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1. 38-33.3-106.5 - Prohibitions contrary to public policy

Section 38-33.3-106.5 - Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions(1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:(a) The display of a flag on a unit owner's property, in a window of the unit, or on a balcony adjoining the unit. The association shall not prohibit or regulate the display of flags on the basis of their subject matter, message, or content; except that the association may prohibit flags bearing commercial messages. The association may adopt reasonable, content-neutral rules to regulate the number, location, and size of flags and flagpoles, but shall not prohibit the installation of a flag or flagpole.(b) Repealed.(c) The display of a sign by the owner or occupant of a unit on property within the boundaries of the unit or in a window of the unit. The association shall not prohibit or regulate the display of window signs or yard signs on the basis of their subject matter, message, or content; except that the association may prohibit signs bearing commercial messages. The association may establish reasonable, content-neutral sign regulations based on the number, placement, or size of the signs or on other objective factors.(c.5)(I) The display of a religious item or symbol on the entry door or entry door frame of a unit; except that an association may prohibit the display or affixing of an item or symbol to the extent that it:(A) Threatens public health or safety;(B) Hinders the opening or closing of an entry door;(C) Violates federal or state law or a municipal ordinance;(D) Contains graphics, language, or any display that is obscene or otherwise illegal; or(E) Individually or in combination with other religious items or symbols, covers an area greater than thirty-six square inches.(II) If an association is performing maintenance, repair, or replacement of an entry door or door frame that serves a unit owner's separate interest, the unit owner may be required to remove a religious item or symbol during the time the work is being performed. After completion of the association's work, the unit owner may again display or affix the religious item or symbol. The association shall provide individual notice to the unit owner regarding the temporary removal of the religious item or symbol.(III) As used in this subsection (1)(c.5), "religious item or symbol" means an item or symbol displayed because of a sincerely held religious belief.(d) The parking of a motor vehicle by the occupant of a unit on a street, driveway, or guest parking area in the common interest community if the vehicle is required to be available at designated periods at such occupant's residence as a condition of the occupant's employment and all of the following criteria are met:(I) The vehicle has a gross vehicle weight rating of ten thousand pounds or less;(II) The occupant is a bona fide member of a volunteer fire department or is employed by a primary provider of emergency fire fighting, law enforcement, ambulance, or emergency medical services;(III) The vehicle bears an official emblem or other visible designation of the emergency service provider; and(IV) Parking of the vehicle can be accomplished without obstructing emergency access or interfering with the reasonable needs of other unit owners or occupants to use streets, driveways, and guest parking spaces within the common interest community.(d.5)(I) The use of a public right-of-way in accordance with a local government's ordinance, resolution, rule, franchise, license, or charter provision regarding use of the public right-of-way. Additionally, the association shall not require that a public right-of-way be used in a certain

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manner.(II) As used in this subsection (1)(d.5), "local government" means a statutory or home rule county, municipality, or city and county.(e) The removal by a unit owner of trees, shrubs, or other vegetation to create defensible space around a dwelling for fire mitigation purposes, so long as such removal complies with a written defensible space plan created for the property by the Colorado state forest service, an individual or company certified by a local governmental entity to create such a plan, or the fire chief, fire marshal, or fire protection district within whose jurisdiction the unit is located, and is no more extensive than necessary to comply with such plan. The plan shall be registered with the association before the commencement of work. The association may require changes to the plan if the association obtains the consent of the person, official, or agency that originally created the plan. The work shall comply with applicable association standards regarding slash removal, stump height, revegetation, and contractor regulations.(f) (Deleted by amendment, L. 2006, p. 1215, § 2, effective May 26, 2006.)(g) Reasonable modifications to a unit or to common elements as necessary to afford a person with disabilities full use and enjoyment of the unit in accordance with the federal "Fair Housing Act of 1968", 42 U.S.C. sec. 3604(f)(3)(A);(h)(I) The right of a unit owner, public or private, to restrict or specify by deed, covenant, or other document:(A) The permissible sale price, rental rate, or lease rate of the unit; or(B) Occupancy or other requirements designed to promote affordable or workforce housing as such terms may be defined by the local housing authority.(II)(A) Notwithstanding any other provision of law, the provisions of this subsection (1)(h) shall only apply to a county the population of which is less than one hundred thousand persons and that contains a ski lift licensed by the passenger tramway safety board created in section 12-150-104(1).(B) The provisions of this paragraph (h) shall not apply to a declarant-controlled community.(III) Nothing in subparagraph (I) of this paragraph (h) shall be construed to prohibit the future owner of a unit against which a restriction or specification described in such subparagraph has been placed from lifting such restriction or specification on such unit as long as any unit so released is replaced by another unit in the same common interest community on which the restriction or specification applies and the unit subject to the restriction or specification is reasonably equivalent to the unit being released in the determination of the beneficiary of the restriction or specification.(IV) Except as otherwise provided in the declaration of the common interest community, any unit subject to the provisions of this paragraph (h) shall only be occupied by the owner of the unit.(i)(I)(A) The use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible, including a limited common element or property owned by the unit owner. Associations may adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property or on a limited common element or other property for which the unit owner is responsible. An association may restrict the installation of nonvegetative turf grass to rear yard locations only.(B) This subsection (1)(i), as amended by House Bill 21-1229, enacted in 2021, does not apply to an association that includes time share units, as defined in section 38-33-110(7).(II) This paragraph (i) does not supersede any subdivision regulation of a county, city and county, or other municipality.(j)(I) The use of a rain barrel, as defined in section 37-96.5-102(1), C.R.S., to collect precipitation from a residential rooftop in accordance with section 37-96.5-103, C.R.S.(II) This paragraph (j) does not confer upon a resident of a common interest community the right to place a rain barrel on property or to connect a rain barrel to any

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property that is:(A) Leased, except with permission of the lessor;(B) A common element or a limited common element of a common interest community;(C) Maintained by the unit owners' association for a common interest community; or(D) Attached to one or more other units, except with permission of the owners of the other units.(III) A common interest community may impose reasonable aesthetic requirements that govern the placement or external appearance of a rain barrel.(k)(I) The operation of a family child care home, as defined in section 26.5-5-303, that is licensed pursuant to part 3 of article 5 of title 26.5.(II) This subsection (1)(k) does not supersede any of the association's regulations concerning architectural control, parking, landscaping, noise, or other matters not specific to the operation of a business per se. The association shall make reasonable accommodation for fencing requirements applicable to licensed family child care homes.(III) This subsection (1)(k) does not apply to a community qualified as housing for older persons under the federal "Housing for Older Persons Act of 1995", as amended, Pub.L. 104-76.(IV) The association may require the owner or operator of a family child care home located in the common interest community to carry liability insurance, at reasonable levels determined by the association's executive board, providing coverage for any aspect of the operation of the family child care home for personal injury, death, damage to personal property, and damage to real property that occurs in or on the common elements, in the unit where the family child care home is located, or in any other unit located in the common interest community. The association shall be named as an additional insured on the liability insurance the family child care home is required to carry, and such insurance must be primary to any insurance the association is required to carry under the terms of the declaration.(1.5) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not effectively prohibit renewable energy generation devices, as defined in section 38-30-168.(2) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not require the use of cedar shakes or other flammable roofing materials.

C.R.S. § 38-33.3-106.5

Amended by 2022 Ch. 156,§1, eff. 8/10/2022.Amended by 2022 Ch. 123,§123, eff. 7/1/2022.Amended by 2021 Ch. 415,§1, eff. 9/7/2021.Amended by 2021 Ch. 409,§3, eff. 9/7/2021.Amended by 2020 Ch. 250,§1, eff. 9/14/2020.Amended by 2020 Ch. 188,§3, eff. 6/30/2020.Amended by 2019 Ch. 136,§233, eff. 10/1/2019.Amended by 2019 Ch. 25,§1, eff. 3/7/2019.Amended by 2016 Ch. 161,§3, eff. 8/10/2016.Amended by 2013 Ch. 187,§3, eff. 5/10/2013.L. 2005: Entire section added, p. 1373, § 2, effective June 6. L. 2006: (1)(a), (1)(b), (1)(c), IP(1)(d), (1)(d)(II), (1)(d)(IV), and (1)(f) amended and (2) added, p. 1215, § 2, effective May 26. L. 2008: (1)(g) added, p. 556, § 1, effective July 1; (1.5) added, p. 620, § 3, effective August 5. L. 2009: (1)(h) added, (HB 09-1220), ch. 732, p. 732, § 1, effective August 5. L. 2013: (1)(i) added, (SB 13-183), ch. 757, p. 757, § 3, effective May 10. L. 2016: (1)(j) added, (HB 16-1005), ch. 511, p. 511, § 3, effective August 10. L. 2019: (1)(i)(I) amended, (HB 19-1050), ch. 84, p. 84, §1, effective March 7; (1)(h)(II)(A) amended, (HB 19-1172), ch. 1723, p. 1723, § 233, effective October 1. L. 2020: (1)(c.5) added, (HB 20-1200), ch. 861, p. 861, § 3, effective June 30; (1)(k) added, (SB 20-126), ch. 1222, p. 1222, § 1, effective September 14. L. 2021: (1)(a) and (1)(c) amended and (1)(b) repealed, (SB 21-1310), ch. 2766, p. 2766, § 1, effective September 7; (1)(i)(I) amended, (HB 21-1229), ch. 2708, p. 2708, § 3, effective September 7.

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Section 5 of chapter 409 (HB 21-1229), Session Laws of Colorado 2021, provides that the act changing this section applies to conduct occurring on or after September 7, 2021.

2022 Ch. 156, was passed without a safety clause. See Colo. Const. art. V, § 1(3).2021 Ch. 415, was passed without a safety clause. See Colo. Const. art. V, § 1(3).2021 Ch. 409, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

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2. 38-33.3 106.7 - Unreasonable restrictions on energy efficient measures

Section 38-33.3-106.7 - Unreasonable restrictions on energy efficiency measures - definitions(1)(a) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not effectively prohibit the installation or use of an energy efficiency measure.(b) As used in this section, "energy efficiency measure" means a device or structure that reduces the amount of energy derived from fossil fuels that is consumed by a residence or business located on the real property. "Energy efficiency measure" is further limited to include only the following types of devices or structures:(I) An awning, shutter, trellis, ramada, or other shade structure that is marketed for the purpose of reducing energy consumption;(II) A garage or attic fan and any associated vents or louvers;(III) An evaporative cooler;(IV) An energy-efficient outdoor lighting device, including without limitation a light fixture containing a coiled or straight fluorescent light bulb, and any solar recharging panel, motion detector, or other equipment connected to the lighting device;(V) A retractable clothesline; and(VI) A heat pump.(2) Subsection (1) of this section shall not apply to:(a) Reasonable aesthetic provisions that govern the dimensions, placement, or external appearance of an energy efficiency measure. In creating reasonable aesthetic provisions, common interest communities shall consider:(I) The impact on the purchase price and operating costs of the energy efficiency measure;(II) The impact on the performance of the energy efficiency measure; and(III) The criteria contained in the governing documents of the common interest community.(b) Bona fide safety requirements, consistent with an applicable building code or recognized safety standard, for the protection of persons and property.(3) This section shall not be construed to confer upon any property owner the right to place an energy efficiency measure on property that is:(a) Owned by another person;(b) Leased, except with permission of the lessor;(c) Collateral for a commercial loan, except with permission of the secured party; or(d) A limited common element or general common element of a common interest community.
C.R.S. § 38-33.3-106.7

Amended by 2021 Ch. 283,§2, eff. 9/7/2021.L. 2008: Entire section added, p. 618, § 2, effective August 5. L. 2021: (1)(b)(IV) and (1)(b)(V) amended and (1)(b)(VI) added, (SB 21-246), ch. 1675, p. 1675, § 2, effective September 7.2021 Ch. 283, was passed without a safety clause. See Colo. Const. art. V, § 1(3).
For the legislative declaration in SB 21-246, see section 1 of chapter 283, Session Laws of Colorado 2021.

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3. 38 - 33.3 - 120 - Amendments to preexisting governing instruments

Section 38-33.3-120 - Amendments to preexisting governing instruments(1) In the case of amendments to the declaration, bylaws, or plats and maps of any common interest community created within this state before July 1, 1992, which has not elected treatment under this article pursuant to section 38-33.3-118:(a) If the substantive result accomplished by the amendment was permitted by law in effect prior to July 1, 1992, the amendment may be made either in accordance with that law, in which case that law applies to that amendment, or it may be made under this article; and(b) If the substantive result accomplished by the amendment is permitted by this article, and was not permitted by law in effect prior to July 1, 1992, the amendment may be made under this article.(2) An amendment to the declaration, bylaws, or plats and maps authorized by this section to be made under this article must be adopted in conformity with the procedures and requirements of the law that applied to the common interest community at the time it was created and with the procedures and requirements specified by those instruments. If an amendment grants to any person any rights, powers, or privileges permitted by this article, all correlative obligations, liabilities, and restrictions in this article also apply to that person.(3) An amendment to the declaration may also be made pursuant to the procedures set forth in section 38-33.3-217(7).
C.R.S. § 38-33.3-120

L. 91: Entire article added, p. 1713, § 1, effective July 1, 1992. L. 2002: (3) added, p. 767, § 2, effective August 7.

4. 38-33.3 - 123 - Enforcement - Limitation

Section 38-33.3-123 - Enforcement - limitation(1)(a) If any unit owner fails to timely pay assessments or any money or sums due to the association, the association may require reimbursement for collection costs and reasonable attorney fees and costs incurred as a result of such failure without the necessity of commencing a legal proceeding.(b) For any failure to comply with the provisions of this article or any provision of the declaration, bylaws, articles, or rules and regulations, other than the payment of assessments or any money or sums due to the association, the association, any unit owner, or any class of unit owners adversely affected by the failure to comply may seek reimbursement for collection costs and reasonable attorney fees and costs incurred as a result of such failure to comply, without the necessity of commencing a legal proceeding.(c) In any civil action to enforce or defend the provisions of this article or of the declaration, bylaws, articles, or rules and regulations, the court shall award reasonable attorney fees, costs, and costs of collection to the prevailing party.(d) Notwithstanding paragraph (c) of this subsection (1), in connection with any claim in which a unit owner is alleged to have violated a provision of this article or of the declaration, bylaws, articles, or rules and regulations of the association and in which the court finds that the unit owner prevailed because the unit owner did not commit the alleged violation:(I) The court shall award the unit owner reasonable

attorney fees and costs incurred in asserting or defending the claim; and(II) The court shall not award costs or attorney fees to the association. In addition, the association shall be precluded from allocating to the unit owner's account with the association any of the association's costs or attorney fees incurred in asserting or defending the claim.(e) A unit owner shall not be deemed to have confessed judgment to attorney fees or collection costs.(2) Notwithstanding 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.
C.R.S. § 38-33.3-123

L. 91: Entire article added, p. 1714, § 1, effective July 1, 1992. L. 96: Entire section amended, p. 1087, § 1, effective May 23. L. 2005: (1) amended, p. 1376, § 5, effective January 1, 2006. L. 2006: (1)(c) amended, p. 1217, § 4, effective May 26.

5. 38-33.3 - 209.5 -Responsible governance policies

Section 38-33.3-209.5 - Responsible governance policies - due process for imposition of fines - procedure for collection of delinquent accounts - enforcement through small claims court - definitions(1) To promote responsible governance, associations shall:(a) Maintain accurate and complete accounting records; and(b) Adopt policies, procedures, and rules and regulations concerning:(I) Collection of unpaid assessments;(II) Handling of conflicts of interest involving board members, which policies, procedures, and rules and regulations must include, at a minimum, the criteria described in subsection (4) of this section;(III) Conduct of meetings, which may refer to applicable provisions of the nonprofit code or other recognized rules and principles;(IV) Enforcement of covenants and rules, including notice and hearing procedures and the schedule of fines;(V) Inspection and copying of association records by unit owners;(VI) Investment of reserve funds;(VII) Procedures for the adoption and amendment of policies, procedures, and rules;(VIII) Procedures for addressing disputes arising between the association and unit owners; and(IX) When the association has a reserve study prepared for the portions of the community maintained, repaired, replaced, and improved by the association; whether there is a funding plan for any work recommended by the reserve study and, if so, the projected sources of funding for the work; and whether the reserve study is based on a physical analysis and financial analysis. For the purposes of this subparagraph (IX), an internally conducted reserve study shall be sufficient.(1.7)(a) With regard to a unit owner's delinquency in paying assessments, fines, or fees, an association shall:(I) First contact the unit owner to alert the unit owner of the delinquency before taking action in relation to the delinquency pursuant to subsection (1.7)(a)(II) of this section and shall maintain a record of any contacts, including information regarding the type of communication used to contact the unit owner and the date and time that the contact was made. Any contacts that a community association manager or a property management company makes on behalf of an association pursuant to this subsection (1.7)(a) is deemed a contact made by the association and not by a debt collector as defined in

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section 5-16-103(9). A unit owner may identify another person to serve as a designated contact for the unit owner to be contacted on the unit owner's behalf for purposes of this subsection (1.7)(a)(I). A unit owner may also notify the association if the unit owner prefers that correspondence and notices from the association be made in a language other than English. If a preference is not indicated, the association shall send the correspondence and notices in English. The unit owner and the unit owner's designated contact must receive the same correspondence and notices anytime communications are sent out; except that the unit owner must receive the correspondence and notices in the language for which the unit owner has indicated a preference, if any. An association may determine the manner in which a unit owner may identify a designated contact. In contacting the unit owner or a designated contact, an association shall send the same type of notice of delinquency required to be sent pursuant to subsection (5)(a)(V) of this section, including sending it by certified mail, return receipt requested, and physically post a copy of the notice of delinquency at the unit owner's unit. In addition, the association shall contact the unit owner by one of the following means:(A) First-class mail;(B) Text message to a cellular number that the association has on file because the unit owner has provided the cellular number to the association; or(C) E-mail to an e-mail address that the association has on file because the unit owner has provided the e-mail address to the association.(II) Refer a delinquent account to a collection agency or attorney only if a majority of the executive board votes to refer the matter in a recorded vote at a meeting conducted pursuant to section 38-33.3-308(4)(e). A community association management or property management company acting on behalf of the association shall not refer a delinquent account to a collection agency or an attorney unless a majority of the executive board votes to refer the matter in a recorded vote at a meeting conducted pursuant to section 38-33.3-308(4)(e).(b)(I) An association shall not impose the following on a daily basis against a unit owner:(A) Late fees; or(B) Fines assessed for violations of the declaration, bylaws, covenants, or other governing documents of the association. An association may only impose fines for violations in accordance with this subsection (1.7)(b).(II)(A) With respect to any violation of the declaration, bylaws, covenants, or other governing documents of an association that the association reasonably determines threatens the public safety or health, the association shall provide the unit owner written notice, in English and in any language that the unit owner has indicated a preference for correspondence and notices pursuant to subsection (1.7)(a)(I) of this section, of the violation informing the unit owner that the unit owner has seventy-two hours to cure the violation or the association may fine the unit owner.(B) If, after an inspection of the unit, the association determines that the unit owner has not cured the violation within seventy-two hours after receiving the notice, the association may impose fines on the unit owner every other day and may take legal action against the unit owner for the violation; except that, in accordance with subsection (8)(c)(I) of this section, the association shall not pursue foreclosure against the unit owner based on fines owed.(III)(A) If an association reasonably determines that a unit owner committed a violation of the declaration, bylaws, covenants, or other governing documents of the association, other than a violation that threatens the public safety or health, the association shall, through certified mail, return receipt requested, provide the unit owner written notice, in English and in any language that the unit owner has indicated a preference for correspondence and notices pursuant to subsection (1.7)(a)(I) of this section, of the violation informing the unit owner that the unit owner has thirty days to cure the violation or the association, after conducting an inspection and determining that the unit owner has not cured the violation, may fine the unit owner; however, the total amount of

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fines imposed for the violation may not exceed five hundred dollars.(B) An association shall grant a unit owner two consecutive thirty-day periods to cure a violation before the association may take legal action against the unit owner for the violation. In accordance with subsection (8)(c)(I) of this section, an association shall not pursue foreclosure against the unit owner based on fines owed.(IV) If the unit owner cures the violation within the period to cure afforded the unit owner, the unit owner may notify the association of the cure and, if the unit owner sends with the notice visual evidence that the violation has been cured, the violation is deemed cured on the date that the unit owner sends the notice. If the unit owner's notice does not include visual evidence that the violation has been cured, the association shall inspect the unit as soon as practicable to determine if the violation has been cured.(V) If the association does not receive notice from the unit owner that the violation has been cured, the association shall inspect the unit within seven days after the expiration of the thirty-day cure period to determine if the violation has been cured. If, after the inspection and whether or not the association received notice from the unit owner that the violation was cured, the association determines that the violation has not been cured:(A) A second thirty-day period to cure commences if only one thirty-day period to cure has elapsed; or(B) The association may take legal action pursuant to this section if two thirty-day periods to cure have elapsed.(VI) Once the unit owner cures a violation, the association shall notify the unit owner, in English and in any language that the unit owner has indicated a preference for correspondence and notices pursuant to subsection (1.7)(a)(I) of this section:(A) That the unit owner will not be further fined with regard to the violation; and(B) Of any outstanding fine balance that the unit owner still owes the association.(c) On a monthly basis and by first-class mail and, if the association has the relevant e-mail address, by e-mail, an association shall send to each unit owner who has any outstanding balance owed the association an itemized list of all assessments, fines, fees, and charges that the unit owner owes to the association. The association shall send the itemized list to the unit owner in English or in any language for which the unit owner has indicated a preference for correspondence and notices pursuant to subsection (1.7)(a)(I) of this section and to any designated contact for the unit owner.(2) Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations to the contrary, the association may not fine any unit owner for an alleged violation unless:(a) The association has adopted, and follows, a written policy governing the imposition of fines;(b)(I) The policy includes a fair and impartial fact-finding process concerning whether the alleged violation actually occurred and whether the unit owner is the one who should be held responsible for the violation. This process may be informal but shall, at a minimum, guarantee the unit owner notice and an opportunity to be heard before an impartial decision maker.(II) As used in this paragraph (b), "impartial decision maker" means a person or group of persons who have the authority to make a decision regarding the enforcement of the association's covenants, conditions, and restrictions, including its architectural requirements, and the other rules and regulations of the association and do not have any direct personal or financial interest in the outcome. A decision maker shall not be deemed to have a direct personal or financial interest in the outcome if the decision maker will not, as a result of the outcome, receive any greater benefit or detriment than will the general membership of the association.(c) The policy:(I) Requires notice regarding the nature of the alleged violation, the action or actions required to cure the alleged violation, and the timeline for the fair and impartial fact-finding process required under subsection (2)(b) of this section. The association may send the unit owner the notice required under this subsection (2)(c)(I) in accordance with subsection (1.7)(a) of this section.(II) Specifies

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the interval upon which fines may be levied in accordance with subsection (1.7)(b) of this section for violations that are continuing in nature.(3) If, as a result of the fact-finding process described in subsection (2) of this section, it is determined that the unit owner should not be held responsible for the alleged violation, the association shall not allocate to the unit owner's account with the association any of the association's costs or attorney fees incurred in asserting or hearing the claim. Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, a unit owner shall not be deemed to have consented to pay such costs or fees.(4)(a) The policies, procedures, and rules and regulations adopted by an association under subparagraph (II) of paragraph (b) of subsection (1) of this section must, at a minimum:(I) Define or describe the circumstances under which a conflict of interest exists;(II) Set forth procedures to follow when a conflict of interest exists, including how, and to whom, the conflict of interest must be disclosed and whether a board member must recuse himself or herself from discussing or voting on the issue; and(III) Provide for the periodic review of the association's conflict of interest policies, procedures, and rules and regulations.(b) The policies, procedures, or rules and regulations adopted under this subsection (4) must be in accordance with section 38-33.3-310.5.(5)(a) Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations to the contrary or the absence of a relevant provision in the declaration, bylaws, articles, or rules or regulations, the association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, may not use a collection agency or take legal action to collect unpaid assessments unless the association or a holder or assignee of the association's debt has adopted, and follows, a written policy governing the collection of unpaid assessments and unless the association complies with subsection (7) of this section. The policy must, at a minimum, specify:(I) The date on which assessments must be paid to the entity and when an assessment is considered past due and delinquent;(II) Any late fees and interest the entity is entitled to impose on a delinquent unit owner's account;(III) Any returned-check charges the entity is entitled to impose;(IV) The circumstances under which a unit owner is entitled to enter into a payment plan with the entity pursuant to section 38-33.3-316.3 and the minimum terms of the payment plan mandated by that section;(V) That, before the entity turns over a delinquent account of a unit owner to a collection agency or refers it to an attorney for legal action, the entity must send the unit owner a notice of delinquency, by certified mail, return receipt requested, specifying:(A) The total amount due, with an accounting of how the total was determined;(B) Whether the opportunity to enter into a payment plan exists pursuant to section 38-33.3-316.3 and instructions for contacting the entity to enter into such a payment plan;(C) The name and contact information for the individual the unit owner may contact to request a copy of the unit owner's ledger in order to verify the amount of the debt; and(D) That action is required to cure the delinquency and that failure to do so within thirty days may result in the unit owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the unit owner's property, or other remedies available under Colorado law;(VI) The method by which payments may be applied on the delinquent account of a unit owner; and(VII) The legal remedies available to the entity to collect on a unit owner's delinquent account pursuant to the governing documents of the entity and Colorado law.(b) As used in this subsection (5), "entity" means an association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person.(6) A notice of delinquency that an association sends to a unit owner for unpaid assessments, fines,

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fees, or charges must:(a) Be written in English and in any language that the unit owner has indicated a preference for correspondence and notices pursuant to subsection (1.7)(a)(I) of this section;(b) Specify whether the delinquency concerns unpaid assessments; unpaid fines, fees, or charges; or both unpaid assessments and unpaid fines, fees, or charges, and, if the notice of delinquency concerns unpaid assessments, the notice of delinquency must notify the unit owner that unpaid assessments may lead to foreclosure; and(c) Include:(I) A description of the steps the association must take before the association may take legal action against the unit owner, including a description of the association's cure process established in accordance with subsection (1.7)(b) of this section; and(II) A description of what legal action the association may take against the unit owner, including a description of the types of matters that the association or unit owner may take to small claims court, including injunctive matters for which the association seeks an order requiring the unit owner to comply with the declaration, bylaws, covenants, or other governing documents of the association.(7)(a) An association shall not commence a legal action to initiate a foreclosure proceeding based on a unit owner's delinquency in paying assessments unless:(I) The association has complied with each of the requirements in this section and in section 38-33.3-316.3 related to a unit owner's delinquency in paying assessments;(II) The association has provided the unit owner with a written offer to enter into a repayment plan pursuant to section 38-33.3-316.3(2) that authorizes the unit owner to repay the debt in monthly installments over eighteen months. Under the repayment plan, the unit owner may choose the amount to be paid each month, so long as each payment must be in an amount of at least twenty-five dollars until the balance of the amount owed is less than twenty-five dollars; and(III) Within thirty days after the association has provided the owner with a written offer to enter into a repayment plan, the unit owner has either:(A) Declined the repayment plan; or(B) After accepting the repayment plan, failed to pay at least three of the monthly installments within fifteen days after the monthly installments were due.(b) A unit owner who has entered into a repayment plan pursuant to subsection (7)(a) of this section may elect to pay the remaining balance owed under the repayment plan at any time during the duration of the repayment plan.(8) An association shall not:(a) Charge a rate of interest on unpaid assessments, fines, or fees in an amount greater than eight percent per year;(b) Assess a fee or other charge to recover costs incurred for providing the unit owner a statement of the total amount that the unit owner owes;(c) Foreclose on an assessment lien if the debt securing the lien consists only of one or both of the following:(I) Fines that the association has assessed against the unit owner; or(II) Collection costs or attorney fees that the association has incurred and that are only associated with assessed fines.(9) A party seeking to enforce rights and responsibilities arising under the declaration, bylaws, covenants, or other governing documents of an association in relation to disputes arising from assessments, fines, or fees owed to the association and for which the amount at issue does not exceed seven thousand five hundred dollars, exclusive of interest and costs, may file a claim in small claims court pursuant to section 13-6-403(1)(b)(I).(10) As used in this section, "notice of delinquency" means a written notice that an association sends to a unit owner to notify the unit owner of any unpaid assessments, fines, fees, or charges that the unit owner owes the association. *C.R.S. § 38-33.3-209.5*

Amended by 2022 Ch. 367,§1, eff. 8/10/2022.Amended by 2013 Ch. 351,§1, eff. 1/1/2014.L. 2005: Entire section added, p. 1377, § 7, effective January 1, 2006. L. 2006: (1)(a), (1)(b)(VI), and (1)(b)(VII) amended and (1)(b)(VIII) added, p. 1219, § 7, effective May 26. L. 2008: (2) and

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(3) added, p. 556, § 2, effective July 1. L. 2009: (1)(b)(IX) added, (HB 09-1359), ch. 257, p. 1164, §1, effective August 5. L. 2011: (1)(b)(II) amended and (4) added, (HB 11-1124), ch. 105, p. 328, §2, effective April 13. L. 2013: (5) added, (HB 13-1276), ch. 351, p. 2035, § 1, effective January 1, 2014.2022 Ch. 367, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

6. 38-33.3 - 217 - Amendment of Declaration (only specific provisions within this section apply) Need Andrew to highlight

Section 38-33.3-217 - Amendment of declaration(1)(a)(I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), the declaration, including the plats and maps, may be amended only by the affirmative vote or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated or any larger percentage, not to exceed sixty-seven percent, that the declaration specifies. Any provision in the declaration that purports to specify a percentage larger than sixty-seven percent is hereby declared void as contrary to public policy, and until amended, such provision shall be deemed to specify a percentage of sixty-seven percent. The declaration may specify a smaller percentage than a simple majority only if all of the units are restricted exclusively to nonresidential use. Nothing in this paragraph (a) shall be construed to prohibit the association from seeking a court order, in accordance with subsection (7) of this section, to reduce the required percentage to less than sixty-seven percent.(II) If the declaration provides for an initial period of applicability to be followed by automatic extension periods, the declaration may be amended at any time in accordance with subparagraph (I) of this paragraph (a).(III) This paragraph (a) shall not apply:(A) To the extent that its application is limited by subsection (4) of this section;(B) To amendments executed by a declarant under section 38-33.3-205(4) and (5), 38-33.3-208(3), 38-33.3-209(6), 38-33.3-210, or 38-33.3-222;(C) To amendments executed by an association under section 38-33.3-107, 38-33.3-206(4), 38-33.3-208(2), 38-33.3-212, 38-33.3-213, or 38-33.3-218(11) and (12);(D) To amendments executed by the district court for any county that includes all or any portion of a common interest community under subsection (7) of this section; or(E) To amendments that affect phased communities or declarant-controlled communities.(b)(I) If the declaration requires first mortgagees to approve or consent to amendments, but does not set forth a procedure for registration or notification of first mortgagees, the association may:(A) Send a dated, written notice and a copy of any proposed amendment by certified mail to each first mortgagee at its most recent address as shown on the recorded deed of trust or recorded assignment thereof; and(B) Cause the dated notice, together with information on how to obtain a copy of the proposed amendment, to be printed in full at least twice, on separate occasions at least one week apart, in a newspaper of general circulation in the county in which the common interest community is located.(II) A first mortgagee that does not deliver to the association a negative response within sixty days after the date of the notice specified in subparagraph (I) of this paragraph (b) shall be deemed to have approved the proposed amendment.(III) The notification procedure set forth in this paragraph (b) is not mandatory. If the consent of first mortgagees is obtained without resort to this paragraph (b), and otherwise in accordance with the declaration, the notice to first mortgagees shall be considered sufficient.(2) No action to

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challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than one year after the amendment is recorded.(3) Every amendment to the declaration must be recorded in every county in which any portion of the common interest community is located and is effective only upon recordation. An amendment must be indexed in the grantee's index in the name of the common interest community and the association and in the grantor's index in the name of each person executing the amendment.(4)(a) Except to the extent expressly permitted or required by other provisions of this article, no amendment may create or increase special declarant rights, increase the number of units, or change the boundaries of any unit or the allocated interests of a unit in the absence of a vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association, including sixty-seven percent of the votes allocated to units not owned by a declarant, are allocated or any larger percentage the declaration specifies. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential use.(b) The sixty-seven-percent maximum percentage stated in paragraph (a) of subsection (1) of this section shall not apply to any common interest community in which one unit owner, by virtue of the declaration, bylaws, or other governing documents of the association, is allocated sixty-seven percent or more of the votes in the association.(4.5) Except to the extent expressly permitted or required by other provisions of this article, no amendment may change the uses to which any unit is restricted in the absence of a vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association are allocated or any larger percentage the declaration specifies. The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential use.(5) Amendments to the declaration required by this article to be recorded by the association shall be prepared, executed, recorded, and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.(6) All expenses associated with preparing and recording an amendment to the declaration shall be the sole responsibility of:(a) In the case of an amendment pursuant to sections 38-33.3-208(2), 38-33.3-212, and 38-33.3-213, the unit owners desiring the amendment; and(b) In the case of an amendment pursuant to section 38-33.3-208(3), 38-33.3-209(6), or 38-33.3-210, the declarant; and(c) In all other cases, the association.(7)(a) The association, acting through its executive board pursuant to section 38-33.3-303(1), may petition the district court for any county that includes all or any portion of the common interest community for an order amending the declaration of the common interest community if:(I) The association has twice sent notice of the proposed amendment to all unit owners that are entitled by the declaration to vote on the proposed amendment or are required for approval of the proposed amendment by any means allowed pursuant to the provisions regarding notice to members in sections 7-121-402 and 7-127-104, C.R.S., of the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S.;(II) The association has discussed the proposed amendment during at least one meeting of the association; and(III) Unit owners of units to which are allocated more than fifty percent of the number of consents, approvals, or votes of the association that would be required to adopt the proposed amendment pursuant to the declaration have voted in favor of the proposed amendment.(b) A petition filed pursuant to paragraph (a) of this subsection (7) shall include:(I) A summary of:(A) The procedures and requirements for amending the declaration that are set forth in the declaration;(B) The proposed amendment to the declaration;(C) The effect of and reason for the proposed amendment, including a statement of the circumstances that make the amendment necessary or advisable;(D) The results of any vote

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taken with respect to the proposed amendment; and(E) Any other matters that the association believes will be useful to the court in deciding whether to grant the petition; and(II) As exhibits, copies of:(A) The declaration as originally recorded and any recorded amendments to the declaration;(B) The text of the proposed amendment;(C) Copies of any notices sent pursuant to subparagraph (I) of paragraph (a) of this subsection (7); and(D) Any other documents that the association believes will be useful to the court in deciding whether to grant the petition.(c) Within three days of the filing of the petition, the district court shall set a date for hearing the petition. Unless the court finds that an emergency requires an immediate hearing, the hearing shall be held no earlier than forty-five days and no later than sixty days after the date the association filed the petition.(d) No later than ten days after the date for hearing a petition is set pursuant to paragraph (c) of this subsection (7), the association shall:(I) Send notice of the petition by any written means allowed pursuant to the provisions regarding notice to members in sections 7-121-402 and 7-127-104, C.R.S., of the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S., to any unit owner, by first-class mail, postage prepaid or by hand delivery to any declarant, and by first-class mail, postage prepaid, to any lender that holds a security interest in one or more units and is entitled by the declaration or any underwriting guidelines or requirements of that lender or of the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration, the veterans administration, or the government national mortgage corporation to vote on the proposed amendment. The notice shall include:(A) A copy of the petition which need not include the exhibits attached to the original petition filed with the district court;(B) The date the district court will hear the petition; and(C) A statement that the court may grant the petition and order the proposed amendment to the declaration unless any declarant entitled by the declaration to vote on the proposed amendment, the federal housing administration, the veterans administration, more than thirty-three percent of the unit owners entitled by the declaration to vote on the proposed amendment, or more than thirty-three percent of the lenders that hold a security interest in one or more units and are entitled by the declaration to vote on the proposed amendment file written objections to the proposed amendment with the court prior to the hearing;(II) File with the district court:(A) A list of the names and mailing addresses of declarants, unit owners, and lenders that hold a security interest in one or more units and that are entitled by the declaration to vote on the proposed amendment; and(B) A copy of the notice required by subparagraph (I) of this paragraph (d).(e) The district court shall grant the petition after hearing if it finds that:(I) The association has complied with all requirements of this subsection (7);(II) No more than thirty-three percent of the unit owners entitled by the declaration to vote on the proposed amendment have filed written objections to the proposed amendment with the court prior to the hearing;(III) Neither the federal housing administration nor the veterans administration is entitled to approve the proposed amendment, or if so entitled has not filed written objections to the proposed amendment with the court prior to the hearing;(IV) Either the proposed amendment does not eliminate any rights or privileges designated in the declaration as belonging to a declarant or no declarant has filed written objections to the proposed amendment with the court prior to the hearing;(V) Either the proposed amendment does not eliminate any rights or privileges designated in the declaration as belonging to any lenders that hold security interests in one or more units and that are entitled by the declaration to vote on the proposed amendment or no more than thirty-three percent of such lenders have filed written objections to the proposed amendment with the court prior to the

hearing; and(VI) The proposed amendment would neither terminate the declaration nor change the allocated interests of the unit owners as specified in the declaration, except as allowed pursuant to section 38-33.3-315.(f) Upon granting a petition, the court shall enter an order approving the proposed amendment and requiring the association to record the amendment in each county that includes all or any portion of the common interest community. Once recorded, the amendment shall have the same legal effect as if it were adopted pursuant to any requirements set forth in the declaration.
C.R.S. § 38-33.3-217

L. 91: Entire article added, p. 1727, § 1, effective July 1, 1992. L. 93: (1) amended, p. 649, § 14, effective April 30. L. 98: (1) and (4) amended and (4.5) added, p. 482, § 10, effective July 1. L. 99: (1) amended and (7) added, p. 692, § 1, effective May 19; (1) amended, p. 629, § 38, effective August 4. L. 2005: (1) amended, p. 1380, § 8, effective June 6. L. 2006: (1) and (4) amended, p. 1219, § 8, effective May 26.
Amendments to subsection (1) by Senate Bill 99-221 and House Bill 99-1360 were harmonized

7. 38 - 33.3 - 302 - Powers of Association (only specific provisions within this section apply) Need Andrew to highlight

Section 38-33.3-302 - Powers of unit owners' association(1) Except as provided in subsections (2) and (3) of this section, and subject to the provisions of the declaration, the association, without specific authorization in the declaration, may:(a) Adopt and amend bylaws and rules and regulations;(b) Adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners;(c) Hire and terminate managing agents and other employees, agents, and independent contractors;(d) Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the common interest community;(e) Make contracts and incur liabilities;(f) Regulate the use, maintenance, repair, replacement, and modification of common elements; except that, in regulating the use of common elements by unit owners, the association shall comply with section 38-33.3-302.5, including during the maintenance, repair, replacement, or modification of a common element;(g) Cause additional improvements to be made as a part of the common elements;(h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, subject to the following exceptions:(I) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to section 38-33.3-312; and(II) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to section 38-33.3-312;(i) Grant easements, leases, licenses, and concessions through or over the common elements;(j) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than limited common elements described in section 38-33.3-202(1)(b) and (1)(d);(k)(I) Impose charges for late payment of assessments, recover reasonable attorney fees and other legal costs for collection of assessments and other actions to enforce the power of the association, regardless of whether or not suit was initiated, and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration,

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bylaws, and rules and regulations of the association.(II) The association may not levy fines against a unit owner for violations of declarations, bylaws, or rules of the association for failure to adequately water landscapes or vegetation for which the unit owner is responsible when water restrictions or guidelines from the local water district or similar entity are in place and the unit owner is watering in compliance with such restrictions or guidelines. The association may require proof from the unit owner that the unit owner is watering the landscape or vegetation in a manner that is consistent with the maximum watering permitted by the restrictions or guidelines then in effect.(l) Impose reasonable charges for the preparation and recordation of amendments to the declaration or statements of unpaid assessments;(m) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance;(n) Assign its right to future income, including the right to receive common expense assessments, but only to the extent the declaration expressly so provides;(o) Exercise any other powers conferred by the declaration or bylaws;(p) Exercise all other powers that may be exercised in this state by legal entities of the same type as the association; and(q) Exercise any other powers necessary and proper for the governance and operation of the association.(2) The declaration may not impose limitations on the power of the association to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons.(3)(a) Any managing agent, employee, independent contractor, or other person acting on behalf of the association shall be subject to this article to the same extent as the association itself would be.(b) Decisions concerning the approval or denial of a unit owner's application for architectural or landscaping changes shall be made in accordance with standards and procedures set forth in the declaration or in duly adopted rules and regulations or bylaws of the association, and shall not be made arbitrarily or capriciously.(4)(a) The association's contract with a managing agent shall be terminable for cause without penalty to the association. Any such contract shall be subject to renegotiation.(b) Notwithstanding section 38-33.3-117 (1.5)(g), this subsection (4) shall not apply to an association that includes time-share units, as defined in section 38-33-110(7).

C.R.S. § 38-33.3-302

Amended by 2022 Ch. 93,§1, eff. 8/10/2022.Amended by 2013 Ch. 187,§4, eff. 5/10/2013.L. 91: Entire article added, p. 1735, § 1, effective July 1, 1992. L. 2005: IP(1) amended and (3) and (4) added, p. 1382, § 12, effective January 1, 2006. L. 2013: (1)(k) amended, (SB 13-183), ch. 187, p. 758, § 4, effective May 10.2022 Ch. 93, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

8. 38 - 33.3 - 308 - Meeting (only specific provision within this section apply) Need Andrew to highlight

Section 38-33.3-308 - Meetings(1) Meetings of the unit owners, as the members of the association, shall be held at least once each year. Special meetings of the unit owners may be called by the president, by a majority of the executive board, or by unit owners having twenty percent, or any lower percentage specified in the bylaws, of the votes in the association. Not less

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than ten nor more than fifty days in advance of any meeting of the unit owners, the secretary or other officer specified in the bylaws shall cause notice to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner. The notice of any meeting of the unit owners shall be physically posted in a conspicuous place, to the extent that such posting is feasible and practicable, in addition to any electronic posting or electronic mail notices that may be given pursuant to paragraph (b) of subsection (2) of this section. The notice shall state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove an officer or member of the executive board.(2)(a) All regular and special meetings of the association's executive board, or any committee thereof, shall be open to attendance by all members of the association or their representatives. Agendas for meetings of the executive board shall be made reasonably available for examination by all members of the association or their representatives.(b)(I) The association is encouraged to provide all notices and agendas required by this article in electronic form, by posting on a website or otherwise, in addition to printed form. If such electronic means are available, the association shall provide notice of all regular and special meetings of unit owners by electronic mail to all unit owners who so request and who furnish the association with their electronic mail addresses. Electronic notice of a special meeting shall be given as soon as possible but at least twenty-four hours before the meeting.(II) Notwithstanding section 38-33.3-117 (1.5)(i), this paragraph (b) shall not apply to an association that includes time-share units, as defined in section 38-33-110(7), C.R.S.(2.5)(a) Notwithstanding any provision in the declaration, bylaws, or other documents to the contrary, all meetings of the association and board of directors are open to every unit owner of the association, or to any person designated by a unit owner in writing as the unit owner's representative.(b) At an appropriate time determined by the board, but before the board votes on an issue under discussion, unit owners or their designated representatives shall be permitted to speak regarding that issue. The board may place reasonable time restrictions on persons speaking during the meeting. If more than one person desires to address an issue and there are opposing views, the board shall provide for a reasonable number of persons to speak on each side of the issue.(c) Notwithstanding section 38-33.3-117 (1.5)(i), this subsection (2.5) shall not apply to an association that includes time-share units, as defined in section 38-33-110(7).(3) The members of the executive board or any committee thereof may hold an executive or closed door session and may restrict attendance to executive board members and such other persons requested by the executive board during a regular or specially announced meeting or a part thereof. The matters to be discussed at such an executive session shall include only matters enumerated in paragraphs (a) to (f) of subsection (4) of this section.(4) Matters for discussion by an executive or closed session are limited to:(a) Matters pertaining to employees of the association or the managing agent's contract or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the association;(b) Consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client;(c) Investigative proceedings concerning possible or actual criminal misconduct;(d) Matters subject to specific constitutional, statutory, or judicially imposed requirements protecting particular proceedings or matters from public disclosure;(e) Any matter, the disclosure of which would constitute an unwarranted invasion of individual privacy, including a disciplinary hearing regarding a unit owner and any referral of delinquency; except that a unit owner who is the subject of a

disciplinary hearing or a referral of delinquency may request and receive the results of any vote taken at the relevant meeting;(f) Review of or discussion relating to any written or oral communication from legal counsel.(4.5) Upon the final resolution of any matter for which the board received legal advice or that concerned pending or contemplated litigation, the board may elect to preserve the attorney-client privilege in any appropriate manner, or it may elect to disclose such information, as it deems appropriate, about such matter in an open meeting.(5) Prior to the time the members of the executive board or any committee thereof convene in executive session, the chair of the body shall announce the general matter of discussion as enumerated in paragraphs (a) to (f) of subsection (4) of this section.(6) No rule or regulation of the board or any committee thereof shall be adopted during an executive session. A rule or regulation may be validly adopted only during a regular or special meeting or after the body goes back into regular session following an executive session.(7) The minutes of all meetings at which an executive session was held shall indicate that an executive session was held and the general subject matter of the executive session.
C.R.S. § 38-33.3-308

Amended by 2022 Ch. 367,§2, eff. 8/10/2022.L. 91: Entire article added, p. 1745, § 1, effective July 1, 1992. L. 95: Entire section amended, p. 888, § 1, effective July 1. L. 98: (2) amended, p. 484, § 15, effective July 1. L. 2002: (4)(a) amended and (4)(f) added, p. 768, § 5, effective August 7. L. 2005: (3) and (5) amended, p. 781, § 71, effective June 1; (1) and (2) amended and (2.5) and (4.5) added, p. 1384, § 14, effective January 1, 2006. L. 2006: (1), (2.5)(a), and (2.5)(b) amended, p. 1222, § 10, effective May 26.2022 Ch. 367, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

9. 38 - 33.3 - 310 - Voting - Proxies (only specific provisions within this section apply) Need Andrew to highlight

Section 38-33.3-310 - Voting - proxies(1)(a) If only one of the multiple owners of a unit is present at a meeting of the association, such owner is entitled to cast all the votes allocated to that unit. If more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the multiple owners casts the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit.(b)(I)(A) Votes for contested positions on the executive board shall be taken by secret ballot. This sub-subparagraph (A) shall not apply to an association whose governing documents provide for election of positions on the executive board by delegates on behalf of the unit owners.(B) At the discretion of the board or upon the request of twenty percent of the unit owners who are present at the meeting or represented by proxy, if a quorum has been achieved, a vote on any matter affecting the common interest community on which all unit owners are entitled to vote shall be by secret ballot.(C) Ballots shall be counted by a neutral third party or by a committee of volunteers. Such volunteers shall be unit owners who are selected or appointed at an open meeting, in a fair manner, by the chair of the board or another person presiding during that portion of the meeting. The volunteers

shall not be board members and, in the case of a contested election for a board position, shall not be candidates.(D) The results of a vote taken by secret ballot shall be reported without reference to the names, addresses, or other identifying information of unit owners participating in such vote.(II) Notwithstanding section 38-33.3-117 (1.5)(j), this paragraph (b) shall not apply to an association that includes time-share units, as defined in section 38-33-110(7).(2)(a) Votes allocated to a unit may be cast pursuant to a proxy duly executed by a unit owner. A proxy shall not be valid if obtained through fraud or misrepresentation. Unless otherwise provided in the declaration, bylaws, or rules of the association, appointment of proxies may be made substantially as provided in section 7-127-203, C.R.S.(b) If a unit is owned by more than one person, each owner of the unit may vote or register a protest to the casting of votes by the other owners of the unit through a duly executed proxy. A unit owner may not revoke a proxy given pursuant to this section except by actual notice of revocation to the person presiding over a meeting of the association. A proxy is void if it is not dated or purports to be revocable without notice. A proxy terminates eleven months after its date, unless the proxy itself indicates an earlier termination date.(c) The association is entitled to reject a vote, consent, written ballot, waiver, proxy appointment, or proxy appointment revocation if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the unit owner.(d) The association and its officer or agent who accepts or rejects a vote, consent, written ballot, waiver, proxy appointment, or proxy appointment revocation in good faith and in accordance with the standards of this section are not liable in damages for the consequences of the acceptance or rejection.(e) Any action of the association based on the acceptance or rejection of a vote, consent, written ballot, waiver, proxy appointment, or proxy appointment revocation under this section is valid unless a court of competent jurisdiction determines otherwise.(3)(a) If the declaration requires that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:(I) The provisions of subsections (1) and (2) of this section apply to lessees as if they were unit owners;(II) Unit owners who have leased their units to other persons may not cast votes on those specified matters; and(III) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.(b) Unit owners must also be given notice, in the manner provided in section 38-33.3-308, of all meetings at which lessees are entitled to vote.(4) No votes allocated to a unit owned by the association may be cast.
C.R.S. § 38-33.3-310

Amended by 2022 Ch. 34,§1, eff. 8/10/2022.L. 91: Entire article added, p. 1745, § 1, effective July 1, 1992. L. 2005: (1) and (2) amended, p. 1385, § 15, effective January 1, 2006. L. 2006: (1)(b)(I) amended, p. 1223, § 11, effective May 26.2022 Ch. 34, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

10. 38 - 33.3 - 316 - Lien for Assessments

Section 38-33.3-316 - Lien for assessments - liens for fines, fees, charges, costs, and attorney fees - limitations(1)(a) The association, if such association is incorporated or

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organized as a limited liability company, has a statutory lien on a unit for any assessment levied against that unit or fines imposed against its unit owner. Fees, charges, late charges, attorney fees up to the maximum amount authorized under subsection (7) of this section, fines, and interest charged pursuant to section 38-33.3-302(1)(j), (1)(k), and (1)(l), section 38-33.3-313(6), and section 38-33.3-315(2) may be subject to a statutory lien but are not subject to a foreclosure action under this article 33.3.(b) If an assessment is payable in installments, each installment may be subject to a statutory lien if the unit owner fails to pay the installment within fifteen days after the installment becomes due, but the association may not pursue legal action for unpaid monthly installments until the unit owner has failed to pay at least three monthly installments pursuant to section 38-33.3-209.5(7)(a)(III)(B).(2)(a) A lien under this section is prior to all other liens and encumbrances on a unit except:(I) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes, or takes subject to;(II) A security interest on the unit which has priority over all other security interests on the unit and which was recorded before the date on which the assessment sought to be enforced became delinquent, or, in a cooperative, a security interest encumbering only the unit owner's interest which has priority over all other security interests on the unit and which was perfected before the date on which the assessment sought to be enforced became delinquent; and(III) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.(b) Subject to paragraph (d) of this subsection (2), a lien under this section is also prior to the security interests described in subparagraph (II) of paragraph (a) of this subsection (2) to the extent of:(I) An amount equal to the common expense assessments based on a periodic budget adopted by the association under section 38-33.3-315(1) which would have become due, in the absence of any acceleration, during the six months immediately preceding institution by either the association or any party holding a lien senior to any part of the association lien created under this section of an action or a nonjudicial foreclosure either to enforce or to extinguish the lien.(II) (Deleted by amendment, L. 93, p. 653, § 21, effective April 30, 1993.)(c) This subsection (2) does not affect the priority of mechanics' or materialmen's liens or the priority of liens for other assessments made by the association. A lien under this section is not subject to the provisions of part 2 of article 41 of this title or to the provisions of section 15-11-202, C.R.S.(d) A lien described in subsection (1) of this section has the priority described in this subsection (2) if the other lien or encumbrance is created after June 30, 1992.(3) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.(4) Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessments is required.(5) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within six years after the full amount of assessments become due.(6) This section does not prohibit actions or suits to recover sums for which subsection (1) of this section creates a lien or to prohibit an association from taking a deed in lieu of foreclosure.(7)(a)(I) The association is entitled to costs and reasonable attorney fees that the association incurs in any action or suit for a judgment or decree brought by the association under this section.(II) A court shall determine reasonable attorney fees in accordance with rule 121 sec. 1-22 of the Colorado rules of civil procedure.(b) An association is not entitled to recover attorney fees under subsection (7)(a) of this section for attorney fees incurred before the association has complied with the notice requirements of section 38-33.3-209.5 (1.7)(a) with regard to any matter for which the association is required to

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comply with the notice requirements of section 38-33.3-209.5 (1.7)(a).(8) The association shall furnish to a unit owner or such unit owner's designee or to a holder of a security interest or its designee upon written request, delivered personally or by certified mail, first-class postage prepaid, return receipt, to the association's registered agent, a written statement setting forth the amount of unpaid assessments currently levied against such owner's unit. The statement shall be furnished within fourteen calendar days after receipt of the request and is binding on the association, the executive board, and every unit owner. If no statement is furnished to the unit owner or holder of a security interest or his or her designee, delivered personally or by certified mail, first-class postage prepaid, return receipt requested, to the inquiring party, then the association shall have no right to assert a lien upon the unit for unpaid assessments which were due as of the date of the request.(9) In any action by an association to collect assessments or to foreclose a lien for unpaid assessments, the court may appoint a receiver of the unit owner to collect all sums alleged to be due from the unit owner prior to or during the pending of the action. The court may order the receiver to pay any sums held by the receiver to the association during the pending of the action to the extent of the association's common expense assessments.(10) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided by this section.(11) The association's lien may be foreclosed by any of the following means:(a) In a condominium or planned community, the association's lien may be foreclosed in like manner as a mortgage on real estate; except that the association or a holder or assignee of the association's lien, whether the holder or assignee of the association's lien is an entity or a natural person, may only foreclose on the lien if:(I) The balance of the assessments and charges secured by its lien, as defined in subsection (2) of this section, equals or exceeds six months of common expense assessments based on a periodic budget adopted by the association; and(II) The executive board has formally resolved, by a recorded vote, to authorize the filing of a legal action against the specific unit on an individual basis. The board may not delegate its duty to act under this subparagraph (II) to any attorney, insurer, manager, or other person, and any legal action filed without evidence of the recorded vote authorizing the action must be dismissed. No attorney fees, court costs, or other charges incurred by the association or a holder or assignee of the association's lien in connection with an action that is dismissed for this reason may be assessed against the unit owner.(b) In a cooperative whose unit owners' interests in the units are real estate as determined in accordance with the provisions of section 38-33.3-105, the association's lien must be foreclosed in like manner as a mortgage on real estate; except that the association or a holder or assignee of the association's lien, whether the holder or assignee of the association's lien is an entity or a natural person, may only foreclose on the lien if:(I) The balance of the assessments and charges secured by its lien, as defined in subsection (2) of this section, equals or exceeds six months of common expense assessments based on a periodic budget adopted by the association; and(II) The executive board has formally resolved, by a recorded vote, to authorize the filing of a legal action against the specific unit on an individual basis. The board may not delegate its duty to act under this subparagraph (II) to any attorney, insurer, manager, or other person, and any legal action filed without evidence of the recorded vote authorizing the action must be dismissed. No attorney fees, court costs, or other charges incurred by the association or a holder or assignee of the association's lien in connection with an action that is dismissed for this reason may be assessed against the unit owner.(c) In a cooperative whose unit owners' interests in the units are

personal property, as determined in accordance with the provisions of section 38-33.3-105, the association's lien must be foreclosed as a security interest under the "Uniform Commercial Code", title 4, C.R.S.(12) If a unit has been foreclosed, a member of the executive board, an employee of a community association management company representing the association, an employee of a law firm representing the association, or an immediate family member, as defined in section 2-4-401 (3.7), of any such executive board member, community association management company employee, or law firm employee shall not purchase the foreclosed unit. *C.R.S. § 38-33.3-316*

Amended by 2022 Ch. 367,§4, eff. 8/10/2022.Amended by 2014 Ch. 296,§16, eff. 8/6/2014.Amended by 2013 Ch. 351,§2, eff. 1/1/2014.L. 91: Entire article added, p. 1753, § 1, effective July 1, 1992. L. 93: (1), (2)(b), (4), and (8) amended and (2)(d) added, p. 653, § 21, effective April 30. L. 98: (1) amended, p. 485, § 19, effective July 1. L. 2013: (11)(a) and (11)(b) amended, (HB 13-1276), ch. 351, p. 2036, § 2, effective January 1, 2014. L. 2014: (2)(c) amended, (HB 14-1322), ch. 296, p. 1241, § 16, effective August 6.2022 Ch. 367, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

11. 38 -33.3 - 316(3) - Collections - limitations

Section 38-33.3-316.3 - Collections - limitations - violations(1) In collecting past-due assessments and other delinquent payments under this article, an association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, shall:(a) Adopt and comply with a collections policy that meets the requirements of section 38-33.3-209.5(5); and(b) Make a good-faith effort to coordinate with the unit owner to set up a payment plan that meets the requirements of this section; except that:(I) This section does not apply if the unit owner does not occupy the unit and has acquired the property as a result of:(A) A default of a security interest encumbering the unit; or(B) Foreclosure of the association's lien; and(II) The association or a holder or assignee of the association's debt is not obligated to negotiate a payment plan with a unit owner who has previously entered into a payment plan under this section.(2) A payment plan negotiated between the association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, and the unit owner pursuant to this section must permit the unit owner to pay off the deficiency in equal installments over a period of at least eighteen months. Nothing in this section prohibits an association or a holder or assignee of the association's debt from pursuing legal action against a unit owner if the unit owner fails to comply with the terms of the unit owner's payment plan. A unit owner's failure to remit payment of three or more agreed-upon installments pursuant to section 38-33.3-209.5(7)(a)(III)(B), or to remain current with regular assessments as they come due during the eighteen-month period, constitutes a failure to comply with the terms of the unit owner's payment plan.(3) Repealed.(4) If a unit owner who has both unpaid assessments and unpaid fines, fees, or other charges makes a payment to the association, the association shall apply the payment first to the assessments owed and any remaining amount of the payment to the fines, fees, or other charges owed.(5) If an association has violated any foreclosure laws, the unit owner in relation to whom the violation

occurred may, within five years after the violation occurred, file civil suit in a court of competent jurisdiction against the association to seek damages. The court may award the unit owner damages in an amount of up to twenty-five thousand dollars, plus costs and reasonable attorney fees, if the unit owner proves the violation by a preponderance of the evidence.
C.R.S. § 38-33.3-316.3

Amended by 2022 Ch. 367,§5, eff. 8/10/2022.Added by 2013 Ch. 351,§3, eff. 1/1/2014.L. 2013: Entire section added, (HB 13-1276), ch. 351, p. 2037, § 3, effective January 1, 2014.2022 Ch. 367, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

12. 38 - 33.3 - 317 - Association Records

Section 38-33.3-317 - Association records - rules - applicability(1) In addition to any records specifically defined in the association's declaration or bylaws or expressly required by section 38-33.3-209.4(2), the association must maintain the following, all of which shall be deemed to be the sole records of the association for purposes of document retention and production to owners:(a) Detailed records of receipts and expenditures affecting the operation and administration of the association;(b) Records of claims for construction defects and amounts received pursuant to settlement of those claims;(c) Minutes of all meetings of its unit owners and executive board, a record of all actions taken by the unit owners or executive board without a meeting, and a record of all actions taken by any committee of the executive board;(d) Written communications among, and the votes cast by, executive board members that are:(I) Directly related to an action taken by the board without a meeting pursuant to section 7-128-202, C.R.S.; or(II) Directly related to an action taken by the board without a meeting pursuant to the association's bylaws;(e) The names of unit owners in a form that permits preparation of a list of the names of all unit owners and the physical mailing addresses at which the association communicates with them, showing the number of votes each unit owner is entitled to vote; except that this paragraph (e) does not apply to a unit, or the owner thereof, if the unit is a time-share unit, as defined in section 38-33-110(7);(f) Its current declaration, covenants, bylaws, articles of incorporation, if it is a corporation, or the corresponding organizational documents if it is another form of entity, rules and regulations, responsible governance policies adopted pursuant to section 38-33.3-209.5, and other policies adopted by the executive board;(g) Financial statements as described in section 7-136-106, C.R.S., for the past three years and tax returns of the association for the past seven years, to the extent available;(h) A list of the names, electronic mail addresses, and physical mailing addresses of its current executive board members and officers;(h.5) A list of the current amounts of all unique and extraordinary fees, assessments, and expenses that are chargeable by the association in connection with the purchase or sale of a unit and are not paid for through assessments, including transfer fees, record change fees, and the charge for a status letter or statement of assessments due;(h.6) All documents included in the association's annual disclosures made pursuant to section 38-33.3-209.4.(i) Its most recent annual report delivered to the secretary of state, if any;(j) Financial records sufficiently detailed to enable the association to comply with section 38-33.3-316(8) concerning statements of unpaid assessments;(k) The association's most recent reserve study, if any;(l) Current written contracts

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to which the association is a party and contracts for work performed for the association within the immediately preceding two years;(m) Records of executive board or committee actions to approve or deny any requests for design or architectural approval from unit owners;(n) Ballots, proxies, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate;(o) Resolutions adopted by its board of directors relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members; and(p) All written communications within the past three years to all unit owners generally as unit owners.(2)(a) Subject to subsections (3), (3.5), and (4) of this section, all records maintained by the association must be available for examination and copying by a unit owner or the owner's authorized agent. The association may require unit owners to submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents and may limit examination and copying times to normal business hours or the next regularly scheduled executive board meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations of the association to the contrary, the association may not condition the production of records upon the statement of a proper purpose.(b)(I) Notwithstanding paragraph (a) of this subsection (2), a membership list or any part thereof may not be obtained or used by any person for any purpose unrelated to a unit owner's interest as a unit owner without consent of the executive board.(II) Without limiting the generality of subparagraph (I) of this paragraph (b), without the consent of the executive board, a membership list or any part thereof may not be:(A) Used to solicit money or property unless such money or property will be used solely to solicit the votes of the unit owners in an election to be held by the association;(B) Used for any commercial purpose; or(C) Sold to or purchased by any person.(3) Records maintained by an association may be withheld from inspection and copying to the extent that they are or concern:(a) Architectural drawings, plans, and designs, unless released upon the written consent of the legal owner of the drawings, plans, or designs;(b) Contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiation;(c) Communications with legal counsel that are otherwise protected by the attorney-client privilege or the attorney work product doctrine;(d) Disclosure of information in violation of law;(e) Records of an executive session of an executive board;(f) Individual units other than those of the requesting owner; or(g) The names and physical mailing addresses of unit owners if the unit is a time-share unit, as defined in section 38-33-110(7).(3.5) Records maintained by an association are not subject to inspection and copying, and they must be withheld, to the extent that they are or concern:(a) Personnel, salary, or medical records relating to specific individuals; or(b)(I) Personal identification and account information of members and residents, including bank account information, telephone numbers, electronic mail addresses, driver's license numbers, and social security numbers; except that, notwithstanding section 38-33.3-104, a member or resident may provide the association with prior written consent to the disclosure of, and the association may publish to other members and residents, the person's telephone number, electronic mail address, or both. The written consent must be kept as a record of the association and remains valid until the person withdraws it by providing the association with a written notice of withdrawal of the consent. If a person withdraws his or her consent, the association is under no obligation to change, retrieve, or destroy any document or record published prior to the notice of withdrawal.(II) As used in this paragraph (b), written consent and notice of withdrawal of the consent may be given by means of a "record", as defined in the

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"Uniform Electronic Transactions Act", article 71.3 of title 24, C.R.S., if the parties so agree in accordance with section 24-71.3-105, C.R.S.(4) The association may impose a reasonable charge, which may be collected in advance and may cover the costs of labor and material, for copies of association records. The charge may not exceed the estimated cost of production and reproduction of the records, including the costs of copying, mailing, and any necessary special processing.(4.5) If the association fails to allow inspection or copying of records in accordance with this section within thirty calendar days after receipt of a written request submitted by certified mail, return receipt requested, and payment of any fees required pursuant to subsection (4) of this section, the association is liable for penalties in the amount of fifty dollars per day, commencing on the eleventh business day after the association received the written request, up to a maximum of five hundred dollars or the unit owner's actual damages sustained as a result of the refusal, whichever is greater.(5) A right to copy records under this section includes the right to receive copies by photocopying or other means, including the receipt of copies through an electronic transmission if available, upon request by the unit owner.(6) An association is not obligated to compile or synthesize information.(7) Association records and the information contained within those records shall not be used for commercial purposes.(8) Subsections (1)(h.5), (1)(h.6), and (4.5) of this section, as added by House Bill 21-1229, enacted in 2021, and subsection (4) of this section, as amended by House Bill 21-1229, enacted in 2021, do not apply to an association that includes time share units, as defined in section 38-33-110(7).
C.R.S. § 38-33.3-317

Amended by 2021 Ch. 409,§4, eff. 9/7/2021.Amended by 2014 Ch. 66,§1, eff. 8/6/2014.L. 91: Entire article added, p. 1756, § 1, effective July 1, 1992. L. 2005: Entire section amended, p. 1387, § 18, effective January 1, 2006. L. 2006: (2), (3), (4), and (7) amended, p. 1224, § 13, effective May 26. L. 2012: Entire section R&RE, (HB 12-1237), ch. 1016, p. 1016, § 1, effective January 1, 2013. L. 2014: (3.5) amended, (HB 14-1125), ch. 290, p. 290, §1, effective August 6. L. 2021: (1)(h.5), (1)(h.6), (4.5) and (8) added and (4) amended, (HB 21-1229), ch. 2709, p. 2709, § 4, effective September 7.
Section 5 of chapter 409 (HB 21-1229), Session Laws of Colorado 2021, provides that the act changing this section applies to conduct occurring on or after September 7, 2021.

2021 Ch. 409, was passed without a safety clause. See Colo. Const. art. V, § 1(3).

13. 38 - 33.3 - 401 - Registration - Annual Fees

Section 38-33.3-401 - Registration - annual fees(1) Every unit owners' association shall register annually with the director of the division of real estate, in the form and manner specified by the director.(2)(a) Except as otherwise provided in subsection (2)(b) of this section, the unit owners' association shall submit with its annual registration a fee in the amount set by the director in accordance with section 12-10-215 and shall include the following information, updated within ninety days after any change:(I) The name of the association, as shown in the Colorado secretary of state's records;(II) The name of the association's management company, managing agent, or designated agent, which may be the association's registered agent, as shown in the Colorado secretary of state's records, or any other agent that the executive board has

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designated for purposes of registration under this section;(III) The physical address of the HOA;(IV) A valid address; email address, if any; website, if any; and telephone number for the association or its management company, managing agent, or designated agent; and(V) The number of units in the association.(b) A unit owners' association is exempt from the fee, but not the registration requirement, if the association:(I) Has annual revenues of five thousand dollars or less; or(II) Is not authorized to make assessments and does not have revenue.(3) A registration is valid for one year. The right of an association that fails to register, or whose annual registration has expired, to impose or enforce a lien for assessments under section 38-33.3-316 or to pursue an action or employ an enforcement mechanism otherwise available to it under section 38-33.3-123 is suspended until the association is validly registered pursuant to this section. A lien for assessments previously recorded during a period in which the association was validly registered or before registration was required pursuant to this section is not extinguished by a lapse in the association's registration, but a pending enforcement proceeding related to the lien is suspended, and an applicable time limit is tolled, until the association is validly registered pursuant to this section. An association's registration in compliance with this section revives a previously suspended right without penalty to the association.(4)(a) A registration is valid upon the division of real estate's acceptance of the information required by paragraph (a) of subsection (2) of this section and the payment of applicable fees.(b) An association's registration number, and an electronic or paper confirmation issued by the division of real estate, are prima facie evidence of valid registration.(c) The director of the division of real estate's final determinations concerning the validity or timeliness of registrations under this section are subject to judicial review pursuant to section 24-4-106(11), C.R.S.; except that the court shall not find a registration invalid based solely on technical or typographical errors.
C.R.S. § 38-33.3-401

Amended by 2019 Ch. 136,§ 234, eff. 10/1/2019.Amended by 2013 Ch. 198,§ 3, eff. 8/7/2013.L. 2010: Entire part added, (HB 10-1278), ch. 1723, p. 1723, § 5, effective January 1, 2011. L. 2013: Entire section amended, (HB 13-1134), ch. 807, p. 807, § 3, effective August 7. L. 2019: IP(2)(a) amended, (HB 19-1172), ch. 1723, p. 1723, § 234, effective October 1.