

The Colorado  
HOA Information  
& Resource  
Center

## **HOA Forum:**

### **HOA Forum: Accessory Dwelling Units (“ADUs”)**

April 25, 2025



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

# 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.





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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

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# 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.





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# 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



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# 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.



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# 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)(I)

- **"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]



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# 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]



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## CCIOA Definitions, 38-33.3-106.5(6)(b)(I)

- **"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]



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Guest Speaker: Hannah Van Nimwegen, Technical Assistance Planner,  
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Questions?