

HB 18-1126 Dog Bill: Conflicts with State, Local, HOA laws & Senior Living

This Bill requires HOAs to accept dogs of any size, breed, and weight. The Bill is a legal nightmare by contradicting many laws; is a threat to home owner's rights in creating controls, restrictions, and covenants approved by home owners; a safety issue to senior condominium communities; and will cost HOAs in increased liability insurance. Please consider the below seven items when voting on this Bill:

1. This Bill attempts to invalidate pet restrictions in the State's 8,000+ HOAs related to the size, weight, and breed of dog that were authorized by home owners. Thus, it is a Bill telling home owners what they should like and must accept regardless of the by-laws they agreed to/wanted when they purchased their home.
2. This Bill is in direct contradiction of HOA legal documents (Declaration/by-laws) that indicate only a vote of home owners can change the governing documents. Thus it is intrusive of "legal" home owner's rights.
3. This Bill is in contradiction of State HOA law (CCIOA) that indicates changes to the HOA Declaration/by-laws indicating pet restrictions can't be changed without a vote of the home owners.
4. This Bill is contradictory to the laws of many localities that passed ordinances to restrict certain breeds of dogs and thus any HOA within the municipality must enforce such restrictions that this law challenges: a costly legal nightmare for cities, home owners, and HOAs. Note, if a locality bans a breed(s) and is a home rule city, this Bill can't override that law. Denver, Aurora, Lone Tree, and other cities of home rule ban breeds. Within these localities are several thousand HOAs and more than 40% of the State's population. Add to this HOAs that outright ban dogs (this doesn't affect) and this law will not be effective most HOAs: thus what is the purpose? Also note, the sponsor of this Bill is pushing it for Denver that is home rule and bans breeds thus the target of the Bill is totally off track.
5. This Bill will force senior citizen focused condominium HOAs to accept large and identified (by the insurance industry) vicious dogs. When the HOA (home owners) has decided that either would pose a safety issue to residents (and small dogs) in the community and that the normally smaller resident units are not adaptable to housing large dogs this Bill attempts to tell them they are wrong and forces safety problems on residents.
6. Introducing large and/or vicious dogs into an HOA condominium or other type neighborhood will result in significant, thousands of dollars or more, increases in insurance liability premiums.
7. The sponsor of the Bill and supporters referenced the need for more affordable and accessible housing for renters with pets by promoting this Bill. First, this Bill has nothing to do with rental units. Second, this Bill does not recognize that most HOAs allow pets but have restrictions thus NOT precluding purchasing a homes in most HOAs if you own a pet. Third, any lack of affordable housing will not be resolved by forcing HOAs to take in any type of dog, this is simply an empty and contrived argument.

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