The Colorado HOA Information & Resource Center

HOA Forum:

HOA Forum: Accessory Dwelling Units ("ADUs")

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The Colorado HOA Information & Resource Center



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Colorado HOA Information & Resource Center

What It Does

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

What It Doesn't Do

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





Department of Regulatory Agencies

Division of Real Estate

Disclaimer: This presentation should not be construed as legal advice. Please consult with a qualified Colorado attorney.



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Today's Talking Points

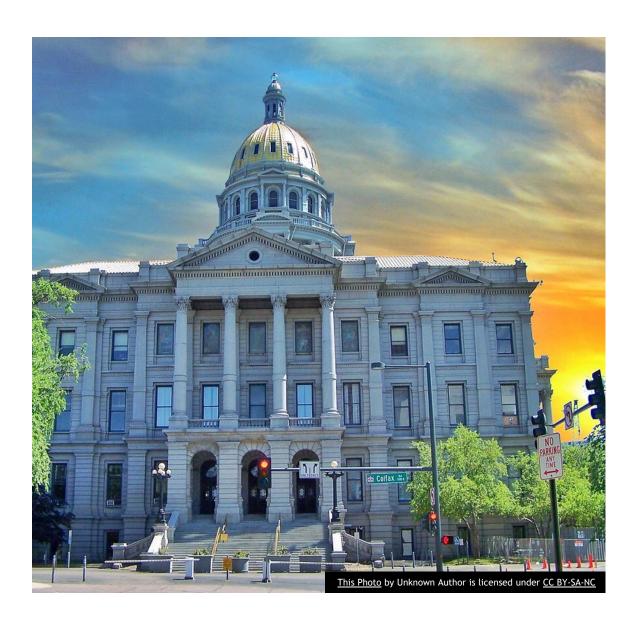
- Audience Poll
- Review of ADU legislation in Colorado
- Definitions
- Presentation by the Division of Local Affairs on Accessory-Dwelling Units
- Questions



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Audience Poll



Colorado Legislation





ADU Legislation (HB24-1152)

 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.



ADU Legislation (HB24-1152 cont.)

By the same date, the subject jurisdiction may NOT require:

- (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



ADU Legislation (HB24-1152 cont.)

- 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.



ADU Legislation (HB24-1152 cont.)

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."

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CCIOA Definitions, 38-33.3-106.5(4)(d)(l)

- "Accessory Dwelling Unit" means an internal, attached, or detached dwelling unit that: (a) provides complete independent living facilities for one or more individuals; (b) is located on the same lot as a proposed or existing primary residence; and (c) includes facilities for living, sleeping, eating, cooking, and sanitation.
- [From Title 29]

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CCIOA Definitions, 38-33.3-106.5(4)(d)(II)

- "Accessory dwelling unit supportive jurisdiction" means a local government that the department ("DOLA") has certified pursuant to section 29-35-104 as an accessory dwelling unit supportive jurisdiction.
- [From Title 29]



CCIOA Definitions, 38-33.3-106.5(4)(d)(III)

- "Subject jurisdiction" means either:
- (a) A municipality that both has a population of one thousand or more, as reported by the state demography office, and is within a metropolitan planning organization; or
- (b) The portion of a county that is both within a census designated place with a population of forty thousand or more, as reported in the most recent decennial census, and within a metropolitan planning organization.
- [From Title 29]



CCIOA Definitions, 38-33.3-106.5(6)(b)(l)

- "Accessory dwelling unit"
 means an internal, attached,
 or detached dwelling unit that
 is located on the same lot as a
 proposed or existing primary
 residence.
- [From Title 29]

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CCIOA Definitions, 38-33.3-106.5(6)(b)(II)

- "Middle housing" means a residential structure or structures that include between two and four separate dwelling units in a structure, a townhome building, or a cottage cluster of up to four units.
- [From Title 29]



Department of Local Affairs

Division of Local Government

Guest Speaker: Hannah Van Nimwegen, Technical Assistance Planner, Colorado Department of Local Affairs



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Questions?