology, generally, has allowed the HOA Center to carry out its goals more successfully and further its mandate. Through continuous website enhancement and utilization of online webinars, the HOA Center has been able to successfully reach all geographic regions of Colorado, and even beyond.

## 7.2 Goals for the Office in 2024

The HOA Center will continue to provide consumers with new and useful information and education related to CICs. Through additional information and outreach initiatives, such as being able to effectively respond to in-person presentation requests by outside organizations, the HOA Center will continue to expand its footprint in Colorado. Topics include one’s rights and responsibilities of buying into and living in an HOA and board member-focused training. The HOA Center understands that outreach in languages other than English is important. As of 2025, the HOA Center’s website continues to include a “translate tool”, allowing viewers to read in more than one hundred thirty (130) languages. Expanding presentations and

accessibility will be an important key to the HOA Center’s effectiveness in 2025 and beyond.

## 8. Important Resources for Readers

### 8.1 Reader Resources

Through carrying out its obligations, the HOA Center has produced an ever-increasing body of resources for interested parties seeking to learn more about CICs in Colorado. In addition to the resources available on the HOA Center website<sup>43</sup>, below is a list of additional resources that offer information for CICs, community association management companies, unit owners, and for those who may be interested in learning more about and advocating for change:

**Colorado Bar Association:** The Colorado Bar Association (“CBA”) is an organization committed to supporting the justice system and enriching communities across Colorado. The CBA has many resources<sup>44</sup>, but one of the most referenced resources by the HOA Center is “Licensed Lawyer”, a tool available to the public to assist in finding a lawyer who may be able to assist with legal needs.<sup>45</sup> Searchable by areas of expertise, experience level, service options, and payment options, Licensed Lawyer is a helpful directory assisting members of the public find an attorney.

**Colorado General Assembly:** The Colorado General Assembly website is an excellent resource for any member of the public to learn more about the legislative process, specific bills affecting CICs, and who are a constituent’s Representative and Senator.<sup>46</sup> For those individuals seeking information on a specific bill, the Colorado General Assembly has a Search By Bill tool.<sup>47</sup> During the legislative session, members of the public can review the session schedule and attend most hearings, either in person or via webcast.<sup>48</sup> Finally, one of the most referenced tools that the HOA Center directs the public to is the Colorado General Assembly’s Find My Legislator tool which allows a constituent to search by street address to identify their state Senator and Representative in the Colorado State Legislature.<sup>49</sup>

**Colorado HOA Forum:** The mission of Colorado HOA Forum is to improve HOA governance through legislative reform, educate the public, legislators, media outlets, current HOA homeowners and HOA home buyers on HOA issues. The organization advocates for homeowner’s rights and enforcement of governing documents and provides assistance to homeowners on HOA issues.<sup>50</sup>

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<sup>43</sup> See <https://dre.colorado.gov/hoa-center>.

<sup>44</sup> See <https://www.cobar.org/>.

<sup>45</sup> See <https://www.cobar.org/Licensed-Lawyer>.

<sup>46</sup> See <https://leg.colorado.gov/>.

<sup>47</sup> See <https://leg.colorado.gov/bills>.

<sup>48</sup> See <https://leg.colorado.gov/session-schedule>.

<sup>49</sup> See <https://leg.colorado.gov/find-my-legislator>.

<sup>50</sup> See <https://coloradohoaforum.com/home/>

**Colorado HOA Homeowner Advocates:** Colorado HOA Homeowner Advocates works with legislators to promote laws that advance and protect individual homeowner rights within common interest communities.<sup>51</sup>

**Colorado Judicial Branch:** The Colorado Judicial Branch website offers information on the various levels of courts in the State of Colorado.<sup>52</sup> The website offers information on the courts, how to initiate or respond to judicial actions, and forms for use by unrepresented parties and attorneys, as well.

**Colorado Legal Services:** Finding an attorney can be a challenging process. There are many considerations for an interested party to consider: experience, cost, expertise, and payment options are only a few. In addition to the CBA's Licensed Lawyer tool, referenced in this section, some individuals in Colorado may qualify for discounted or free legal services. Colorado Legal Services is one organization that may be able to assist low-income Coloradans and seniors.<sup>53</sup>

**Community Association Institute:** The Community Association Institute ("CAI") is a private trade group that offers information to users on the selection of a community association manager, education, finding vendors, and other considerations.<sup>54</sup>

**Community Associations Network, LLC:** The Community Associations Network, LLC ("CAN") was formed to create a single, public, free, internet resource for community associations and the people and firms that work with them.<sup>55</sup>

**Condo Connection:** Condo Connection is dedicated to maintaining healthy, vibrant common interest communities (CICs) by curating common sense for the common good at COAs, HOAs, Co-Ops, and everything in between.<sup>56</sup>

**HOA United:** Homeowners of America (HOA) United connects homeowners to provide advocacy, collaboration, education, empowerment, and inspiration to create positive, transformative impacts for common interest communities.<sup>57</sup>

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<sup>51</sup> See <https://www.facebook.com/groups/coloradohoahomeowneradvocates/>

<sup>52</sup> See <https://www.courts.state.co.us/>.

<sup>53</sup> See <https://www.coloradolegalservices.org/>.

<sup>54</sup> See <https://www.caionline.org/pages/default.aspx>.

<sup>55</sup> See <https://communityassociations.net/>

<sup>56</sup> See <https://www.condoconnection.org/>

<sup>57</sup> See <https://www.hoaunited.org/>