

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB24-1158 be amended as follows:

1 Amend printed bill, page 2, before line 2 insert:

2 "SECTION 1. In Colorado Revised Statutes, 38-33.3-123, **add**
3 (3) as follows:

4 **38-33.3-123. Enforcement - limitation.** (3) NOTWITHSTANDING
5 ANY LAW TO THE CONTRARY, AS A CONDITION PRECEDENT TO RECOVERING
6 MONEY OR SUMS DUE TO THE ASSOCIATION, COLLECTION COSTS, OR
7 REASONABLE ATTORNEY FEES OR COSTS PURSUANT TO THIS SECTION, THE
8 ASSOCIATION SHALL STRICTLY COMPLY WITH THIS SECTION AND ANY
9 APPLICABLE PROVISIONS OF THIS TITLE 38 OR OTHER APPLICABLE LAW, THE
10 DECLARATION, BYLAWS, ARTICLES, AND RULES AND REGULATIONS."

11 Renumber succeeding sections accordingly.

12 Page 4, line 9, before "(12);" insert "(1)(a) and".

13 Page 4, strike line 11 and substitute "**charges, costs, and attorney fees**
14 **- limitations - definition.** (1) (a) (I) The association, if such association
15 is incorporated or organized as a limited liability company, has a statutory
16 lien on a unit for any assessment levied against that unit or fines imposed
17 against its unit owner. Fees, charges, late charges, attorney fees up to the
18 maximum amount authorized under subsection (7) of this section, fines,
19 and interest charged pursuant to section 38-33.3-302 (1)(j), (1)(k), and
20 (1)(l), section 38-33.3-313 (6), and section 38-33.3-315 (2) may be
21 subject to a statutory lien but are not subject to a foreclosure action under
22 this article 33.3."

23 (II) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES, "ASSESSMENT" MEANS A PAYMENT FOR COMMON EXPENSE
25 OBLIGATIONS OF UNIT OWNERS BASED ON A PERIODIC BUDGET ADOPTED BY
26 THE ASSOCIATION UNDER SECTION 38-33.3-315 (1), OR A PAYMENT FOR
27 LIMITED COMMON ELEMENTS OF UNIT OWNERS, AND SPECIFICALLY
28 EXCLUDES FINES, FEES, AND ANY COSTS ASSOCIATED WITH COLLECTING
29 DELINQUENT ASSESSMENTS, DISPUTE RESOLUTION, OR ENFORCEMENT OF
30 COVENANTS.

31 (7) (c) THE COURT".

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