

HB1229\_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business Affairs & Labor.

HB21-1229 be amended as follows:

- 1 Amend printed bill, page 6, line 17, after "(a)" insert "(I)".
- 2 Page 6, strike lines 19 through 22 and substitute "~~of the provisions of~~  
3 UNDER this ~~article may~~ ARTICLE 33.3 AND THAT THE PARTIES HAVE BEEN  
4 UNABLE TO RESOLVE DIRECTLY OR THROUGH THE HOA INFORMATION AND  
5 RESOURCE CENTER'S DISPUTE RESOLUTION PROCESS PURSUANT TO SECTION  
6 12-10-801 (3)(b)(V) AND (3)(c)(IV) MUST be submitted to mediation, ~~by~~  
7 **agreement**".
- 8 Page 7, after line 4 insert:
- 9 "(II) THIS SUBSECTION (2)(a) DOES NOT APPLY TO A CONTROVERSY  
10 INVOLVING PAST-DUE ASSESSMENTS OR AN ACTION OR PROSPECTIVE  
11 ACTION AGAINST A CONSTRUCTION PROFESSIONAL, AS DEFINED IN SECTION  
12 13-20-802.5".
- 13 Page 7, line 5, after the comma insert "UNLESS OTHERWISE AGREED BY  
14 THE PARTIES,".
- 15 Page 25, after line 17 insert:
- 16 "**SECTION 17.** In Colorado Revised Statutes, 12-10-215, **amend**  
17 (2)(a)(II); and **add** (2)(a)(III), (2)(a)(IV), and (2)(a)(V) as follows:  
18 **12-10-215. Fee adjustments - cash fund created - grants for**  
19 **mediator education.** (2) (a) (II) The costs of the HOA information and  
20 resource center, created in section 12-10-801, shall be paid from the  
21 division of real estate cash fund created in this section. The division shall  
22 estimate the direct and indirect costs of operating the HOA information  
23 and resource center. ~~and~~ THE DIRECTOR shall establish the amount of ~~the~~  
24 A UNIT OWNERS' ASSOCIATION'S annual registration fee, to be collected  
25 under section 38-33.3-401, ~~The amount of the registration~~ BY  
26 DETERMINING A PER-UNIT ANNUAL REGISTRATION fee AND MULTIPLYING  
27 IT BY THE NUMBER OF UNITS IN THE ASSOCIATION. THE DIRECTOR shall ~~be~~  
28 SET THE PER-UNIT ANNUAL REGISTRATION FEE AT AN AMOUNT THAT, WHEN  
29 MULTIPLIED BY THE NUMBER OF UNITS IN ASSOCIATIONS REQUIRED TO PAY  
30 THE FEE UNDER SECTION 38-33.3-401, IS sufficient to recover these costs,  
31 subject to a maximum limit of ~~fifty~~ SIX dollars PER UNIT.
- 32 (III) TO DETERMINE THE PER-UNIT ANNUAL REGISTRATION FEE  
33 UNDER SUBSECTION (2)(a)(II) OF THIS SECTION, THE DIVISION SHALL:
- 34 (A) DETERMINE THE TOTAL NUMBER OF UNITS IN ALL

1 ASSOCIATIONS THAT ARE NOT EXEMPT FROM PAYING THE FEE UNDER  
2 SECTION 38-33.3-401 (2)(b), BASED ON THE INFORMATION PROVIDED BY  
3 ASSOCIATIONS UNDER SECTION 38-33.3-401 (2)(a)(V); AND

4 (B) DIVIDE THE TOTAL AMOUNT OF THE ESTIMATED DIRECT AND  
5 INDIRECT COSTS OF OPERATING THE HOA INFORMATION AND RESOURCE  
6 CENTER BY THE NUMBER CALCULATED IN SUBSECTION (2)(a)(III)(A) OF  
7 THIS SECTION.

8 (IV) THE DIVISION SHALL CALCULATE AN ASSOCIATION'S ANNUAL  
9 REGISTRATION FEE BY MULTIPLYING THE PER-UNIT ANNUAL REGISTRATION  
10 FEE, AS DETERMINED UNDER SUBSECTION (2)(a)(II) OF THIS SECTION, BY  
11 THE NUMBER OF UNITS IN THE ASSOCIATION.

12 (V) TO THE EXTENT FUNDING IS AVAILABLE, THE DIVISION MAY  
13 PROVIDE GRANTS FOR SPECIALIZED TRAINING OF MEDIATORS TO RESOLVE  
14 DISPUTES ARISING UNDER THE "COLORADO COMMON INTEREST  
15 OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38."

16 Renumber succeeding sections accordingly.

17 Page 25, strike lines 19 and 20 and substitute "(3) as follows:".

18 Page 25, line 22, after "**duties -**" insert "**role as ombudsman -**".

19 Page 26, after line 15 insert:

20 "(II) Coordinating and assisting in the preparation of educational  
21 and reference materials, including materials to assist unit owners,  
22 executive boards, board members, and association managers in  
23 understanding their rights and responsibilities with respect to:

24 (A) Open meetings;

25 (B) Proper use of executive sessions;

26 (C) Removal of executive board members;

27 (D) Unit owners' right to speak at meetings of the executive  
28 board;

29 (E) Unit owners' obligation to pay assessments and the  
30 association's rights and responsibilities in pursuing collection of past-due  
31 amounts; and

32 (F) Other educational or reference materials that the HOA  
33 information officer deems necessary or appropriate;"

34 Page 26, line 27, strike "(2)(a);" and substitute "(2)(a), INCLUDING A  
35 DESIGNATION OF MEDIATORS AND MEDIATION FIRMS WITH PARTICULAR  
36 EXPERTISE IN RESOLVING SPECIFIC TYPES OF DISPUTES ARISING UNDER THE  
37 ACT;"

1 Page 27, after line 4 insert:  
2 "(b) The HOA information officer may:  
3 (I) Employ one or more assistants as may be necessary to carry out  
4 his or her duties; and  
5 (II) Request certain records from associations as necessary to  
6 carry out the HOA information officer's duties as set forth in this section;  
7 (III) RECOMMEND RULE CHANGES CONCERNING THE FILING,  
8 INVESTIGATION, AND RESOLUTION OF COMPLAINTS;  
9 (IV) REFER DISPUTES ARISING BETWEEN OR AMONG THE DIVISION,  
10 UNIT OWNERS, BOARDS OF DIRECTORS, BOARD MEMBERS, AND  
11 ASSOCIATION MANAGERS TO ALTERNATIVE DISPUTE RESOLUTION SERVICES  
12 IN ACCORDANCE WITH SECTION 38-33.3-124; AND  
13 (V) IF NO FORMAL ACTION HAS BEEN TAKEN WITH REGARD TO A  
14 DISPUTE THAT HAS ARISEN BETWEEN OR AMONG UNIT OWNERS, BOARDS OF  
15 DIRECTORS, BOARD MEMBERS, ASSOCIATION MANAGERS, OR OTHER  
16 AFFECTED PARTIES, ASSIST WITH RESOLVING THE DISPUTE BY OFFERING TO  
17 MEDIATE. IN MEDIATING A DISPUTE, THE HOA INFORMATION OFFICER  
18 SHALL ACT AS AN OMBUDSMAN AND NEUTRAL RESOURCE FOR ALL PARTIES  
19 INVOLVED AND SHALL NOT PURPORT TO GIVE LEGAL ADVICE TO A PARTY.  
20 (c) The HOA information officer shall:  
21 (I) Track inquiries and complaints and report annually to the  
22 director regarding the number and types of inquiries and complaints  
23 received;  
24 (II) REPORT PROMPTLY TO THE DIRECTOR REGARDING SUSPECTED  
25 VIOLATIONS OF THE ACT OR RULES PROMULGATED UNDER THE ACT;  
26 (III) ACT AS A LIAISON BETWEEN THE DIVISION, UNIT OWNERS,  
27 BOARDS OF DIRECTORS, BOARD MEMBERS, AND ASSOCIATION MANAGERS;  
28 (IV) PROVIDE UNIT OWNERS, BOARDS OF DIRECTORS, BOARD  
29 MEMBERS, AND ASSOCIATION MANAGERS WITH INFORMATION AND  
30 RESOURCES CONCERNING THE PROCEDURES AND PROCESSES AVAILABLE TO  
31 THEM TO RESOLVE CONFLICTS, INCLUDING WHERE AND HOW TO OBTAIN  
32 EXPLANATIONS OF LAWS AND REGULATIONS GOVERNING COMMON  
33 INTEREST COMMUNITIES AND BOARD INTERPRETATIONS OF THE LAWS AND  
34 REGULATIONS. IN PROVIDING DIRECTION ON WHERE TO SEEK RESOURCES,  
35 THE HOA INFORMATION OFFICER SHALL ACT AS A NEUTRAL SOURCE AND  
36 SHALL NOT PURPORT TO GIVE LEGAL ADVICE.  
37 (V) WITH REGARD TO HOA ELECTIONS:  
38 (A) MONITOR AND REVIEW ASSOCIATIONS' PROCEDURES AND ANY  
39 ELECTION-RELATED DISPUTES THAT ARISE;  
40 (B) RECOMMEND ENFORCEMENT ACTION WHEN THE HOA  
41 INFORMATION OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT  
42 ELECTION MISCONDUCT HAS OCCURRED; AND  
43 (C) APPOINT AN ELECTION MONITOR AND CONDUCT THE ELECTION

1 OF DIRECTORS OF AN ASSOCIATION IF FIFTEEN PERCENT OF THE TOTAL  
2 VOTING INTERESTS IN THE ASSOCIATION, OR SIX UNIT OWNERS, WHICHEVER  
3 IS GREATER, PETITION THE HOA INFORMATION OFFICER TO DO SO."

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