

Colorado Legislative Action Committee

- ▶ 2024 Legislative Session
April Update

SB24-112 - Construction Defect Action Procedures - Oppose

- ▶ Sponsors: Sen. Lundeen
- ▶ Language on express/implied warranties
- ▶ Reduces liability due to design professional errors
- ▶ Adds difficult barriers to construction defect action for association
- ▶ Postponed Indefinitely April 30th!

SB24-106 - Right to Remedy Construction Defect - Oppose

- ▶ Sponsors: Sen. Zenzinger, Sen. Coleman, Rep. Bird
- ▶ Right for construction professional to remedy a claim
- ▶ Limits liability upon completion of work
- ▶ Alternative Dispute Resolution
- ▶ Increases the requirements on Associations to bring claims
- ▶ Adds barriers to the types of items allowed to bring a claim
- ▶ Passed Senate on 3rd reading, headed to House

HB24-1230 - Protections for Real Property Owners - Support

- ▶ Sponsors: Rep. Amabile, Rep. Weinberg, Sen. Mullica, Sen. Exum
- ▶ Construction defect related
- ▶ Requires HOA governing documents to conform with current law, no different or additional requirements
- ▶ House passed, Senate 2nd reading today 5/1/24

HB24-1078 - Regulation of Community Association Managers - Oppose

- ▶ Sponsors: Rep. Titone, Rep. Ricks.
- ▶ Repeat of a 2022 version of the bill with minor changes
- ▶ Requires licensure for business entities, criminal history checks for controlling manager and any other managers
- ▶ Points-based disciplinary system
- ▶ Headed to Appropriations, no as of yet, facing funding issues

HB24-1158 - HOA Foreclosure Sales Requirements - Oppose - DEAD

- ▶ Sponsor: Rep. Ricks
- ▶ Requires additional notices for homeowners including foreclosure assistance programs
- ▶ Limits attorney fees to \$2,500 per foreclosure
- ▶ Requires minimum bid amount of funds owed plus 60% equity
- ▶ Died in House 3rd reading

HB24-1337 - Unit Association Collections - Amend/Oppose

- ▶ Sponsor: Rep. Jodeh, Rep. Bacon
- ▶ Limits reimbursement for collection costs, fees, other costs resulting from unpaid assessments and violations to 50% or \$5,000
 - ▶ Amendment allows Court discretion and an increase by CPI
- ▶ Adds additional restrictions on foreclosure
- ▶ Creates a right of redemption 180 days following foreclosure
- ▶ 3rd reading Senate passed, House concurred with amendments 4/30

HB24-1051 - Towing Carrier Regulation Amend

- ▶ Sponsor: Rep. Boesenecker, Rep. Mauro, Sen. Cutter, Sen. Priola
- ▶ Various towing carrier requirements
- ▶ Requires property owners to pay for the removal and storage for 30 days - makes towing nonviable
- ▶ House passed. Held up in Finance.

HB24-1152 - Accessory Dwelling Units - Amend

- ▶ Sponsors: Rep. Amabile, Rep. Weinberg, Sen. Mullica, Sen. Exum
- ▶ Creates restrictions around ADUs
- ▶ CLAC would like to see more authority to cover design review / architectural considerations, or language excluding HOAs
- ▶ Passed House and Appropriations, onto Senate as of 5/1/24

- ▶ 2nd bill: SB24-154 - Sen. Jaquez Lewis - excludes Associations, no action yet.

HB24-1091 - Fire-Hardened Building Materials in Real Property PASSED (Amend)

- ▶ Rep. Brown, Rep. Titone, Sen. Cutter, Sen. Jaquez Lewis
- ▶ Prohibits covenants and restrictions that disallow the installation of fire-hardened building materials
- ▶ Governor signed

SB24-134 - Operation of Home-Based Businesses - PASSED - Support

- ▶ Sponsors: Sen. Smallwood, Rep. Willford
- ▶ Prohibits HOAs from prohibiting home-based businesses
- ▶ CLAC was able to get an amendment to the bill that businesses will be secondary to the residential use of the homes
- ▶ CCR enforcement is still applicable
- ▶ Signed by Governor 4/19/24

HB24-1108 - Study for Property & Casualty Insurance Policies - Support

- ▶ Sponsors: Rep. McCluskie, Rep. Amabile, Sen. Roberts
- ▶ Insurance Commissioner to conduct a study regarding policies submitted to associations and hotel/lodging facilities
- ▶ Consider current market conditions
- ▶ Implementation of programs to ensure long-term sustainability
- ▶ Report due by January 1, 2026
- ▶ Headed to the House as of 4/23, likely to pass

HB24-1233 - HOA Delinquency Payments Enforcement - Support

- ▶ Sponsors: Rep. Wilson, Rep. Snyder, Sen. Roberts, Sen. Gardner
- ▶ HB22-1137 Cleanup
- ▶ Removes posting on unit requirement
- ▶ Removed first class mail notification for delinquency - now includes Certified Mail, telephone call, text message, and email if provided by homeowner. Must use two if available.
- ▶ Allows HOA to charge owner for costs of notices by certified mail
- ▶ Payment plan language cut out of bill
- ▶ Passed House and Senate as of 4/30/24

Other Bills - Monitoring

Little to no effect that we can foresee

- ▶ HB24-1383 - Common Interest Community Declarations
 - ▶ Clarification bill, passed House & Senate, over to Governor for signature
- ▶ SB24-005 - Prohibit Landscape Practices for Water Conservation
 - ▶ Governor signed
- ▶ SB24-021 - Exempt Small Communities from HOA Requirements
 - ▶ Passed, signed by Governor 4/11
- ▶ SB24-145 - Uniform Unlawful Restrictions in Land Records
 - ▶ Passed, sent to Governor 4/22
- ▶ HB24-1313 - Housing in Transit-Oriented Communities
 - ▶ House passed, over to Senate Appropriations 4/30

Corporate Transparency Act

- ▶ Unconstitutional?
- ▶ Recent news that HOAs are included in CTA. CAI is seeking deadline extension / exemption for HOAs
- ▶ SB 24-129 - Nonprofit Member Data Privacy & Public Agencies
 - ▶ Attempts to disallow public agencies from requiring non-profit data disclosure
 - ▶ Limits amounts on fines for noncompliance
 - ▶ Federal law supersedes State law, so may not be enforceable
 - ▶ Over to Appropriations, no recent action
- ▶ Recommended: wait until Fall to start complying

HB23-1105 Task Force Updates

- ▶ Final report received, 398 pages + statistics
 - ▶ Recommendations vary across many topics: alternative dispute resolution, foreclosures, manager licensing, collections, disclosures, reserve studies, board member, homeowner, and real estate broker training, anti-harassment and governance policies, assessments
- ▶ <https://engagedora.org/hoa-task-force>
- ▶ Recordings available online

End of 2024 Session: May 8th

- ▶ Bills to watch - Calls to Action
 - ▶ HB24-1337 - foreclosure procedures - amend
 - ▶ SB24-106 - construction defect - oppose

Writing to your legislators

- ▶ Prepared statements available
- ▶ Personal stories preferred
- ▶ Highlight 2-3 key points
- ▶ CAI Calls To Action target where you live and vote

How to Provide Testimony

▶ IN PERSON

- ▶ 2-3 times per session in Denver, often late notice
- ▶ Business attire
- ▶ We help prepare your statement
- ▶ Speak before the Committee for 1-2 minutes
- ▶ We grab lunch or coffee after the hearing as a group to debrief
- ▶ It's fun!

▶ VIRTUALLY

- ▶ New since COVID
- ▶ Submit written comments to the record
 - ▶ We can help you prepare them
- ▶ Testify virtually (in most cases)
 - ▶ We can help you prepare

2024 CLAC Events

MAY 30, 2024

Trivia & Networking
Southern Colorado

JUNE 13, 2024

Education & Networking
Northern Colorado

SEPT 16, 2024

Annual CLACsic Golf Outing
Arrowhead Golf Course

THANK YOU

Get In Touch

Danaly Howe, CLAC Chair

Centennial Consulting Group, LLC

danalyclac@ccgcolorado.com

Find your Legislator: <https://leg.colorado.gov/FindMyLegislator>

Find a Bill: <https://leg.colorado.gov>

CAI Bill Tracker: <https://www.caionline.org/Advocacy>