



2016 End of Session Report

The CAI-CLAC monitored and influenced several pieces of legislation this year.

Construction Defect Litigation Study Group SB 213 – The CAI-CLAC proposed the bill draft language which addressed notice and disclosure to homeowners; definitions of construction defect claim, the parties to the claim and legislation limits; tolling of the statute for a construction defect lawsuit notice of claim while a potential settlement is worked out with the builder; the voting process that would take place prior to moving forward with a construction defect claim; and legislation applying to local ordinances as a statewide matter. The CAI-CLAC spent numerous hours negotiating with Build Our Homes Right and the Home Owners Opportunity Alliance as well as continuing to draft bill language. *This bill died in the State, Veterans & Military Affairs Committee.* This issue will likely resurface in 2017.

HOA Managers and Transfer Fees HB 1133 – This bill, brought forth by the HOA association, would have reduced the licensing fee and continuing education requirements for community managers of smaller HOAs, created additional violations for which managers could be disciplined and required disclosure of amounts payable for management services upon transfer of property. The CAI-CLAC opposed this bill and provided several testimonials against the bill. *The bill was defeated in the House State Affairs Committee.*

Residential Rain Collection HB 1005 – This bill allows single family homes and multiple unit residences of four units or less to use no more than 2 rain barrels to collect rain water from their rooftop. The CAI-CLAC worked to have the bill amended to make the bill consistent with other Colorado Common Interest Ownership Act (CCIOA) renewable energy source provisions. *The bill was signed into law on May 12, 2016.*

CCIOA Budget Requirements and Assessment Cap HB 1149 – This bill requires that common interest communities that predate CCOIA to comply with the budget reporting provision. The bill also creates a new provision that would exempt voluntary HOAs that do not impose mandatory fees from the budget reporting provisions. An amendment to CCOIA to provide for an annual inflation adjustment to the annual average common assessment cap for HOAs formed between 1992 and 1998 was added. The CAI-CLAC worked with the legislature to help them understand the budget transparency law already in effect through lobbying, drafting amendments and testifying on the bill. *This bill goes into effect on July 1, 2018.*

HOA Whistle Blower Protection SB 82/HB 1440 – Both of these proposed bills would have prevented a HOA or other person from retaliating or discriminating against a homeowner who files a complaint. The CAI-CLAC worked with legislators to educate them on current processes available to homeowners and options to address concerns to show them that more legislation was not necessary to solve the example issues brought by homeowners. *Both bills were defeated in committee.*

Other bills monitored in 2016:

Residential Storage Condo unit as Real Property – HB 1132

Implement HOA Info Office Study Recommendations – HB 1217

Intentional Misrepresentation of an Assistance Animal – HB 1426

Mobile Home Owners Leasing Space and Mobile Home Parks – SB 57