

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0528.01 Jennifer Berman x3286

HOUSE BILL 26-1201

HOUSE SPONSORSHIP

Weinberg,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A UNIT OWNER'S NOTICE TO A HOMEOWNERS'**
102 **ASSOCIATION THAT THE UNIT OWNER PREFERS TO RECEIVE**
103 **CORRESPONDENCE IN A LANGUAGE OTHER THAN ENGLISH.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a unit owner in a homeowners' association (HOA) may notify the HOA that the unit owner prefers to receive correspondence and notices from the HOA in a language other than English. The HOA is then required to send the unit owner correspondence and notices in both English and the preferred language.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

The bill:

- Authorizes the HOA to require that the unit owner first demonstrate the need for correspondence and notices in the preferred language before sending correspondence and notices to the unit owner in the preferred language; and
- Removes the requirement that the HOA send correspondence and notices to the unit owner in both English and the unit owner's preferred language, instead requiring that the HOA send the correspondence and notices only in the unit owner's preferred language.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-33.3-209.5,
3 **amend** (1.7)(a) introductory portion, (1.7)(b)(II)(A), (1.7)(b)(III)(A),
4 (1.7)(b)(VI) introductory portion, and (6)(a); and **add** (1.7)(a.5) as
5 follows:

6 **38-33.3-209.5. Responsible governance policies - due process**
7 **for imposition of fines - procedure for collection of delinquent**
8 **accounts - enforcement through small claims court - definitions.**

9 (1.7) (a) EXCEPT AS DESCRIBED IN SUBSECTION (1.7)(a.5) OF THIS
10 SECTION, with regard to a unit owner's delinquency in paying assessments,
11 fines, or fees, an association shall:

12 (a.5) BEFORE AN ASSOCIATION COMPLIES WITH A UNIT OWNER'S
13 NOTICE INDICATING THAT THE UNIT OWNER PREFERS THAT
14 CORRESPONDENCE AND NOTICES FROM THE ASSOCIATION BE MADE IN A
15 LANGUAGE OTHER THAN ENGLISH PURSUANT TO SUBSECTION (1.7)(a)(I)
16 OF THIS SECTION, THE ASSOCIATION MAY REQUIRE THE UNIT OWNER TO
17 DEMONSTRATE THE UNIT OWNER'S NEED FOR CORRESPONDENCE AND
18 NOTICES TO BE PROVIDED IN THE PREFERRED LANGUAGE. THE UNIT OWNER
19 MAY DEMONSTRATE SUCH NEED BY:

20 (I) SUBMITTING THE NOTICE DESCRIBED IN SUBSECTION (1.7)(a)(I)

1 OF THIS SECTION IN THE PREFERRED LANGUAGE;

2 (II) PROVIDING TO THE ASSOCIATION DOCUMENTATION
3 DEMONSTRATING THE UNIT OWNER'S PROFICIENCY IN THE PREFERRED
4 LANGUAGE. SUCH DOCUMENTATION MAY INCLUDE GOVERNMENT-ISSUED
5 DOCUMENTS LISTING THE PREFERRED LANGUAGE AS THE UNIT OWNER'S
6 PRIMARY LANGUAGE; SCHOOL, IMMIGRATION, OR COMMUNITY PROGRAM
7 DOCUMENTS INDICATING LITERACY IN THE PREFERRED LANGUAGE; OR A
8 LETTER OR OTHER DOCUMENT FROM AN INTERPRETER OR COMMUNITY
9 ORGANIZATION CERTIFYING THE UNIT OWNER'S PROFICIENCY IN THE
10 PREFERRED LANGUAGE.

11 (III) HAVING AN INTERPRETER PROVIDE A BRIEF STATEMENT TO
12 THE ASSOCIATION INDICATING THE UNIT OWNER'S PROFICIENCY IN THE
13 PREFERRED LANGUAGE; OR

14 (IV) PROVIDING TO THE ASSOCIATION DOCUMENTS
15 DEMONSTRATING A HISTORY OF COMMUNICATIONS TO AND FROM THE UNIT
16 OWNER IN THE PREFERRED LANGUAGE.

17 (b) (II) (A) With respect to any violation of the declaration,
18 bylaws, covenants, or other governing documents of an association that
19 the association reasonably determines threatens the public safety or
20 health, the association shall provide the unit owner written notice, ~~in~~
21 ~~English and in any language that~~ FOR WHICH the unit owner has indicated
22 a preference ~~for correspondence and notices~~ pursuant to subsection
23 (1.7)(a)(I) of this section OR, IF NO PREFERENCE IS SO INDICATED
24 PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION, IN ENGLISH, of the
25 violation informing the unit owner that the unit owner has seventy-two
26 hours to cure the violation or the association may fine the unit owner.

27 (III) (A) If an association reasonably determines that a unit owner

1 committed a violation of the declaration, bylaws, covenants, or other
2 governing documents of the association, other than a violation that
3 threatens the public safety or health, the association shall, through
4 certified mail, return receipt requested, provide the unit owner written
5 notice, ~~in English and in any language that~~ FOR WHICH the unit owner has
6 indicated a preference ~~for correspondence and notices~~ pursuant to
7 subsection (1.7)(a)(I) of this section OR, IF NO PREFERENCE IS INDICATED
8 PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION, IN ENGLISH, of the
9 violation informing the unit owner that the unit owner has thirty days to
10 cure the violation or the association, after conducting an inspection and
11 determining that the unit owner has not cured the violation, may fine the
12 unit owner. However, the total amount of fines imposed for the violation
13 may not exceed five hundred dollars.

14 (VI) ~~Once the~~ AFTER A unit owner cures a violation, the
15 association shall notify the unit owner ~~in English and in any language that~~
16 FOR WHICH the unit owner has indicated a preference ~~for correspondence~~
17 ~~and notices~~ pursuant to subsection (1.7)(a)(I) of this section OR, IF NO
18 PREFERENCE IS INDICATED PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS
19 SECTION, IN ENGLISH:

20 (6) A notice of delinquency that an association sends to a unit
21 owner for unpaid assessments, fines, fees, or charges must:

22 (a) Be written ~~in English and in any language that~~ FOR WHICH the
23 unit owner has indicated a preference ~~for correspondence and notices~~
24 pursuant to subsection (1.7)(a)(I) of this section OR, IF NO PREFERENCE IS
25 INDICATED PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION, IN
26 ENGLISH;

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2026 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.