

HB23-1105 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 24-31-117 and  
4 24-31-118 as follows:

5 **24-31-117. HOA homeowners' rights task force - creation -**  
6 **membership - duties - facilitation - reporting - definitions - repeal.**

7 (1) AS USED IN THIS SECTION AND IN SECTION 24-31-118, UNLESS THE  
8 CONTEXT OTHERWISE REQUIRES:

9 (a) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET  
10 FORTH IN SECTION 38-33.3-103 (8).

11 (b) "DEVELOPER" MEANS ANY PERSON THAT OWNS A SUBDIVISION  
12 OR IS A DESIGNEE OF THE OWNER OF A SUBDIVISION.

13 (c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE  
14 MEANING SET FORTH IN SECTION 24-4-109 (2)(b).

15 (d) "EXECUTIVE BOARD" HAS THE MEANING SET FORTH IN SECTION  
16 38-33.3-103 (16).

17 (e) "FACILITATOR" MEANS THE THIRD-PARTY TASK FORCE  
18 FACILITATOR HIRED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION  
19 AND PURSUANT TO SECTION 24-31-118 (3)(a).

20 (f) "HOA HOMEOWNER" MEANS A "UNIT OWNER" AS DEFINED IN  
21 SECTION 38-33.3-103 (31).

22 (g) "HOMEOWNERS' ASSOCIATION" OR "ASSOCIATION" MEANS AN  
23 "ASSOCIATION" AS DEFINED IN SECTION 38-33.3-103 (3).

24 (h) "SUBDIVISION" HAS THE MEANING SET FORTH IN SECTION  
25 12-10-501 (3)(a).

26 (i) "TASK FORCE" MEANS THE HOA HOMEOWNERS' RIGHTS TASK  
27 FORCE CREATED IN SUBSECTION (2) OF THIS SECTION.

28 (2) THE HOA HOMEOWNERS' RIGHTS TASK FORCE IS CREATED IN  
29 THE DEPARTMENT OF LAW, CREATED IN SECTION 24-1-113 (1), TO EXAMINE  
30 ISSUES CONFRONTING COMMUNITIES THAT ARE GOVERNED BY THE  
31 EXECUTIVE BOARD OF AN ASSOCIATION.

32 (3) (a) THE HOA HOMEOWNERS' RIGHTS TASK FORCE CONSISTS OF  
33 THE FOLLOWING:

34 (I) EX OFFICIO MEMBERS:

35 (A) A REPRESENTATIVE OF THE DEPARTMENT OF LAW, AS  
36 APPOINTED BY THE ATTORNEY GENERAL;

37 (B) THE DIRECTOR OF THE DIVISION OF REAL ESTATE CREATED IN  
38 SECTION 12-10-207 (1) OR THE DIRECTOR'S DESIGNEE;

39 (C) THE STATE DIRECTOR OF THE DIVISION OF HOUSING IN THE  
40 DEPARTMENT OF LOCAL AFFAIRS APPOINTED PURSUANT TO SECTION

1 24-32-704 (1) OR THE STATE DIRECTOR'S DESIGNEE; AND  
2 (D) THE HOA INFORMATION OFFICER APPOINTED PURSUANT TO  
3 SECTION 12-10-801 (1); AND  
4 (II) MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
5 REPRESENTATIVES, IN CONSULTATION WITH THE CHAIRS OF THE HOUSE OF  
6 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT  
7 COMMITTEE AND THE SENATE LOCAL GOVERNMENT AND HOUSING  
8 COMMITTEE:  
9 (A) TWO HOA HOMEOWNERS IN THE STATE, AT LEAST ONE OF  
10 WHOM RESIDES IN A COMMON INTEREST COMMUNITY LOCATED IN A  
11 DISPROPORTIONATELY IMPACTED COMMUNITY AND AT LEAST ONE OF  
12 WHOM SERVES ON THE EXECUTIVE BOARD OF THE HOA HOMEOWNER'S  
13 HOA;  
14 (B) AN ATTORNEY LICENSED IN THE STATE WHO SPECIALIZES IN  
15 COMMON INTEREST COMMUNITY LAW;  
16 (C) A REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES  
17 FOR HOA HOMEOWNERS IN THE STATE;  
18 (D) A REPRESENTATIVE OF A DEVELOPER REGISTERED PURSUANT  
19 TO SECTION 12-10-503 (1);  
20 (E) AN ACCREDITED COMMUNITY ASSOCIATION MANAGER;  
21 (F) AN ATTORNEY LICENSED IN THE STATE WHO PRIMARILY  
22 REPRESENTS HOMEOWNERS IN LEGAL PROCEEDINGS AGAINST COMMON  
23 INTEREST COMMUNITIES;  
24 (G) A MEMBER OF THE HOUSE OF REPRESENTATIVES; AND  
25 (H) A MEMBER OF THE SENATE.  
26 (b) (I) MEMBERS OF THE TASK FORCE SHALL BE DESIGNATED OR  
27 APPOINTED TO THE TASK FORCE PURSUANT TO SUBSECTION (3)(a) OF THIS  
28 SECTION ON OR BEFORE JULY 15, 2023.  
29 (II) MEMBERS APPOINTED TO THE TASK FORCE SERVE AT THE  
30 PLEASURE OF THE APPOINTING AUTHORITIES. THE APPOINTING  
31 AUTHORITIES MAY APPOINT A NEW MEMBER TO THE TASK FORCE TO  
32 REPLACE A MEMBER WHO CAN NO LONGER SERVE ON THE TASK FORCE.  
33 (III) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(III)(B) OF  
34 THIS SECTION, MEMBERS OF THE TASK FORCE SERVE WITHOUT  
35 COMPENSATION.  
36 (B) LEGISLATIVE MEMBERS APPOINTED TO THE TASK FORCE  
37 PURSUANT TO SUBSECTIONS (3)(a)(II)(G) AND (3)(a)(II)(H) OF THIS  
38 SECTION ARE COMPENSATED PURSUANT TO SECTION 2-2-307.  
39 (IV) THE TASK FORCE SHALL MEET AS EARLY AS PRACTICABLE  
40 AFTER ALL MEMBERS HAVE BEEN DESIGNATED OR APPOINTED PURSUANT  
41 TO SUBSECTION (3)(a) OF THIS SECTION. THE REPRESENTATIVE OF THE  
42 DEPARTMENT OF LAW SERVING ON THE TASK FORCE IS THE CHAIR OF THE  
43 TASK FORCE. THE CHAIR SHALL CONVENE AS MANY MEETINGS OF THE

1 TASK FORCE AS THE CHAIR DEEMS NECESSARY.

2 (c) (I) THE TASK FORCE SHALL EXAMINE ISSUES CONFRONTING  
3 HOA HOMEOWNERS' RIGHTS, INCLUDING THE FOLLOWING AUTHORITY AND  
4 PRACTICES OF ASSOCIATIONS:

5 (A) FINING AUTHORITY AND PRACTICES;  
6 (B) FORECLOSURE PRACTICES;  
7 (C) COMMUNICATIONS WITH HOA HOMEOWNERS REGARDING  
8 ASSOCIATION PROCESSES AND HOA HOMEOWNERS' RIGHTS AND  
9 RESPONSIBILITIES; AND

10 (D) FOR EACH ASSOCIATION IN A REPRESENTATIVE SAMPLE OF  
11 ASSOCIATIONS IN THE STATE THAT THE TASK FORCE SELECTS, THE  
12 AVAILABILITY OF AND METHOD OF MAKING AVAILABLE TO HOA  
13 HOMEOWNERS IN THE ASSOCIATION: THE DECLARATION; COVENANTS;  
14 BYLAWS; ARTICLES OF INCORPORATION IF THE ASSOCIATION IS A  
15 CORPORATION OR OTHER ORGANIZATIONAL DOCUMENTS IF THE  
16 ASSOCIATION IS ANOTHER TYPE OF ENTITY; RULES AND REGULATIONS;  
17 RESPONSIBLE GOVERNANCE POLICIES ADOPTED PURSUANT TO SECTION  
18 38-33.3-209.5; ANY OTHER POLICIES THAT THE EXECUTIVE BOARD OF THE  
19 HOA ADOPTS; FINANCIAL STATEMENTS AS DESCRIBED IN SECTION  
20 7-136-106; THE MOST RECENT RESERVE STUDY, IF THE ASSOCIATION HAS  
21 CONDUCTED A RESERVE STUDY; AND RECORDS OF THE EXECUTIVE BOARD'S  
22 ACTIONS RELATED TO COLLECTIONS ACTIVITY OR LEGAL ACTION TAKEN  
23 AGAINST A UNIT OWNER.

24 (II) THE TASK FORCE SHALL ALSO REVIEW HOA HOMEOWNERS'  
25 COMPLAINTS, AS REPORTED TO THE HOA INFORMATION AND RESOURCE  
26 CENTER CREATED IN SECTION 12-10-801 (1) OR TO HOMEOWNERS'  
27 ADVOCACY GROUPS IN THE STATE.

28 (III) AS PART OF THE TASK FORCE'S EXAMINATION, THE TASK  
29 FORCE SHALL REVIEW:

30 (A) THE "COLORADO COMMON INTEREST OWNERSHIP ACT",  
31 ARTICLE 33.3 OF TITLE 38, AND ANY OTHER LAWS IN THE STATE  
32 REGARDING COMMON INTEREST COMMUNITIES;

33 (B) OTHER STATES' LAWS REGARDING COMMON INTEREST  
34 COMMUNITIES; AND

35 (C) THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF 2021, AS  
36 PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON  
37 UNIFORM STATE LAWS.

38 (IV) THE EXECUTIVE BOARD OF AN ASSOCIATION SHALL  
39 COOPERATE WITH ANY REQUEST FROM THE TASK FORCE FOR INFORMATION  
40 REGARDING THE ASSOCIATION, INCLUDING ANY REQUEST FOR THE  
41 ASSOCIATION'S GOVERNING DOCUMENTS, FINANCIAL STATEMENTS,  
42 RESERVE STUDIES, OR RECORDS RELATED TO COLLECTIONS ACTIVITY OR  
43 LEGAL ACTIONS. AN ASSOCIATION SUBMITTING DOCUMENTATION TO THE

1 TASK FORCE SHALL REMOVE ALL PERSONAL IDENTIFYING INFORMATION  
2 FROM THE DOCUMENTATION BEFORE SUBMITTING IT. THE TASK FORCE MAY  
3 ONLY REPORT ON INFORMATION RECEIVED FROM AN ASSOCIATION IN A  
4 MANNER THAT PROTECTS AGAINST THE PUBLICATION OF ANY PERSONAL  
5 IDENTIFYING INFORMATION OF HOA HOMEOWNERS.

6 (4) (a) THE DEPARTMENT OF LAW SHALL HIRE A THIRD-PARTY  
7 FACILITATOR TO GUIDE THE WORK OF THE TASK FORCE.

8 (b) THE TASK FORCE MAY SEEK OUT AND ASSIGN MEMBERS OF THE  
9 PUBLIC TO SERVE ON AN ADVISORY COMMITTEE TO ASSIST THE TASK FORCE  
10 IN ITS WORK.

11 (5) (a) ON OR BEFORE OCTOBER 15, 2023, THE TASK FORCE SHALL  
12 PREPARE AN INTERIM REPORT OF ITS INITIAL FINDINGS AND CONCLUSIONS  
13 REGARDING MATTERS THE TASK FORCE EXAMINES PURSUANT TO  
14 SUBSECTION (3)(c) OF THIS SECTION. THE DEPARTMENT OF LAW SHALL  
15 PUBLISH THE INTERIM REPORT ON ITS WEBSITE AND SUBMIT A COPY OF THE  
16 INTERIM REPORT TO THE METROPOLITAN DISTRICT HOMEOWNERS' RIGHTS  
17 TASK FORCE CREATED IN SECTION 24-31-118 (1)(a).

18 (b) ON OR BEFORE JANUARY 15, 2024, THE TASK FORCE SHALL  
19 PREPARE A FINAL REPORT OF ITS FINDINGS AND CONCLUSIONS REGARDING  
20 MATTERS THE TASK FORCE EXAMINES PURSUANT TO SUBSECTION (3)(c) OF  
21 THIS SECTION. THE DEPARTMENT OF LAW SHALL PUBLISH THE FINAL  
22 REPORT ON ITS WEBSITE AND SUBMIT COPIES OF THE REPORT TO:

23 (I) THE METROPOLITAN DISTRICT HOMEOWNERS' RIGHTS TASK  
24 FORCE CREATED IN SECTION 24-31-118 (1)(a);

25 (II) THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING,  
26 AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE LOCAL  
27 GOVERNMENT AND HOUSING COMMITTEE, OR THEIR SUCCESSOR  
28 COMMITTEES; AND

29 (III) THE GOVERNOR.

30 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

31 **24-31-118. Metropolitan district homeowners' rights task**  
32 **force - creation - membership - duties - facilitation - reporting -**  
33 **definition - repeal.** (1) (a) THE METROPOLITAN DISTRICT HOMEOWNERS'  
34 RIGHTS TASK FORCE IS CREATED IN THE DEPARTMENT OF LAW, CREATED IN  
35 SECTION 24-1-113 (1), TO EXAMINE ISSUES CONFRONTING COMMUNITIES  
36 THAT ARE GOVERNED BY THE BOARD OF A METROPOLITAN DISTRICT.

37 (b) (I) AS USED IN THIS SECTION, "METROPOLITAN DISTRICT"  
38 MEANS A SPECIAL DISTRICT THAT IS OPERATED IN COMPLIANCE WITH  
39 SECTION 32-1-1004 AND CREATED TO FINANCE INFRASTRUCTURE TO  
40 SUPPORT A HOUSING SUBDIVISION.

41 (II) DEFINITIONS SET FORTH IN SECTION 24-31-117(1) ALSO APPLY  
42 TO THE TERMS AS THEY ARE USED IN THIS SECTION.

43 (2) (a) THE METROPOLITAN DISTRICT HOMEOWNERS' RIGHTS TASK

1 FORCE CONSISTS OF THE FOLLOWING:  
2 (I) EX OFFICIO MEMBERS:  
3 (A) A REPRESENTATIVE OF THE DEPARTMENT OF LAW, AS  
4 APPOINTED BY THE ATTORNEY GENERAL;  
5 (B) THE STATE DIRECTOR OF THE DIVISION OF HOUSING IN THE  
6 DEPARTMENT OF LOCAL AFFAIRS APPOINTED PURSUANT TO SECTION  
7 24-32-704 (1) OR THE DIRECTOR'S DESIGNEE; AND  
8 (C) THE DIRECTOR OF THE DIVISION OF REAL ESTATE CREATED IN  
9 SECTION 12-10-207 (1) OR THE DIRECTOR'S DESIGNEE; AND  
10 (II) MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
11 REPRESENTATIVES, IN CONSULTATION WITH THE CHAIRS OF THE HOUSE OF  
12 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT  
13 COMMITTEE AND THE SENATE LOCAL GOVERNMENT AND HOUSING  
14 COMMITTEE:  
15 (A) TWO HOMEOWNERS RESIDING IN A METROPOLITAN DISTRICT IN  
16 THE STATE, AT LEAST ONE OF WHOM RESIDES IN A METROPOLITAN DISTRICT  
17 LOCATED IN A DISPROPORTIONATELY IMPACTED COMMUNITY AND AT  
18 LEAST ONE OF WHOM SERVES ON THE BOARD OF THE METROPOLITAN  
19 DISTRICT IN WHICH THE HOMEOWNER RESIDES;  
20 (B) AN ATTORNEY LICENSED IN THE STATE WHO SPECIALIZES IN  
21 METROPOLITAN DISTRICT LAW, AS RECOMMENDED BY A STATEWIDE  
22 ORGANIZATION THAT REPRESENTS SPECIAL DISTRICTS;  
23 (C) AN ELECTED CITY COUNCIL MEMBER, AS RECOMMENDED BY A  
24 STATEWIDE ORGANIZATION THAT REPRESENTS MUNICIPALITIES;  
25 (D) AN ELECTED COUNTY COMMISSIONER, AS RECOMMENDED BY  
26 A STATEWIDE ORGANIZATION THAT REPRESENTS COUNTIES;  
27 (E) A REPRESENTATIVE OF A DEVELOPER REGISTERED PURSUANT  
28 TO SECTION 12-10-503 (1) THAT HAS ONE OR MORE SUBDIVISIONS  
29 LOCATED WITHIN A METROPOLITAN DISTRICT;  
30 (F) A REPRESENTATIVE RECOMMENDED BY A STATEWIDE  
31 NONPROFIT ORGANIZATION THAT REPRESENTS METROPOLITAN DISTRICT  
32 EDUCATION IN A COALITION;  
33 (G) AN ATTORNEY LICENSED IN THE STATE WHO PRIMARILY  
34 REPRESENTS HOMEOWNERS IN LEGAL PROCEEDINGS AGAINST  
35 METROPOLITAN DISTRICTS;  
36 (H) A REPRESENTATIVE OF A NONPROFIT ORGANIZATION THAT  
37 REPRESENTS THE AFFORDABLE HOUSING COMMUNITY;  
38 (I) A MEMBER OF THE HOUSE OF REPRESENTATIVES; AND  
39 (J) A MEMBER OF THE SENATE.  
40 (b) (I) MEMBERS OF THE TASK FORCE SHALL BE DESIGNATED OR  
41 APPOINTED TO THE TASK FORCE PURSUANT TO SUBSECTION (2)(a) OF THIS  
42 SECTION ON OR BEFORE NOVEMBER 1, 2023.  
43 (II) MEMBERS APPOINTED TO THE TASK FORCE SERVE AT THE

1 PLEASURE OF THE APPOINTING AUTHORITIES. THE APPOINTING  
2 AUTHORITIES MAY APPOINT A NEW MEMBER TO THE TASK FORCE TO  
3 REPLACE A MEMBER WHO CAN NO LONGER SERVE ON THE TASK FORCE.

4 (III) (A) EXCEPT AS PROVIDED IN SUBSECTION (2)(b)(III)(B) OF  
5 THIS SECTION, MEMBERS OF THE TASK FORCE SERVE WITHOUT  
6 COMPENSATION.

7 (B) LEGISLATIVE MEMBERS APPOINTED TO THE TASK FORCE  
8 PURSUANT TO SUBSECTIONS (2)(a)(II)(I) AND (2)(a)(II)(J) OF THIS SECTION  
9 ARE COMPENSATED PURSUANT TO SECTION 2-2-307.

10 (IV) THE TASK FORCE SHALL MEET AS EARLY AS PRACTICABLE  
11 AFTER ALL MEMBERS HAVE BEEN DESIGNATED OR APPOINTED PURSUANT  
12 TO SUBSECTION (2)(a) OF THIS SECTION. THE REPRESENTATIVE OF THE  
13 DEPARTMENT OF LAW SERVING ON THE TASK FORCE IS THE CHAIR OF THE  
14 TASK FORCE. THE CHAIR SHALL CONVENE AS MANY MEETINGS OF THE  
15 TASK FORCE AS THE CHAIR DEEMS NECESSARY.

16 (c) (I) THE TASK FORCE SHALL EXAMINE ISSUES CONFRONTING  
17 METROPOLITAN DISTRICT HOMEOWNERS' RIGHTS, INCLUDING THE  
18 FOLLOWING AUTHORITY AND PRACTICES OF METROPOLITAN DISTRICT  
19 BOARDS:

20 (A) TAX LEVYING AUTHORITY AND PRACTICES;

21 (B) FORECLOSURE PRACTICES;

22 (C) COMMUNICATIONS WITH HOMEOWNERS REGARDING  
23 METROPOLITAN DISTRICT PROCESSES AND HOMEOWNERS' RIGHTS AND  
24 RESPONSIBILITIES; AND

25 (D) GOVERNANCE POLICIES, INCLUDING VOTING AND ELECTIONS  
26 POLICIES.

27 (II) THE TASK FORCE SHALL ALSO EXAMINE THE PROCESS BY  
28 WHICH A METROPOLITAN DISTRICT COULD TRANSITION FROM A  
29 METROPOLITAN DISTRICT THAT ENFORCES COVENANTS AND COLLECTS  
30 ASSESSMENTS INTO A COMMON INTEREST COMMUNITY GOVERNED UNDER  
31 ARTICLE 33.3 OF TITLE 38.

32 (III) AS PART OF THE TASK FORCE'S EXAMINATION, THE TASK  
33 FORCE SHALL REVIEW THE INTERIM AND FINAL REPORTS OF THE HOA  
34 HOMEOWNERS' RIGHTS TASK FORCE, CREATED IN SECTION 24-31-117 (2),  
35 TO DETERMINE WHETHER THE FINDINGS AND CONCLUSIONS SET FORTH IN  
36 THOSE REPORTS APPLY TO, AND PROVIDE GUIDANCE FOR, THE TASK  
37 FORCE'S OWN FINDINGS AND CONCLUSIONS REGARDING ISSUES  
38 CONFRONTING METROPOLITAN DISTRICT HOMEOWNERS' RIGHTS.

39 (3) (a) THE DEPARTMENT OF LAW SHALL HIRE A THIRD-PARTY  
40 FACILITATOR TO GUIDE THE WORK OF THE TASK FORCE.

41 (b) THE TASK FORCE MAY SEEK OUT AND ASSIGN MEMBERS OF THE  
42 PUBLIC TO SERVE ON AN ADVISORY COMMITTEE TO ASSIST THE TASK FORCE  
43 IN ITS WORK.

1           (4) ON OR BEFORE MARCH 15, 2024, THE TASK FORCE SHALL  
2 PREPARE A REPORT OF ITS FINDINGS AND CONCLUSIONS REGARDING  
3 MATTERS THE TASK FORCE EXAMINES PURSUANT TO SUBSECTION (2)(c) OF  
4 THIS SECTION. THE DEPARTMENT OF LAW SHALL PUBLISH THE REPORT ON  
5 ITS WEBSITE AND SUBMIT COPIES OF THE REPORT TO:

6           (a) THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING,  
7 AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE LOCAL  
8 GOVERNMENT AND HOUSING COMMITTEE, OR THEIR SUCCESSOR  
9 COMMITTEES; AND

10          (b) THE GOVERNOR.

11          (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

12          **SECTION 3. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety."

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