The Colorado HOA Information & Resource Center

Presented by: Nick Altmann Amanda Lopez

Friday, March 28, 2025



Legal Disclaimer

The information in this presentation should not be construed to be legal advice. It is intended for educational purposes only. If you have any legal questions, you should consult with a qualified, licensed attorney.



The HOA Information & Resource Center

- House Bill 10-1278 created the HOA Information and Resource Center
 - Became effective on January 1, 2011.
 - Intended to be a resource for homeowners and board members in HOAs.
 - See 12-10-801, C.R.S.
- HOA Information Officer acts as a clearing house for information concerning the basic rights and duties of unit owners, declarants, and unit owners' associations under the CCIOA.
- 2024 Sunset Review of the HOA Center recommended continuing the HOA Center for 13 years.
 - Sunset Review administered by the Colorado Office of Policy, Research, and Regulatory Reform ("COPRRR").



What the HOA Center <u>does</u> do:

- 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 educational material and forums.
- Provides and maintains a website with information for the public.
- Registers HOAs in accordance with §38-33.3-401(1) C.R.S.
- Provides an Annual Report to the Legislature.



What the HOA Center does <u>not</u> do:

- Is <u>not</u> a regulatory program.
- Does not mediate/arbitrate.
- Cannot provide legal advice.
- Does <u>not</u> act as an advocate.
- <u>Cannot</u> assess fines or penalties.
- Does not enforce an HOA's failure to register.



The Colorado Common Interest Ownership Act ("CCIOA")

- Colorado state law that governs common-interest communities (HOAs)
 - Law became effective July 1, 1992
- Legislative declaration 38-33.3-102, C.R.S.
 - (1) The general assembly hereby finds, determines, and declares, as follows: (b) That the continuation of the economic prosperity of Colorado is dependent upon the strengthening of homeowner associations in common interest communities financially through the setting of budget guidelines, the creation of statutory assessment liens, the granting of six months' lien priority, the facilitation of borrowing, and more certain powers in the association to sue on behalf of the owners and through enhancing the financial stability of associations by increasing the association's powers to collect delinquent assessments, late charges, fines, and enforcement costs;
- No regulatory oversight
 - o Individual homeowners must assert their rights in civil court
- § 38-33.3-101 through § 38-33.3-401, C.R.Ş.



HOA Lien Authority in Colorado



HOAs may foreclose on an assessment lien pursuant to 38-33.3-316, C.R.S.



When you purchase a home in a common-interest community (HOA), you purchase it subject to a declaration that is recorded against the title to your property.



A lien exists on your property once a penny is owed the association. A recorded paper lien is NOT necessary in order for a lien to exist against your property.



The HOA will most often "perfect" the paper lien in county records to put interested parties on notice.



Colorado Lien Priority (Most senior at top)

Type of Lien

Government real estate taxes Lien

HOA 6-month "Super Lien"

First Mortgage Deed of Trust

Remainder of HOA Lien

Second Mortgage Deed of Trust

Mechanic's Lien (Roofer)

Judgment Lien (Electrician)



The Grandfather Clause - CCIOA's Statute of Limitations on Certain Enforcement Actions

• Section 38-33.3-123(2) states: "Despite any law to the contrary, no action shall be commenced or maintained to enforce the terms of any building restriction contained in the provisions of the declaration, bylaws, articles, or rules and regulations or to compel the removal of any building or improvement because of the violation of the terms of any such building restriction unless the action is commenced within one year from the date from which the person commencing the action knew or in the exercise of reasonable diligence should have known of the violation for which the action is sought to be brought or maintained."



The Colorado Revised Nonprofit Corporation Act

 Associations are treated like private corporations under Colorado law and most associations are organized as nonprofit corporations. If this is the case for your association, the Colorado Nonprofit Corporation Act is one of the relevant laws to know and understand. Nevertheless, to create a corporation in Colorado, Articles of Incorporation are created and filed with the Colorado Secretary of State ("SOS").

• § 7-121-101 through § 7-137-301, C.R.S.



Previous Colorado Community Association Manager Regulation

- CAM licensing and regulation existed in the form of the Community Association Manager Program from January 1, 2015, to July 1, 2019.
- May of 2019, HB19-1212 was passed by the legislature
 - This bill would have continued the CAM program for one year while a stakeholder process took place.
- HB19-1212 was vetoed, and the CAM Program expired on June 30, 2019.
 - Executive Order D-2019-006 (Directing a stakeholder process to examine community and homeowner associations)
- Currently, there is no regulatory oversight of HOAs or Community Association Managers.



Difference Between HOA and CAM

- An HOA is a homeowners' association governed by an executive board of directors. The directors are elected by the unit owners (or "homeowners") in an election held according to the HOAs governing documents.
- A CAM is a community association manager ("CAM") hired by the executive board of directors pursuant to a written contractual agreement.
 - The hiring of a CAM is usually done in agreement by the board, although the HOA President may have this sole authority.
 - CAM contract shall be terminable for cause without penalty to the association and shall be subject to renegotiation. 38-33.3-302(4)(a), C.R.S.
- The CAM reports to the HOA and carries out the wishes of the board of directors.
- THE HOA IS NOT THE CAM AND THE CAM IS NOT THE HOA!!!
 - Confusion exists understanding the difference between these two distinct entities.



CAM Fidelity Insurance

- Section 38-33.3-306(3)(a) states that "an association with thirty or more units delegates powers
 of the executive board or officers relating to collection, deposit, transfer, or disbursement of
 association funds to other persons or to a managing agent, the bylaws of the association shall
 require the following:
- (I) That the other persons or managing agent maintain fidelity insurance coverage or a bond in an amount not less than fifty thousand dollars or such higher amount as the executive board may require
- (II) That the other persons or managing agent maintain all funds and accounts of the association separate from the funds and accounts of other associations managed by the other persons or managing agent and maintain all reserve accounts of each association so managed separate from operational accounts of the association;
- (III) That an annual accounting for association funds and a financial statement be prepared and presented to the association by the managing agent, a public accountant, or a certified public accountant.



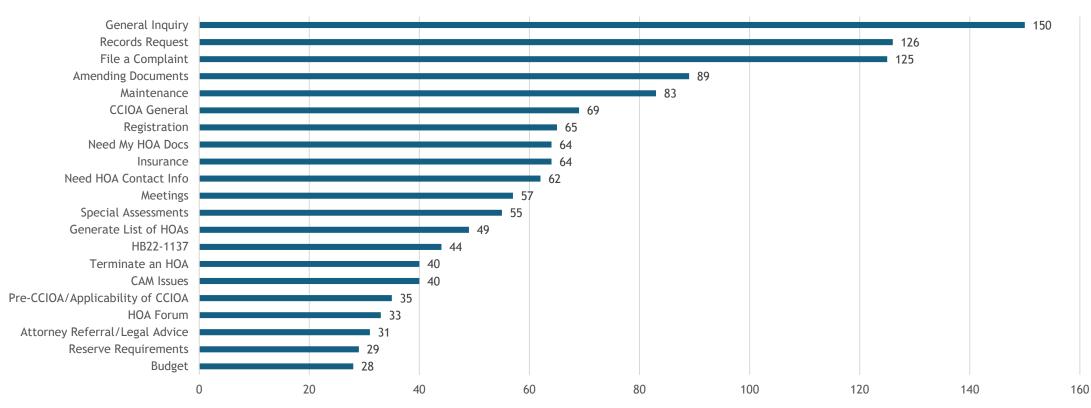
HOA Center Statistics, 2024

- Total Number of Individual Complainants 300
- Total Number of "Complaint Elements" 1,119
- Total Number of General Inquiries 3,811
- Total Active HOA's (as of End of Q4) 8,347
- Total Inactive HOA's (as of End of Q4) 3,167
- Total Number of Active Registered Units in CO 910,392
- Total Number of People Residing Within Those Units 2,339,707



Nature of General Inquiries, 2024

Top 20 Inquiries Received by the HOA Center, 2024





HOA Complaints

- The HOA Center is statutorily required to administer a complaint program.
 - C.R.S. 12-10-801(3)(IV)(c) states:
 - The HOA information officer shall track inquiries and complaints and report annually to the director regarding the number and types of inquiries and complaints received.
 - Previous <u>HOA Annual Reports</u> may be found on the HOA Center's website.
 - No jurisdiction has been provided the HOA Center to investigate any complaint received.



HOA Complaints -

Submitting a Complaint

- Anyone may submit a complaint by clicking on the "File a Complaint Online" button at:
 - o https://dre.colorado.gov/filing-hoa-complaint
 - Printable complaint forms are also available for download and printing purposes.
 - ❖ Printed complaint forms must be submitted either:
 - Via email to <dora_dre_hoainquiries@state.co.us>, or
 - ➤ Via USPS to:

Dept. of Regulatory Agencies

Division of Real Estate

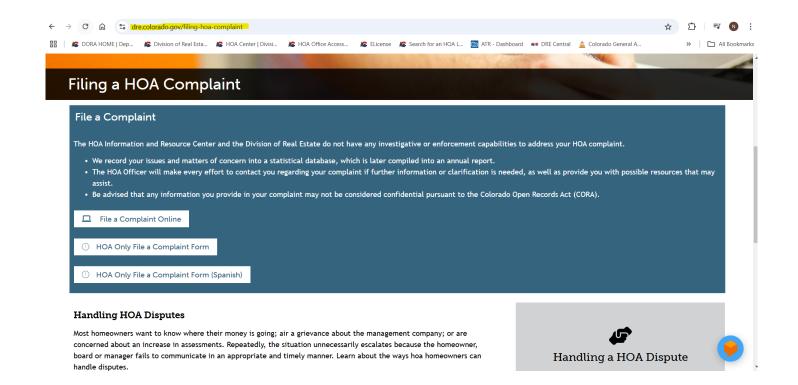
Attn: HOA Information & Resource Center

1560 Broadway, Suite 925

Denver, CO 80202



Online HOA Complaint





Physical HOA Complaint Form page 1



HOA Information and Resource Center

Homeowners' Association Complaint Form

The HOA Information and Resource Center ("Center") was established to provide basic information concerning the rights and duties of homeowners, declarants, and homeowners' associations under the Colorado Common Interest Ownership Act (CCIOA). The Center is also tasked with collecting and analyzing information on HOA issues and your input through the complaint process is valuable to the Center in accomplishing this goal. The Center does <u>not</u> have any investigative or enforcement capabilities to address your HOA complaint. The Center may attempt to contact you if further information or clarification is needed regarding your complaint. The Center <u>cannot</u> provide legal advice, nor can we mediate or intervene in disputes. The Center will track your complaint, and will report to the Director of the Division of Real Estate regarding the number and types of inquiries and complaints received. If you have any questions or wish to discuss your complaint, please contact the Division at (303) 894-2166. Please be advised that any information you provide in your complaint may <u>not</u> be considered confidential pursuant to the Colorado Open Records Act (CORA).

Please provide requested information (if known) in the spaces provided.

1. Information about you (Complainant):

First Name	Middle Init	ial Last Nam	e		
Mailing Address(Numl		(Apt, Suite, Unit)	(City)	(State)	(Zip Code)
Phone Number ()_					
E-Mail Address				_	
Property Address which	is the subject of thi	s complaint:	(Check here if s	ame as mailing a	ddress above)
(Number and Street)	(Apt, Suite, Ur	nit) (City)	(State)	(Zip Code)	
Regarding the property	subject to this com	plaint, are you the:	Owner:	Tenant:	
2. Information about t	he HOA which is	the subject of this	complaint:		
Does a Management Co	mpany manage you	r HOA? Yes	. No		
Who is your complaint a	bout? (Check all th	at apply) HO	OA Board	Declarant/Deve	loper
Name of HOA:					



Physical HOA Complaint Form page 2

Address of HOA:(Nu	mber and Street)	(Apt, Suite, Unit)	(City)	(State)	(Zip Code)
hone Number: ()	Email Addres		,	
		ommunity Coo			
		,			_
		s, lots or homes locate	d in your HOA:		
. Details about you	r Complaint:				
f it is necessary to sub may provide a separa	mit additional doc ate written narra	xplain your issues as s umentation, or you wo tive explanation of t ou can mail, fax or emai	uld like to supple he details surrou	ment your comp inding your cor	olaint, you



Physical HOA Complaint Form page 3

By checking this box (required) and submitting this form to the Division of Real Estate, I certify that the statements and information supplied by me are true and accurate to the best of my knowledge. Your Signature			
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Your Signature Date: Date: Date: MM/DD/YYYY You can forward your complaint and any additional narratives or documentation to: Division of Real Estate Attn: HOA Information and Resource Center 1560 Broadway, Suite 925 Denver, CO 80202 Ph: 303-894-2166 Email: dora_realestate_website@state.co.us PLEASE NOTE: THE DIVISION OF REAL ESTATE IS NOT AUTHORIZED TO CONDUCT INVESTIGATIONS ON HOMEOWNERS' ASSOCIATIONS (HOA's) HOA BOARDS, OR COMMUNITY ASSOCIATION MANAGERS AND			
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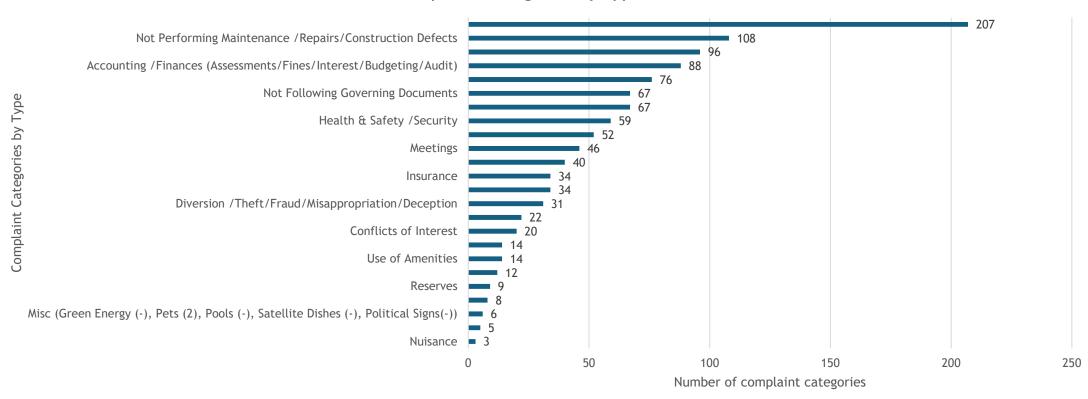
What Happens once a Complaint is Received?

- Complaints are categorized for the issues and concerns they contain and are then entered into a statistical database.
- The HOA Officer then drafts an acknowledgement letter, which contains some basic information and resources, as well as any information specific to the issue which may be helpful.
 - o This letter is provided to the complainant and only the complainant.
- The HOA Center does not contact the respondent.
 - However, the complainant may share the acknowledgement letter with anyone they'd like.
- No ability to investigate any complaint submitted.



Nature of HOA Complaints, 2024

Complaint Categories by Type, 2024





Possible
Solutions for
Common HOA
Complaints

Accounting and/or Finances

- Governing documents may require periodic audits.
- CCIOA only requires an audit at discretion of the executive board or if requested by owners of at least one-third of the units represented by the association.
 - For owner-requested audit to occur, association must have annual revenues or expenditures of at least two hundred fifty thousand dollars. For more information see 38-33.3-303(4)(b)(I) of CCIOA.



Communication with Homeowners; Board.

- Contact board in writing.
- If no response, contact in writing again via certified mail with return receipt requested.
- Request the board or CAM to engage in alternative dispute resolution ("ADR").
- Colorado Judicial Branch's Office of Dispute Resolution.
- Mediation Association of Colorado.
- Contact an attorney.



Excessive Assessments, Fees, or Fines; Collections; and/or Foreclosure

- Attend board meetings, voice your concern, ask questions.
- Review governing documents to determine how assessments may be raised (if at all), or if there is a cap on the amount the board can raise dues per year.
- Vote in community elections for candidates who share your same vision for the community.



Failure to Produce Records

- Owners are entitled to detailed records of receipts and expenditures affecting the operation and administration of the association, minutes of all meetings of its owners and board, a list of the names of all owners, tax returns of the association for the past seven (7) years, and many other records.
- See 38-33.3-317, C.R.S.
- The association may impose a reasonable charge to produce the requested records. The charge may not exceed the estimated cost of production and reproduction of the records.
- Unit owners may be able to recover penalties of fifty dollars (\$50.00) per day, up to a maximum of five hundred dollars (\$500.00), or actual damages sustained, as a result of an association's refusal to honor a proper records request.



Improper and/or Selective Enforcement of Covenants

- Generate interest of fellow homeowners.
- Remove offending board members.
 - o 38-33.3-303(8) discusses the process for removing board members.
- Vote for individuals in elections who share your same vision for the community.



Not Performing Maintenance and/or Repairs

• Section 38-33.3-307, C.R.S. of the Colorado Common Interest Ownership Act ("CCIOA") states that Except to the extent provided by the declaration, subsection (2) of this section, or section 38-33.3-313(9), C.R.S., the association is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for maintenance, repair, and replacement of such owner's unit.



State Registration Requirements

• In addition to filing a required periodic report with the Colorado Secretary of State, associations located in the State of Colorado are required to register annually with the Colorado Division of Real Estate. An association that fails to register timely, renew, or pay the required fee may be precluded from enforcing a lien for assessments.

• 38-33.3-401, C.R.S.



Registration Fees

- An association's Initial Registration Fee is \$45.00 (this fee applies to any association registering for the first time).
- An association's Renewal Fee is \$44.00 (this applies to any association that has been previously registered with the Division).
- An association with annual revenue less than \$5,000.00 is NOT required to pay a registration/renewal fee.

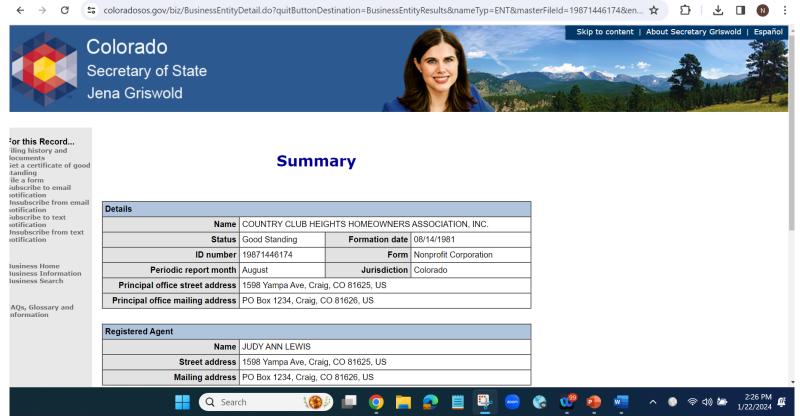


The Online Registration Number ("ORN")

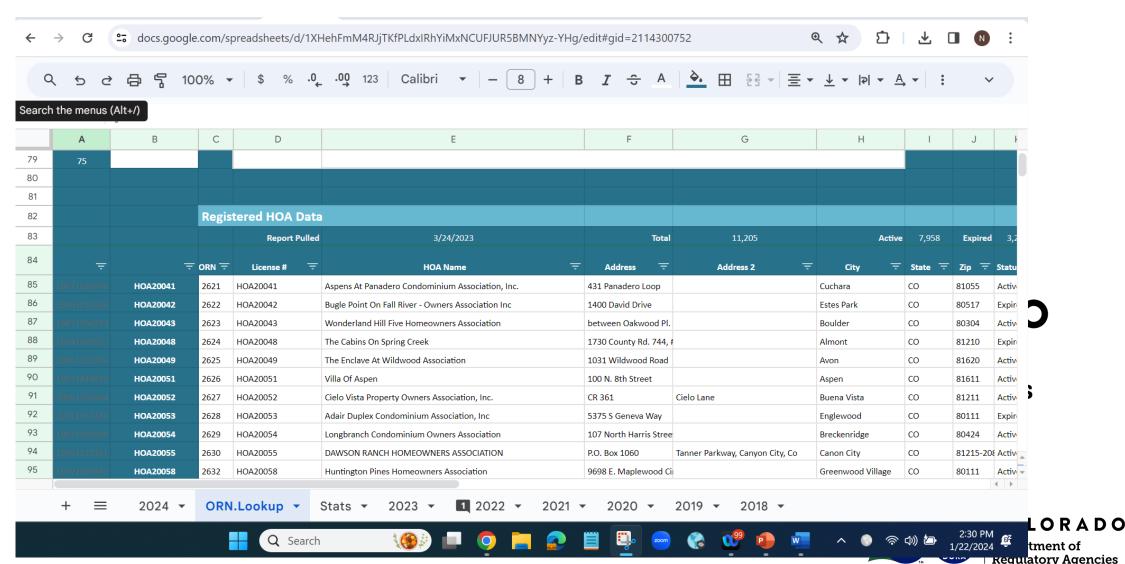
- Assigned to an account after initial account registration.
- This is the ONLY number that can allow for an HOA to access their account
- Allows to update the User ID/Password and email address on a business account
- The Designated Agent for an HOA is who contacts the HOA office for the ORN
- Online Registration form for multiple ORN request usually Management companies
- Maintain a spreadsheet Master ORN which is used to search an HOA's ORN



Colorado Secretary of State Example



Online Registration Number



Online Registration Number Request Form



HOA Registration Number	Colorado Secretary Of State ID Number	Association Name
HOA24537	19931060472	Alpine Timbers
HOA21956	20051338941	Base Camp 9200 Owners Association
HOA50503	19871375775	Bavarian Village Phase 1 Condominium Association
HOA21571	1989111384	Beaver Village Condominium Association #2
HOA53785	20181920057	Chill Condominium Owners Association
HOA25255	19981104716	Elk Trail Townhomes Owners Association
HOA24542	19951046486	Grandview II Townhomes Association
HOA26626	19871213141	Gamma Condominium Association
HOA26661	19871225417	Lambda Condominium Association
HOA27423	20041213709	Lake Trail Village Association, Inc.
HOA27855	20111154834	Lookout Village Condominium Association
HOA24401	20071305656	Mountain Terrace Home Owners Association
HOA25798	19871470301	Pinetree Plaza Owners Association
HOA27356	20051414209	Pond View Ridge Owners Association
HOA23105	19871332364	The Ridge at Meadowridge Lodges Association

RETURN IN PDF FORMAT TO:

amanda.lopez@state.co.us

Pursuant to Title 38, Article 33.3, Part 4, C.R.S. common interest communities (also known as home owner or property owner associations) in Colorado must register with the Division of Real Estate and renew on a yearly basis. For more detailed information on registration, please see section 38-33.3-401 of the Colorado Common Interest Ownership Act.

Please note – the HOA Registration number MUST¹
followed by the registration numbers, without are in this exact format, your request will be der ubmit.

A". Meaning, it must start with "HOA", not list the HOA Registration Number in this exact format, your request will be der

If you do not have the HOA Registration

d a list of active and As here. If you do not have the CO Secretary of State ID number, you

Name of Requestor

Email

Phone Number

Reason for the Request Expir 2 A Cand: update Mgm f. Commendate Mgm f. Commendat

HOA Registration	Colorado Secretary O1	Association Name	
Number	State ID Number		
9845,0001	19981075747	Terrace at Green Mountain HOA	
6156.0001	20041398720	Residence at Olde Town Square Ho	A
?	2020 180 4326	Pinehurst Terrace	



HOA Account Expiration Date

License Details



Colorado Division of Real Estate

Contact Details

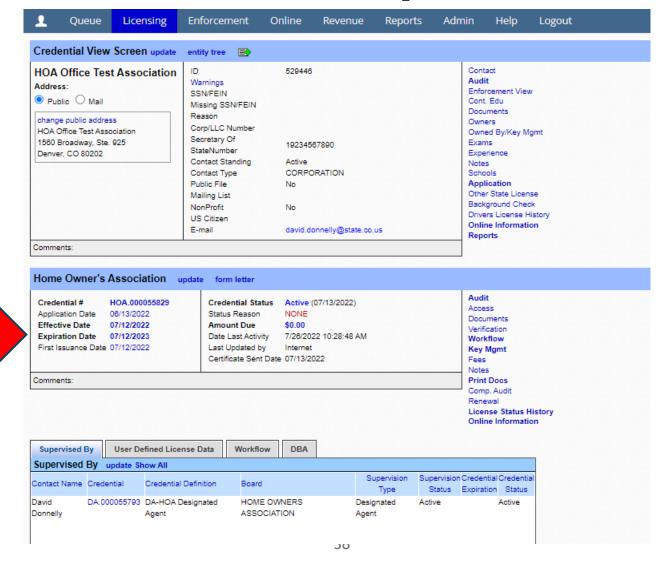
Name	Address	County	Phone	Secretary of State ID
HOA Office Test Association	1560 Broadway, Ste. 925 Denver, CO 80202		(303) 894-2518	19234567890

License Details

# Units	НОА Туре	Registration	Initial Registraton	License Expires	Status	Designated Agent	DA Address	Management Company
1	Condominiums	HOA.000055829	07/12/2022	11/25/2025	Active	David Donnelly	1560 Broadway, Ste. 925 Ste. 925 Denver, CO 80202	

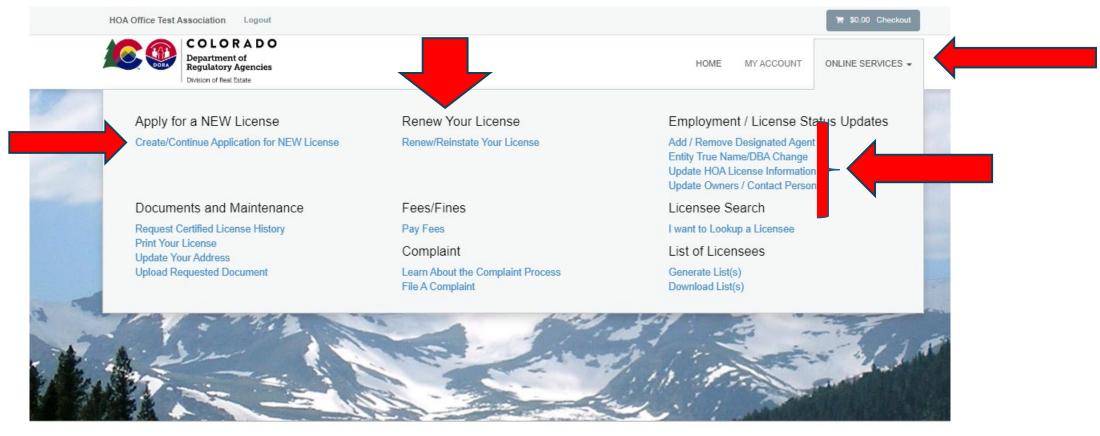


HOA Account Expiration Date





HOA Account More Online Services





Lookup a Licensee







HOA 2024 Registration Inquiries

2024	Year Total	Monthly Avg
Total Inquiries	1677	140
Condominiums	706	58.8
Cooperatives	7	1.4
Planned Communities	629	52.4
Timeshare-Condominiu	0	0.0
Uncategorized	326	27.2
DA	102	8.5
Complaint	4	2.0
НОА	222	18.5
Inquiry	15	1.4
License Print	13	2.2
Login	45	5.6
Name Change	7	1.2
New Registration	51	12.8
ORN	1174	97.8
Other	35	2.9
Outside DRE	0	
Spanish	0	
Subdivision	1	1.0



Foreclosures and Legal Help

Emergency Mortgage Assistance Program

 The Emergency Mortgage Assistance Program uses federal Homeowner Assistance Funds to help homeowners affected by the COVID-19 pandemic, get caught up on past-due housing/mobile home payments, property taxes, lot rent, insurance and housing utilities. Visit the Department of Local Affairs Division of Housing website at https://doh.colorado.gov/emergency-rental-assistance

Housing Counseling Assistance Program

 Free service to all Coloradans where residents can be connected to local housing resources like financial assistance for rent and mortgages or to be put in touch with legal assistance to prevent a looming eviction. Individuals can access the program at the <u>Brothers Redevelopment website</u> or by calling 844-926-6632.



Foreclosures and Legal Help (continued)

- Colorado Legal Services https://www.coloradolegalservices.org/
- Colorado Poverty Law Project https://www.copovertylawproject.org/
- Community Economic Defense Project https://cedproject.org/
- Centro San Juan Diego, Archdiocese of Denver https://centrosanjuandiego.org/en/legal-night/



THANK YOU! HOA Information & Resource Center

Nick Altmann
Amanda Lopez
1560 Broadway, Suite 925 Denver, CO 80202
303-894-2166
dora_dre_hoainquiries@state.co.us

Website:

https://dre.colorado.gov/division-programs/hoa-center

Division of Real Estate YouTube Channel:

https://www.youtube.com/c/DORADivisionRealEstate

