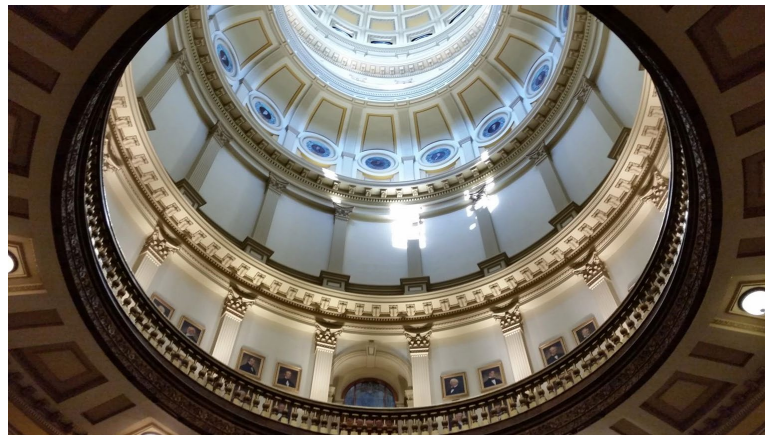


HOA Forum: 2025 Legislative Update

Friday, July 25, 2025

Thank you for joining. The presentation will begin momentarily.

The HOA Information and Resource Center



Presented by:

Nick Altmann, HOA Information Officer

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Legal Disclaimer

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

What the HOA Center does 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 not do:

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

Colorado 2025 Legislative Session

The 75th Colorado General Assembly convened on January 8, 2025 and adjourned May 7, 2025. During the session, several important bills that affect life in an HOA were passed into law. Unit owners, board members, Community Association Managers ("CAMs") and other professionals working in and with Colorado common interest communities should be aware of these changes and how they may affect their basic rights and responsibilities.

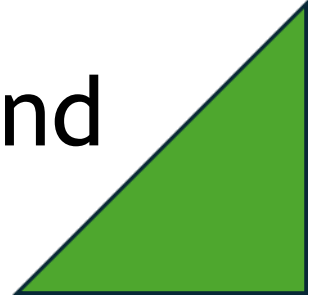
Final language of these acts and other information about the Colorado General Assembly can be found on the Colorado General Assembly's website at:

<https://leg.colorado.gov/>

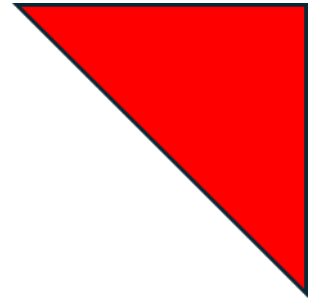
The summaries provided by the Colorado Division of Real Estate and the HOA Information and Resource Center are not intended to constitute legal advice and are provided for informational purposes only.

Note:

Green slides: Bills were signed and passed into law



Red slides: Bills were lost and did NOT become law



Note: (con't)

Slides were arranged according to which bills the HOA Center believes to be most relevant to Colorado common-interest communities, beginning with the least relevant and advancing in importance.

Short Title: Backflow Prevention Devices Requirements

Sponsors: Representative Sheila Leider, Representative Naquetta Ricks, Senator Dylan Roberts, Senator Janice Rich

Signed Date: March 28, 2025

Effective Date: March 28, 2025

HB25-1077

(summary)

The Act exempts licensure requirements for individuals inspecting, testing, or repairing backflow prevention devices.

Individuals who engage in the installation or removal of backflow prevention devices are not exempt from licensure requirements except when the individuals are installing or replacing a backflow prevention device on a stand-alone fire suppression system, as defined in section 24-33.5-1202(6), C.R.S.

Short Title: Landowner Immunity for Emergency Access to Property

Sponsors: Representative Tisha Mauro, Representative Ron Weinburg, Senator Janice Marchman, Senator Mark Baisley

Signed Date: March 20, 2025

Effective Date: August 6, 2025

HB25-1053

(summary)

Limits landowner liability for injury of emergency personnel during an emergency when the landowner is acting:

1. In good faith, and
2. Without compensation

An Emergency is:

1. A fire, rescue call, or hazardous materials incident;
2. A natural or human-caused disaster such as an earthquake, wildfire, flood, or severe weather event; or
3. An incident reasonably determined to be an emergency by a first responder

Limitation: Does not protect a landowner from acts or omissions that are grossly negligent, nor does the law protect from willful and wanton behavior.

Short Title: Sunset Bill Towing Task Force

Sponsors: Senator Julie Gonzales, Representative Andrew Boesenecker, Representative Tisha Mauro

Signed Date: May 30, 2025

Effective Date: August 6, 2025

The Towing Task Force makes recommendations to the Public Utilities Commission (the “PUC”), which is a division of the Department of Regulatory Agencies (“DORA”). Recommendation may pertain to:

1. Maximum towing rates
2. Nonconsensual tows
3. Overcharges and violations of towing law
4. Investigations of towing carriers

The Towing Task Force will continue for a period of ten (10) years-until September 1, 2035.

Short Title: Sunset HOA Information & Resource Center

Sponsors: Senator Lisa Cutter, Senator Mike Weissman,
Representative Naquetta Ricks

Signed Date: May 24, 2025

Effective Date: August 6, 2025

The HOA Information and Resource Center was created in 2011 and serves as a resource for consumers to understand their basic rights and responsibilities under the Colorado Common Interest Ownership Act ("CCIOA"). The HOA Center also registers Common Interest Communities (like HOAs, POAs, Condominiums, Cooperatives, and Timeshares) and tracks complaints.

- The HOA Center is a program of the Colorado Division of Real Estate which is a part of DORA.
- The HOA Information and Resource Center will continue for a period of five (5) years-until September 1, 2030.

Important Note: the authority and directives of the HOA Center remain unchanged.

Short Title: Enforce Insurer Compliance Requests Insurance Policy

Sponsors: Representative Michael Carter, Representative Cecelia Espenoza, Senator Tony Exum, Senator Dylan Roberts

Signed Date: June 3, 2025

Effective Date: August 6, 2025

HB25-1322

(summary)

Policyholders are permitted to request a certified copy of the policyholder's insurance policy and insurance carriers must provide a certified copy within 30 days after a written request.

If an insurance carrier fails to provide a certified copy, beginning on the 31st day after the request, the insurance carrier is liable for a penalty of \$50.00 per day until the carrier provides a certified copy of the insurance policy.

The insurance carrier may also be responsible for reasonable attorney fees and costs in court.

Short Title: Implement Fair Access to Insurance Requirements Plans

Sponsors: Representative Julie McCluskie, Representative Kyle Brown, Senator Judy Amabile, Senator Dylan Roberts

Signed Date: April 17, 2025

Effective Date: April 17, 2025

HB25-1205

(summary)

In 2023, the Colorado General Assembly implemented the Fair Access to Insurance Requirements Plan (the “FAIR Plan”) to offer an insurer of last resort for those that cannot obtain insurance otherwise.

- The association created by the FAIR Plan is not a part of the state government (not a department, unit, agency, political subdivision, or instrumentality of the state).
- The association created by the FAIR Plan is not an insurance company or person engaged in the business of insurance.

Accordingly, policyholders have limited causes of action including:

1. Breach of contract,
2. Breach of the common law covenant of good faith and fair dealing.

For more information, visit: <https://www.coloradofairplan.com/>

Short Title: Risk Model Use in Property Insurance Policies

Sponsors: Representative Titone, Representative Brown, Senator Cutter, Senate Simpson

Signed Date: May 28, 2025

Effective Date: July 1, 2025

There are a variety of mitigating steps that property owners can take to lower costs of insurance in Colorado and policyholders commonly undertake property-specific mitigation actions.

Insurance companies must develop models to estimate potential losses from catastrophic events (fire, floods, hail, earthquakes, etc.).

Insurers must post on their websites information about premium discounts, incentives, or other premium adjustments for mitigation efforts.

Short Title: Limit Turf in New Residential Development

Sponsors: Representative Lesley Smith, Representative Karen McCormick, Senator Dylan Roberts

Signed Date: May 20, 2025

Effective Date: August 6, 2025

The Colorado General Assembly has found that preventing the installation, planting, or placement of 1) nonfunctional turf, 2) artificial turf, and 3) invasive plant species on certain property is a matter of statewide concern.

As such, House Bill 25-1113 expands the current prohibition on these landscaping practices to include Common Interest Communities (or “HOAs”) with more than twelve (12) dwelling units. On or after January 1, 2026, local entities may not install, plant, or place, or allow a person to install, plant, or place, nonfunctional turf, artificial turf, or invasive plant species on the common elements within these types of HOAs.

A “local entity” means a:

1. home rule or statutory city, county, city and county, territorial charter city, or town;
2. special district; and
3. metropolitan district

A local entity may still install, plant, or place, or allow a person to install, plant, or place, this type of landscaping on HOAs with twelve (12) or fewer dwelling units.

Short Title: Vehicle Immobilization Company Regulation

Sponsors: Representative Junie Joseph, Representative Andrew Boesenecker, Senator Julie Gonzales, Senator Mike Weismann

Signed Date: June 3, 2025

Effective Date: June 3, 2025

HB25-1117

(summary)

House Bill 25-1117 imposes similar requirements on vehicle immobilization companies as those currently found for towing companies in Colorado.

“Vehicle immobilization” is commonly understood to be the action of placing a “boot” on a vehicle, which would prevent the vehicle from moving, thereby “immobilizing” it.

HB25-1117

(summary con't)

Importantly, the company performing the vehicle immobilization service must obtain consent from the property owner of the private property where the immobilization is to occur prior to immobilizing a vehicle. In the case of HOAs, this would be the HOA board or the Community Association Manager (“CAM”). The consent cannot be pre-approved or automated, and it must be obtained for each individual vehicle immobilization by utilizing a form created by the [Colorado Public Utilities Commission](#).

In addition to various signage requirements, the vehicle owner must be given at least twenty-four (24) hours’ notice prior to immobilization.

Short Title: Construction Defects & Middle Market Housing

Sponsors: Representative Shannon Bird, Representative Andrew Boesenecker, Senator James Coleman, Senator Dylan Roberts

Signed Date: May 12, 2025

Effective Date: August 6, 2025

HB25-1272

(summary)

To help spur the construction of entry-level homes - namely, condominiums and townhomes - the Governor signed House Bill 25-1272 (the “Act”) on May 12, 2025.

The Act seeks to encourage homebuilders to construct new homes by reducing the amount of litigation involved with the development of condominiums. Chiefly, a homebuilder (or “developer”) may choose to participate in a program that offers a homebuyer a warranty and inspection by a neutral third-party inspector in exchange for additional protections from construction-defect claims.

HB25-1272

(summary con't)

This bill applies to HOAs for two reasons:

1. To file a construction defect claim on behalf of the owners, an association's executive board must now obtain sixty-five (65) percent owner approval, compared to the previous requirement of a simple majority.
2. If an executive board prevails in the said claim, any monetary damage received must first be used to repair the construction defect.

HB25-1272

(summary con't 2)

The Act takes effect 90 days following the adjournment of the General Assembly *sine die* - assuming no referendum petition is filed - and applies to claims brought on or after that date.

The Act adds to, and amends, section 38-33.3-303.5, C.R.S. of CCIOA and is applicable to both pre-CCIOA and CCIOA communities.

Short Title: Owner Equity Protection in Homeowners' Association Foreclosure Sales

Sponsors: Representative Naquetta Ricks, Representative Jennifer Bacon, Senator Tony Exum

Signed Date: June 4, 2025

Effective Date: October 1, 2025

HB25-1043

(summary)

- Update collections policy to include three (3) advisements
- New notice requirements on foreclosure actions
- Delinquent owner may “stay” (halt) the foreclosure action
- Additional information required by DORA for HOA registrations
- “Strict” vs. “Substantial” compliance

HB25-1043

(summary con't)

Beginning **October 1, 2025**, all HOAs must report the following information to the HOA Information and Resource Center as part of the state's annual HOA registration requirement:

1. In the twelve (12) month period prior to registration, the number of unit owners that were at any time six (6) or more calendar months delinquent in the payment of an annual assessment or special assessment.
2. In the twelve (12) month period prior to registration, for unpaid assessments or special assessments or related fees or attorney fees:
 - a. The number of unit owners against which the association or its designee obtained a judgment;
 - b. The number of payment plans entered into between the association and a unit owner pursuant to section 38-33.3-316.3; and
 - c. The number of foreclosure actions filed against unit owners pursuant to 38-33.3-316.

HB25-1043

(summary con't 2)

This applies if the HOA is being registered for the first time, or if the HOA is renewing its registration as part of its annual renewal cycle.

Short Title: Remove Precipitation Collection Limitations

Sponsors: Representative Larry Don Suckla

Summary: The Colorado Common Interest Ownership Act (“CCIOA”) prohibits associations from prohibiting unit owners the use of a rain barrel to collect precipitation from a residential rooftop (section 38-33.3-106.5(1)(J)(I), C.R.S.).

Current law imposes limitations on how much water an owner may collect and how the water may be used on the property. Namely, (1) a maximum of one hundred ten (110) gallons of water may be collected, and (2) the water must be used for outdoor purposes to irrigate lawns and gardens (section 37-96.5-103, C.R.S.).

This bill would have removed those limitations.

Short Title: Increasing Public Awareness of Mold Health Effects

Sponsors: Representative Amy Paschal and Representative Javier Mabrey

Summary: If passed, the bill would have required the department of public health and environment to establish a public awareness campaign to assist the public in understanding the health dangers of mold and review mold remediation technology advances.

It would have also required written disclosures to tenants and buyers in residential real estate transactions regarding the health risks of mold and any knowledge of the presence of mold in the real property.

Short Title: Increase Access Homeowner's Insurance Enterprises

Sponsors: Representative Kyle Brown, Representative Julie McCluskie, Senator Judy Amabile, Senator Marc Snyder

Summary: The bill would have created two enterprises in the Department of Regulatory Agencies (“DORA”) to address the availability of homeowner’s insurance for properties susceptible to extreme weather events. The fees would have supported:

1. Grants to support hail-resistant roofs
2. Reinsurance program to reduce insurers’ risk around wildfires

Short Title: Reducing the Cost of Housing

Sponsors: Senator Paul Lundeen

Summary: If passed, the bill would have restricted construction defect claims unless the claim arises from a construction defect that causes:

1. Actual damage to real or personal property caused by the violation of a building code, manufacturer's instructions, or industry standard
2. Actual loss of the use of real or personal property
3. Bodily injury or wrongful death
4. An imminent and unreasonable risk of bodily injury or death to, or an imminent or unreasonable threat to the life, health, or safety of, the occupants of the residential real property.

SB25-131

Short Title: Consumers Construction Defect Action

Sponsors: Representative Jennifer Bacon, Senator Robert Rodriguez, Senator Faith Winter

Summary: If passed, the bill would have required construction professionals to provide the claimant with certain information during a legal action against a construction profession.

It would have required a court to award prejudgment interest of 8% to a prevailing claimant who alleges defects in a residential property construction.

It would have also changed the time when a claim of relief arises, for the purposes of the statute of limitation and repose, to include both the discovery of the physical manifestation and the cause of the defect.

Short Title: Homeowners' Association Alternative Dispute Resolution

Sponsors: Representative Naquetta Ricks, Representative Javier Mabrey, Senator Tony Exum

Summary: Under current law, common interest communities are encouraged to use mediation prior to filing a complaint with the court.

The bill would have required a dispute between a unit owner and a unit owners' association to go through an internal dispute resolution process and mediation before the parties could file a complaint with the court.

If the parties would have been unable to reach a mediation agreement, the bill would have allowed the parties to undergo arbitration or commence a legal proceeding.

Questions?

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