

CHAPTER 334

PROPERTY

HOUSE BILL 24-1233

BY REPRESENTATIVE(S) Wilson and Snyder, Bird, Young, Duran, Vigil;
also SENATOR(S) Roberts and Gardner, Priola.

AN ACT

CONCERNING MODIFICATIONS TO CERTAIN PROCEDURAL REQUIREMENTS WITH WHICH A UNIT OWNERS' ASSOCIATION MUST COMPLY WHEN SEEKING PAYMENT OF DELINQUENT AMOUNTS OWED BY A UNIT OWNER.

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

SECTION 1. In Colorado Revised Statutes, 38-33.3-209.5, **amend** (1.7)(a)(I); and **add** (11) and (12) as follows:

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. (1.7) (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~~ CONTACT, 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~~ CONTACT 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 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~~ ANY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

TIME 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 OR DESIGNATED CONTACT by ~~one~~ TWO of the following means:

(A) ~~First-class mail;~~ TELEPHONE CALL TO A TELEPHONE NUMBER THAT THE ASSOCIATION HAS ON FILE BECAUSE THE UNIT OWNER OR DESIGNATED CONTACT HAS PROVIDED THE NUMBER TO THE ASSOCIATION. IF THE ASSOCIATION ATTEMPTS TO CONTACT THE UNIT OWNER OR DESIGNATED CONTACT BY TELEPHONE BUT IS UNABLE TO CONTACT THE UNIT OWNER OR DESIGNATED CONTACT, THE ASSOCIATION SHALL, IF POSSIBLE, LEAVE A VOICE MESSAGE FOR THE UNIT OWNER OR DESIGNATED CONTACT.

(B) Text message to a cellular number that the association has on file because the unit owner OR DESIGNATED CONTACT 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 OR DESIGNATED CONTACT has provided the e-mail address to the association.

(11) WITH RESPECT TO ANY NOTICES OR OTHER DOCUMENTATION THAT AN ASSOCIATION SENDS A UNIT OWNER THROUGH CERTIFIED MAIL PURSUANT TO THIS SECTION OR SECTION 38-33.3-316 (8), THE ASSOCIATION MAY CHARGE THE UNIT OWNER AN AMOUNT NOT TO EXCEED THE ACTUAL COST OF THE CERTIFIED MAIL.

(12) THIS SECTION, AS AMENDED BY HOUSE BILL 22-1137, ENACTED IN 2022, DOES NOT APPLY TO THE COLLECTION OF DELINQUENT PAYMENTS OF ASSESSMENTS, FINES, OR FEES FROM A UNIT OWNER WHO OWNS A TIME SHARE UNIT, AS DEFINED IN SECTION 38-33-110(7), THAT IS NOT OCCUPIED BY RESIDENTS ON A FULL-TIME BASIS.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to notices of delinquency sent and payment plans entered into on or after the applicable effective date of this act.

Approved: June 3, 2024