

## **Colorado Common Interest Ownership Act (CCIOA) (C.R.S. §38-33.3-101, et seq.)**

### **General Provisions: (Part 1)**

(C.R.S. §38-33.3-101 to §38-33.3-124)

- Date enacted (legislative notes 1991)
- Applicability to communities created before/after date CCIOA enacted (Sec. 117)
- Common Interest Community: definition (Sec. 103(8))
- Common Elements: definition (Sec. 103(5))
- Declaration: definition (Sec. 103(13))
- Limited Common Element: definition (Sec. 103(19))
- Taxation of Common Elements (Sec. 105)
- Prohibitions contrary to public policy (Sec. 106.5)
  - American flag
  - Service flag
  - Political signs
  - Emergency service vehicles
  - Fire mitigation plans
  - Xeriscape or drought-tolerant vegetative landscapes
  - Renewable energy generation devices
  - Flammable roofing materials
- Unreasonable restrictions on energy efficiency measures (Sec. 106.7 and Sec. 106.8)
  - Energy efficiency measure—definition
  - Permissible rules
  - Electric vehicle charging stations (Sec. 106.8)
- Exemptions from CCIOA
  - Small cooperatives and planned communities (Sec. 116)
  - Limited expense communities (Sec. 116)
  - Large planned communities (Sec. 116.3)
- Statute of limitations for enforcement actions (Sec. 123(2))
- Right to collect/seek legal fees (Sec. 123 (1))
- Alternative dispute resolution (Sec. 124)

### **Creation, Alteration, and Termination of Common Interest Communities: (Part 2)**

(C.R.S. §38-33.3-201 to §38-33.3.223)

- How a common interest community must be created (Sec. 201)
- Declaration (Sec. 205)
  - Required content
  - Purpose
- Required public disclosures (Sec. 209.4)
- Required governance policies (Sec. 209.5)
- Conflict of interest policy (Sec. 209.5(4))
- Executive board member education (Sec. 209.6)
- Owner education (Sec. 209.7)
- Alteration of units (Sec. 211)
- Declaration amendments (Sec. 217)
  - Min/max owner approval requirements (Sec. 217(1)(a))
  - Court petition process (Sec. 217(7))
  - Certified notice to first mortgagees option (Sec. 217(1)(b))

### **Management of the Common Interest Community (Part 3)**

(C.R.S. §38-33.3-301 to §38-33.3-319)

- Independent powers of association even without specific authority in the declaration (Sec. 302)
  - Right to adopt rules and regulations (Sec. 302(1)(a))
  - Right to regulate use, maintenance and repair of common elements (Sec. 302(1)(f))
  - Notice and opportunity for hearing prior to fining (Sec. 302(1)(k))
  - Termination of managing agent for cause (Sec.302(4)(a))
- Actions that may not be taken by boards without owner approval (Sec. 303(3)(a))
- Financial Audits (Sec. 303(4)(b))
- CCIOA budget process (Sec. 303(4))
- Investment of Reserve Funds (Sec, 303(2.5)) and Reserve Study (Sec. 209.5)
- Construction defect actions – disclosure (Sec. 303.5)
- Required contents of bylaws (Sec. 306)
- Default maintenance requirements (Sec. 307)
- Requirement for annual meetings (Sec. 308(1))
- Calling special meetings (Sec. 308(1))
- Notice of membership meetings (Sec. 308(1) and (2))
- Open meetings (Sec. 308(2.5))
- Executive sessions (Sec. 308(3) through (7))
- Default quorum (Sec. 309)
- Use of proxies (Sec. 310)
- Conflict of Interest - Board and Manager (Sec. 310.5)
- Requirements for conveyance/encumbrance of common elements (Sec. 312)
- Insurance requirements (Sec. 313)
  - Fidelity Insurance (Sec. 313(10) through (13))
- Assessment lien (Sec. 316)
- Records of association (Sec. 317)
  - What constitutes a record subject to inspection?
  - Who may inspect?
  - What records may/must be withheld?
- Conflict between CCIOA and other statutes (Sec. 319)

### **Registration (Part 4)**

(C.R.S. §38-33.3-401 to §38-33.3-402)

- Requirement to annual register common interest community (Sec. 401)
- CAM licensing – must maintain valid license (Sec. 402)