

HB1043_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

HB25-1043 be amended as follows:

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

2 "SECTION 1. In Colorado Revised Statutes, 12-10-801, **amend**
3 (3)(c) as follows:

4 **12-10-801. HOA information and resource center - creation -**
5 **duties - rules - subject to review - repeal.** (3) (c) (I) The HOA
6 information officer shall track inquiries and complaints and report
7 annually to the director regarding the number and types of inquiries and
8 complaints received.

9 (II) IN ADDITION TO THE INFORMATION DESCRIBED IN SUBSECTION
10 (3)(c)(I) OF THIS SECTION, THE HOA INFORMATION OFFICER SHALL REPORT
11 IN THE ANNUAL HOA REPORT AGGREGATED INFORMATION PROVIDED BY
12 ASSOCIATIONS PURSUANT TO SECTION 38-33.3-401 (3.2) AS PART OF THE
13 ASSOCIATIONS' ANNUAL REGISTRATION WITH THE DIRECTOR OF THE
14 DIVISION."

15 Renumber succeeding sections accordingly.

16 Page 3, strike line 3 and substitute "ATTORNEY FEES OR COSTS THROUGH
17 THE FORECLOSURE OF AN ASSOCIATION LIEN, THE ASSOCIATION".

18 Page 3, line 5, before "PROVISIONS" insert "ASSOCIATION LIEN OR
19 FORECLOSURE".

20 Page 3, line 9, strike "and (5)(a.5)".

21 Page 4, line 15, strike "HOME AND HOW" and substitute "HOME, AND THE
22 AVAILABILITY OF ONLINE INFORMATION FROM THE FEDERAL DEPARTMENT
23 OF HOUSING AND URBAN DEVELOPMENT CONCERNING CREDIT COUNSELING
24 BEFORE FORECLOSURE THAT MAY BE ACCESSED THROUGH A LINK ON THE
25 DEPARTMENT OF LOCAL AFFAIRS' WEBSITE."

26 Page 4, strike lines 16 through 27.

27 Page 5, strike line 1.

28 Page 5, line 3, strike "(11.5)," and substitute "(11.2),".

29 Page 5, line 14, strike "(1);" and substitute "(1) OR THROUGH A LINK TO
30 THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ON
31 THE DEPARTMENT OF LOCAL AFFAIRS' WEBSITE;".

1 Page 5, strike lines 26 and 27 and substitute:

2 "(11.2) NO LATER THAN FIVE BUSINESS DAYS AFTER AN
3 ASSOCIATION INITIATES LEGAL ACTION TO FORECLOSE A LIEN DESCRIBED
4 IN THIS SECTION, THE ASSOCIATION SHALL PROVIDE WRITTEN AND
5 ELECTRONIC NOTICE TO ALL LIENHOLDERS IDENTIFIED IN THE UNIT OWNER
6 PROPERTY RECORDS OF:
7 (a) THE RIGHT TO CURE THE NONPAYMENT PURSUANT TO SECTION
8 38-38-104; AND
9 (b) THE RIGHT OF THE UNIT OWNER TO FILE A MOTION TO STAY THE
10 SALE OF THE PROPERTY AT AUCTION PURSUANT TO SECTION 38-38-109.5."

11 Page 6, strike lines 1 through 26.

12 Page 7, strike lines 15 through 24 and substitute:

13 "(a) FOR THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING
14 THE ASSOCIATION'S ANNUAL REGISTRATION, THE NUMBER OF UNIT OWNERS
15 THAT WERE, AT ANY TIME DURING THE TWELVE-MONTH PERIOD, SIX OR
16 MORE CALENDAR MONTHS DELINQUENT IN THE PAYMENT OF AN ANNUAL
17 ASSESSMENT OR SPECIAL ASSESSMENT;".

18 Page 8, strike lines 12 through 27.

19 Page 9, strike lines 1 through 4 and substitute:

20 "SECTION 6. In Colorado Revised Statutes, add 38-38-109.5 as
21 follows:

22 **38-38-109.5 Continuance of sale - unit association lien - unit**
23 **owner's motion to stay - escrow of proceeds - purchaser title.**

24 (1) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 38 TO THE
25 CONTRARY, AT ANY TIME AFTER A UNIT OWNERS' ASSOCIATION FILES AN
26 ACTION FOR FORECLOSURE OF THE UNIT ASSOCIATION LIEN ON A UNIT, BUT
27 PRIOR TO THE SALE DATE AT AUCTION, THE UNIT OWNER OR THE UNIT
28 OWNER'S DESIGNATED REPRESENTATIVE MAY FILE A MOTION WITH THE
29 COURT TO STAY THE SALE OF THE UNIT WITH NOTICE OF THE UNIT OWNER'S
30 INTENT TO LIST THE UNIT FOR SALE FOR THE FAIR MARKET VALUE OF THE
31 UNIT OR AN ALTERNATE AMOUNT AS SPECIFIED IN SUBSECTION (2) OF THIS
32 SECTION. THE UNIT OWNER OR THE UNIT OWNER'S DESIGNATED
33 REPRESENTATIVE SHALL PROVIDE NOTICE OF THE MOTION TO STAY THE
34 SALE TO THE ASSOCIATION AND TO THE OFFICER.

35 (2) (a) THE UNIT OWNER SHALL STATE IN THE MOTION TO STAY:

36 (I) THE FAIR MARKET VALUE OF THE UNIT, AS DETERMINED BY:

37 (A) AN APPRAISAL OF THE UNIT;

38 (B) A MARKET ANALYSIS CONDUCTED BY A LICENSED REAL ESTATE

1 AGENT; OR
2 (C) THE ASSESSED VALUE OF THE UNIT RECORDED IN THE COUNTY
3 ASSESSOR'S PROPERTY TAX RECORDS ON THE DATE OF THE COURT'S ORDER
4 TO SELL THE UNIT; OR
5 (II) AN ALTERNATE VALUE FOR THE UNIT THAT, IF LESS THAN THE
6 FAIR MARKET VALUE OF THE UNIT, EXCEEDS THE SUM OF ALL LIENS AND
7 ANY FEES OR COSTS ADVANCED BY THE HOLDER OF THE EVIDENCE OF
8 DEBT.
9 (b) THE COURT MAY ALLOW THE UNIT OWNER ADDITIONAL TIME TO
10 SUBMIT THE FAIR MARKET VALUE OR ALTERNATE VALUE TO THE COURT.
11 (c) THE UNIT OWNER SHALL LIST THE UNIT AT THE SALE PRICE
12 SPECIFIED IN THE MOTION TO STAY, UNLESS THE ASSOCIATION OBJECTS TO
13 THE UNIT OWNER'S DECLARED FAIR MARKET VALUE OR ALTERNATE VALUE
14 OF THE UNIT. THE ASSOCIATION MAY SUBMIT EVIDENCE OF THE UNIT'S
15 VALUE TO THE COURT. BASED ON THE EVIDENCE, THE COURT SHALL SET
16 THE INITIAL LIST PRICE OF THE UNIT AND MAY FURTHER ORDER A CHANGE
17 TO THE LIST PRICE IF SUPPORTED BY SUFFICIENT EVIDENCE.
18 (3) THE COURT MAY EXTEND THE STAY OF THE SALE OF THE UNIT
19 AT AUCTION BEYOND NINE MONTHS UPON EVIDENCE THAT THE SALE OF
20 THE UNIT IS IMMINENT OR FOR GOOD CAUSE, AS DETERMINED BY THE
21 COURT.
22 (4) IF A SALE DATE WAS SCHEDULED, THE OFFICER SHALL POST OR
23 PROVIDE NOTICE OF THE CONTINUANCE OF THE SALE WHILE THE STAY IS IN
24 EFFECT.
25 (5) THE COURT SHALL ENTER ANY ORDERS NECESSARY TO ENSURE
26 THAT THE PROCEEDS OF THE SALE OF THE UNIT ARE HELD IN ESCROW AND
27 DISTRIBUTED BY THE COURT IN ACCORDANCE WITH LIEN PRIORITY AND
28 OTHER APPLICABLE LAW.
29 (6) A PURCHASER OF A UNIT LISTED FOR SALE PURSUANT TO THIS
30 SECTION SHALL TAKE TITLE TO THE UNIT FREE AND CLEAR OF ANY
31 ENCUMBRANCES RELATING TO FILING OF THE FORECLOSURE ACTION."

32 Renumber succeeding section accordingly.

** **