

COLORADO CLARIFIES USE OF PLATS AND MAPS IN CIC FORMATION

8/07

[HB 1362](#), signed by Governor Bill Ritter (D) on June 1, 2007 and effective July 1, 2007, was needed to provide clarification to a Colorado Court of Appeals decision on a July 2006 case: [Snowmass Land Company vs. Two Creeks Homeowner's Association](#).

The Colorado Legislative Action Committee, CLAC, supported the bill, which had no opposition. Brought before the Legislature by the Colorado Bar Association's Real Estate section, the bill clarifies the use of plats and maps in Common Interest Communities (CIC) under the Colorado Common Interest Ownership Act (CCIOA).

At issue was whether a description of the areas reserved by the developer for future development in the declaration and a general description of the reserved rights on the survey plat were sufficient to reserve those development rights. The Court's decision relied in part on a version of CCIOA that was replaced by amendments in 1998. Further, its decision required information that was included in recorded declarations also to be set forth in detail on the plat. It also required a map even when there were no horizontal boundaries in the CIC. This interpretation of the law was inconsistent with the 1998 amendments, and the prevailing practice based on them.

HB 1362 did four things to clarify CCIOA and prevent CIC documents created in reliance on the 1998 amendments from being rendered ineffective:

- Specified what documents must be filed and recorded to create a CIC in Colorado;
- Stated that a map is required only for a CIC with units having a horizontal boundary;
- Stated that the requirements of CCIOA shall be deemed satisfied so long as all of the information required by CCIOA is contained in the declaration, a map or plat or combination of any two or all three;
- Clarified that information contained in a declaration or on a plat is not required to be included on a map and further specifies what information must be included on a map.

For specifics regarding this bill and other important Colorado legislative developments, please contact Chris Pacetti, Colorado LAC Chair, at chrisp@kcranch.org. For a summary of 2007 legislative activity, members can access CAI's [Advocacy Center](#).