

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON HB25-1043

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on HB25-1043, concerning the protection of unit owners in relation to enforcement actions by unit owners' associations, has met and reports that it has agreed upon the following:

1. That the House accede to the Senate amendments made to the bill, as the amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 7, line 15, after "(10.3)," insert "(10.8),".

Page 8, after line 12 insert:

"(10.8) (a) IN ADDITION TO THE NOTIFICATIONS OR INFORMATION THAT THE ASSOCIATION IS REQUIRED PURSUANT TO SECTION 38-33.3-209.5 TO PROVIDE TO A UNIT OWNER PRIOR TO INITIATING A LEGAL ACTION, AT LEAST THIRTY DAYS BEFORE INITIATING A LEGAL ACTION TO FORECLOSE AN ASSOCIATION LIEN UNDER THIS SECTION, THE ASSOCIATION SHALL PROVIDE NOTICE TO THE UNIT OWNER OF THE ASSOCIATION'S INTENT TO FORECLOSE THE LIEN UNDER THIS SECTION.

(b) (I) THE ASSOCIATION SHALL SEND THE NOTICE OF INTENT TO FORECLOSE THE ASSOCIATION LIEN TO THE UNIT OWNER OR THE UNIT OWNER'S DESIGNATED CONTACT, IF THE UNIT OWNER HAS IDENTIFIED ANOTHER INDIVIDUAL TO SERVE AS A DESIGNATED CONTACT PURSUANT TO SECTION 38-33.3-209.5 (1.7). IF THE UNIT OWNER OR THE UNIT OWNER'S

DESIGNATED CONTACT HAS NOTIFIED THE ASSOCIATION OF A PREFERENCE TO RECEIVE NOTICES IN A LANGUAGE OTHER THAN ENGLISH PURSUANT TO SECTION 38-33.3-209.5 (1.7)(a)(I), THE NOTICE MUST BE SENT IN THE PREFERRED LANGUAGE.

(II) FOR PURPOSES OF PROVIDING THE ASSOCIATION'S NOTICE OF INTENT TO FORECLOSE TO THE UNIT OWNER, IF THE ASSOCIATION DOES NOT ALREADY HAVE THE INFORMATION, PRIOR TO SENDING THE NOTICE, THE ASSOCIATION SHALL REQUEST FROM THE UNIT OWNER OR THE UNIT OWNER'S DESIGNATED CONTACT, A TELEPHONE NUMBER FOR PHONE CALLS, A CELLULAR NUMBER FOR TEXTS, AND AN EMAIL ADDRESS FOR EMAILS.

(III) THE ASSOCIATION SHALL SEND THE NOTICE OF INTENT TO FORECLOSE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY AT LEAST TWO OF THE FOLLOWING MEANS:

(A) 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;

(C) EMAIL TO AN EMAIL ADDRESS THAT THE ASSOCIATION HAS ON FILE BECAUSE THE UNIT OWNER OR DESIGNATED CONTACT HAS PROVIDED THE EMAIL ADDRESS TO THE ASSOCIATION; OR

(D) REGULAR MAIL, IF THE UNIT OWNER OR DESIGNATED CONTACT HAS NOT PROVIDED A TELEPHONE NUMBER, CELLULAR NUMBER, OR EMAIL ADDRESS AS ADDITIONAL MEANS BY WHICH TO RECEIVE NOTICES.

(c) THE NOTICE OF INTENT TO FORECLOSE THE ASSOCIATION LIEN MUST INFORM THE UNIT OWNER THAT:

(I) THE ASSOCIATION INTENDS TO FILE A LAWSUIT AGAINST THE UNIT OWNER'S PROPERTY AND THAT, IF THE COURT FORECLOSES ON THE LIEN, THE COURT WILL ORDER THE SALE OF THE UNIT AT AUCTION TO PAY THE DELINQUENT ASSESSMENTS DUE TO THE ASSOCIATION;

(II) BASED ON THE SALE PRICE OF THE UNIT AT AUCTION, THE UNIT OWNER COULD LOSE SOME OR ALL OF THE UNIT OWNER'S EQUITY IN THE UNIT;

(III) PURSUANT TO SUBSECTION (10.3) OF THIS SECTION, THE UNIT OWNER HAS A RIGHT TO PARTICIPATE IN CREDIT COUNSELING PRIOR TO

FORECLOSURE;

(IV) PURSUANT TO SUBSECTION (10.7) OF THIS SECTION, THE UNIT OWNER HAS A RIGHT TO PARTICIPATE IN MEDIATION WITH THE ASSOCIATION PRIOR TO FORECLOSURE; AND

(V) PURSUANT TO SECTION 38-33.3-209.5 (5)(a)(V)(E), THE OWNER HAS ACCESS TO, AND INSTRUCTIONS ON HOW TO ACCESS, FREE ONLINE INFORMATION THROUGH THE HOA INFORMATION AND RESOURCES CENTER CREATED IN SECTION 12-10-801 (1) RELATING TO FORECLOSURE BY AN ASSOCIATION.

(d) UNLESS REQUIRED UNDER ANOTHER PROVISION OF LAW, THIS SUBSECTION (10.8) DOES NOT APPLY TO A TIME SHARE UNIT, AS DEFINED IN SECTION 38-33-110 (7).".

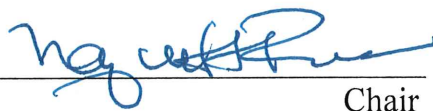
Page 12, after line 2 insert:

"(7) THIS SECTION DOES NOT APPLY TO AN ACTION FOR FORECLOSURE OF A TIME SHARE UNIT, AS DEFINED IN SECTION 38-33-110 (7).".

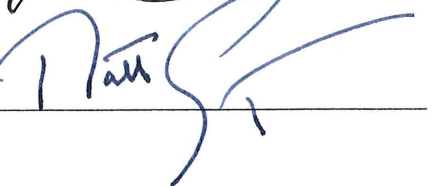
Respectfully submitted,

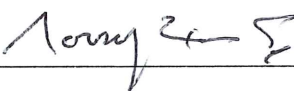
House Committee:

Senate Committee:


Chair






Chair

