

Common Questions and Tips

House Bill 23-1105 - Homeowners' Association Task Force

The following are some common questions regarding HB23-1105 that was signed into law by Governor Polis on May 24, 2023.

- **What is the intended purpose of the Task Force?**

The purpose of the Task Force is to examine issues confronting HOA homeowners' rights, review HOA homeowners' complaints, and examine current Colorado HOA law in comparison to laws from other jurisdictions. The Task Force will determine areas of focus for the General Assembly to consider as part of the 2024 legislative session. Also, by April 15, 2024, the Task Force will prepare a final report of its findings and conclusions.

- **Is our association required to do anything related to the Task Force?**

Yes. Before the Task Force holds its first meeting, the association must notify owners in its community about the Task Force. The members of the Task Force were supposed to be selected by August 1, 2023, however, as of August 7, 2023, appointments have not been completed. Presumably, the first meeting has yet to be scheduled. We have prepared the following statement as a template to use to notify owners:

Homeowners,

On May 24, 2023, Governor Polis signed House Bill 23-1105 into law, which, among other actions, creates the HOA Homeowners Rights Task Force ("Task Force"). The purpose of the Task Force is to examine issues confronting HOA homeowners' rights, review HOA homeowners' complaints, and examine current Colorado HOA law in comparison to laws from other jurisdictions. The Task Force will determine areas of focus for the General Assembly to consider as part of the 2024 legislative session.

The Colorado Division of Real Estate has created a website for the Task Force, including an application for those interested in serving on the Task Force: <https://dre.colorado.gov/division-notifications/house-bill-23-1105-task-forces-to-examine-issues-affecting-homeowners-rights>.

Though the law is silent about how associations must notify owners, providing electronic notice (i.e. via email and on the association's website) is reasonable, given when the Task Force is scheduled to appoint applicants.

- **How else can the Task Force affect our association?**

The Task Force has the power to request information from your association. This can include the association's governing documents, financial statements, reserve studies, or records related to collections activity or legal actions. If your association receives such a request, the board is required to cooperate, and the association is required to remove all personal identifying information before submitting.