



## Legislative Update Colorado 2020 Regular Session

As the Colorado Legislature's Regular Session closed for the year, two HOA related bills were passed into law, and another bill was put on hold. Below is a summary of the new changes these laws will introduce into the realm of HOAs and managing companies:

### **SB20-126: Allows Home Child Care in Homeowners' Association Communities**

SB20-126 was signed into law on July 8, 2020, and amends CCIOA Section 38-33.3-106.5 to allow the operation of a Family Child Care Home in any HOA community organized under CCIOA. The new language states that, **regardless of any provision in the governing documents of the HOA, the HOA cannot prohibit the operation of a Family Child Care Home in their community.** This is defined as a "place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under [18] who are not related to the head of such home".

HOAs do have some control over the licensed childcare homes in their communities. Such Family Child Care Homes must still comply with an HOA's architectural control, parking, landscaping, noise, and other restrictions afforded to the HOA. Further, HOAs can require childcare homes to carry reasonable liability insurance. HOAs must make **reasonable accommodations for fencing requirements** that are applicable to licensed Family Child Care Homes. However, this new section of CCIOA does not apply to communities qualified as housing for older persons under federal law.

### **HB20-1200: Sunset of Homeowners' Association Information and Resource Center**

HB20-1200 was signed into law on June 30, 2020. This bill concerns the continuation of the Homeowners' Association Information and Resource Center that is maintained by DORA. HOAs are required to register with the Homeowners' Association Information and Resource Center, and the Center additionally provides information to consumers to understand their basic rights and duties under CCIOA. **This bill provides that the Information and Resource Center will continue to be operated until 2025.**

Additionally, **HB20-1200 amended CCIOA to allow Owners to display religious items or symbols on their entry doors or door frames, subject to reasonable size restrictions.** This amendment was the subject of our last newsletter, and more detailed information on this issue can be seen on our website's blog, titled "**Free Speech or Covenant Violation?**"



## **HB20-1333 (Postponed): Homeowners' Association Transparency Responsibility Competency**

The last HOA related house bill from this Regular Session sought to increase the requirements for disclosure and transparency in HOA operations. This bill has been **postponed indefinitely**, and therefore is not considered binding state law.

If passed, HB20-1333 would have required HOAs to:

- Post their governing documents and their Property Management Company's contact information on a website
- Supply their governing documents and HOA fees to the HOA Information and Resource Center
- Allow Owners to record open meetings and invite professional elections inspectors to observe elections
- Prohibit written or secret ballot actions at open meetings unless 20% of Owners in attendance request it
- Provide HOA records within 30 days or be fined \$50 a day until such records are provided
- Have the Board of Directors complete online basic training courses
- Commission a Reserve Study at least every five years
- Conduct annual audits
- Conduct a competitive bid process for goods and services contracts

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