

2022 Legislation Affecting the Colorado Common Interest Ownership Act (CCIOA)

HB22-1137: Homeowners' Association Board Accountability and Transparency

This is a complex and comprehensive bill that changes multiple sections of CCIOA and Title 13 of the Colorado Revised Statutes (CRS). It covers a lot of information regarding HOA collections, delinquency notice requirements, allocation of fees and fines, interest rates, foreclosure, and access to the Colorado judicial system.

- New Vocabulary and Concepts
 - Designated Contact: A unit owner is permitted to identify another person to serve as a Designated Contact for the unit owner. In communications from the association, the Designated Contact shall receive the same communications as the unit owner.
 - Associations should establish a manner which unit owners can identify their Designated Contact.
 - Preferred Language: A unit owner may notify the association if the unit owner prefers that correspondence and notices from the association be made in a language other than English.
 1. If a Preferred Language is identified by a unit owner, notices of delinquency and notice of violation must be delivered to the unit owner in English AND the Preferred Language.
 2. HB22-1137 is silent regarding who is responsible to pay for translation services.
- Past Due Assessments/Delinquency
 - Notices of Delinquency must be:
 1. Sent by certified mail, return receipt required.
 2. Physically posted at the owner's unit.
 3. Sent by first class mail, text or email.
 - Notices of Delinquency must be sent in English and any Preferred Language.
 - Notices must be sent to an identified Designated Contact.

HB22-1040 Home Owners' Reasonable Access to Common Areas

The purpose of the act is to “preserve and protect unit owners’ ability to use and enjoy common elements and shall not unreasonably restrict or prohibit unit owners’ access to, or enjoyment of, any common element, including during the maintenance, repair, replacement or modification of a common element.”

HB22-1139 Home Owners' Associations Cannot Regulate Use of Public Rights-of-way

If your association has public rights-of-way in or through the community, a new law has been signed by the Governor that prohibits the association from regulating the use of the public right-of-way.

HB22-1314 Towing Carrier Nonconsensual Tows

The purpose of the act is to clarify the rights of the owner of a vehicle and explain the requirements for a towing operator when a vehicle is parked on private property.

Associations are no longer allowed to tow a vehicle from a common parking area just because the vehicle has expired tags. Associations are also prohibited from towing a vehicle from a common parking area with less than twenty-four (24) hours' notice after posting a notice.

SB22-059 Home Owners' Association Voting Proxy Limitations

This Act makes a relatively minor change to the language found in section 38-33.3-310 of CCIOA requiring that a proxy terminates eleven months after its date unless, the proxy itself indicates an earlier termination date.