— CHECKLIST —

Colorado Responsible Governance Policies (C.R.S. 38-33.3-209.5)

Colorado Law / Policies

DOCUMENT	Checklist
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Common Interest Community Standards Council

CHECKLIST

Colorado Responsible Governance Policies (C.R.S. 38-33.3-209.5)

PURPOSE

Colorado's Common Interest Ownership Act (CCIOA) lists nine subjects on which every association must adopt written policies, procedures, and rules and regulations "to promote responsible governance" (C.R.S. 38-33.3-209.5(1)(b)). Texas and Florida have no single equivalent list. This checklist walks a board through the nine subjects, the elements the statute names for each one, and the related sections that tie the policies to the annual disclosure, the association's records, collections, and enforcement. Use it as an inventory: is each policy on file, when was it adopted, and does the board know which statutory elements it was written to cover? Whether a specific policy satisfies the statute is a legal question for the association's counsel, not for this checklist. Statute text checked: Colorado Revised Statutes 2024 (official uncertified printout, Title 38), plus enrolled 2025 and 2026 bills on leg.colorado.gov. Later amendments are possible; confirm current text with counsel before relying on any item.

HOW TO USE

01 Gather every adopted policy, rule, and resolution, with the minutes or written consent that adopted it.

02 Work through Sections 1 to 9. Tick an item only when a document on file addresses it. Use the notes lines for the document name and adoption date.

03 Complete Section 10 (connected obligations) and Section 11 (which communities this applies to).

04 Give any unticked or uncertain item to the association's counsel. Policy drafting and revision is counsel's work.

05 Repeat the review each year, before the annual disclosure is prepared under C.R.S. 38-33.3-209.4.

SECTION 01

COLLECTION OF UNPAID ASSESSMENTS

Authority: C.R.S. 38-33.3-209.5(1)(b)(I) and (5); related sections 209.5(1.7)(a), (7), (8); 316; 316.3. Collections law changed in layers: HB 22-1137 (effective August 10, 2022); HB 24-1233 and HB 24-1337 (effective August 7, 2024; the HB 24-1337 changes to 316 and 316.3 apply to debts accrued

on or after that date); and HB 25-1043 (effective October 1, 2025, for enforcement actions instituted on or after that date). A policy adopted before October 1, 2025 may predate the newest notice content.

Elements the statute lists for the collection policy

- ☐ Due date of assessments and the date they become delinquent
- ☐ Late fees and interest (C.R.S. 38-33.3-209.5(8)(a) and 315(2) cap interest at 8% per year)
- ☐ Returned-check charges
- ☐ The owner's entitlement to a payment plan under C.R.S. 38-33.3-316.3
- ☐ The pre-referral notice of delinquency: total due with an accounting, payment-plan availability, a ledger contact, and the 30-day cure warning
- ☐ The notice advisements added by HB 25-1043 (ledger on request within 7 business days; risk of lien, foreclosure and auction with possible loss of equity; HOA Information and Resource Center and credit-counseling information)
- ☐ How payments are applied (C.R.S. 38-33.3-316.3(4) applies payments to assessments first, then fines and fees)
- ☐ The legal remedies the association may use

Related procedural steps the statute sets out

- ☐ First-contact procedure before referral: certified mail plus two of phone call, text, or e-mail, with a record of each contact (C.R.S. 38-33.3-209.5(1.7)(a)(I))
- ☐ Owner may designate a contact person and a preferred language
- ☐ Referral to a collection agency or attorney only after a majority board vote, recorded at a meeting (C.R.S. 38-33.3-209.5(1.7)(a)(II))
- ☐ Monthly itemized statement to owners with a balance, and no fee for a statement of the total owed (C.R.S. 38-33.3-209.5(1.7)(c), (8)(b))

Notes

SECTION 02

CONFLICTS OF INTEREST

Authority: C.R.S. 38-33.3-209.5(1)(b)(II) and (4); 310.5, which applies C.R.S. 7-128-501 (Colorado Revised Nonprofit Corporation Act) to association boards.

Elements the statute lists for the conflict policy

- ☐ Defines what counts as a conflict of interest for a board member
- ☐ Sets a disclosure procedure
- ☐ Sets a recusal procedure
- ☐ Provides for periodic review of the policy
- ☐ Written to be consistent with C.R.S. 38-33.3-310.5

Notes

SECTION 03

CONDUCT OF MEETINGS

Authority: C.R.S. 38-33.3-209.5(1)(b)(III). The policy may refer to the nonprofit code or to other recognized rules of order. Related meeting rules appear in C.R.S. 38-33.3-308.

- ☐ A conduct-of-meetings policy is adopted (it may adopt a recognized rule book by reference)
- ☐ The policy is consistent with the owner right to speak on an issue before the board votes, subject to reasonable time limits (C.R.S. 38-33.3-308(2.5))
- ☐ The policy is consistent with the six executive-session topics listed in C.R.S. 38-33.3-308(4) and the rule that no rule may be adopted in executive session (308(6))

Notes

SECTION 04

ENFORCEMENT OF COVENANTS AND RULES

Authority: C.R.S. 38-33.3-209.5(1)(b)(IV), (1.7)(b), (2), (3); 302(1)(k); 123.

Elements the statute lists

- ☐ Notice procedure
- ☐ Hearing procedure
- ☐ Schedule of fines

Elements tied to whether a fine is valid (C.R.S. 38-33.3-209.5(2))

- ☐ Written fine policy adopted and followed
- ☐ Fair and impartial fact-finding process with notice and an opportunity to be heard
- ☐ Hearing before an impartial decision maker (no direct personal or financial interest beyond the general membership's)
- ☐ Notice states the nature of the violation, the action required to cure it, and the timeline for the fact-finding process (209.5(2)(c)(I))
- ☐ The policy specifies the interval at which fines may be levied for continuing violations (209.5(2)(c)(II))

Fine limits added by HB 22-1137 (C.R.S. 38-33.3-209.5(1.7)(b))

- ☐ No daily fines and no daily late fees
- ☐ Violations the association reasonably determines threaten

public safety or health: written notice with a 72-hour cure

- ☐ Other violations: certified-mail notice with a 30-day cure; total fines for the violation capped at $500; two consecutive 30-day cure periods before legal action
- ☐ Absent an owner's notice of cure, inspection within 7 days after the 30-day cure period expires; a notice of cure sent with visual evidence makes the violation deemed cured on the date sent

- ☐ No association costs or attorney fees allocated to an owner found not responsible (C.R.S. 38-33.3-209.5(3))

These items list the statute's elements, not fine amounts or a fine schedule. How a violation is classified (safety or health versus other) is a question for counsel.

- ☐ No fine for under-watering while following local water restrictions (C.R.S. 38-33.3-302(1)(k)(II))

Notes _____

SECTION 05

INSPECTION AND COPYING OF RECORDS

Authority: C.R.S. 38-33.3-209.5(1)(b)(V); 317.

- ☐ A records inspection and copying policy is adopted
- ☐ The policy's request procedure fits the statute: a written request with reasonable particularity at least 10 days ahead may be required; no statement of proper purpose may be required (C.R.S. 38-33.3-317(2)(a))
- ☐ The policy reflects the categories the statute says may be withheld (317(3)) and must be withheld (317(3.5))
- ☐ Copy charges limited to estimated cost (317(4))
- ☐ The board is aware of the statutory penalty for records not made available within 30 calendar days after a certified-mail

request and payment of fees (317(4.5) *$50 per day from the* 11th business day, up to $500 or actual damages, whichever is greater)

Notes _____

SECTION 06

INVESTMENT OF RESERVE FUNDS

Authority: C.R.S. 38-33.3-209.5(1)(b)(VI); 303(2.5), which applies the nonprofit-act standard of conduct (C.R.S. 7-128-401) to reserve investment decisions.

- ☐ A reserve-fund investment policy is adopted
- ☐ Directors and anyone the board delegates investment work to (the statute names a managing agent, attorney or accountant) know the C.R.S. 7-128-401 standard applies to these decisions

Notes _____

SECTION 07

ADOPTION AND AMENDMENT OF POLICIES

Authority: C.R.S. 38-33.3-209.5(1)(b)(VII).

- ☐ A policy states how the association adopts and amends its policies, procedures, and rules
- ☐ Each policy on file shows its adoption date and the minutes or written consent that adopted it

Notes

SECTION 08

DISPUTES BETWEEN THE ASSOCIATION AND OWNERS

Authority: C.R.S. 38-33.3-209.5(1)(b)(VIII); 124(1)(b).

- ☐ A procedure for addressing disputes between the association and owners is adopted
- ☐ The written dispute-resolution policy is available to owners on request (C.R.S. 38-33.3-124(1)(b); the statute encourages mediation and arbitration)

Notes

SECTION 09

RESERVE STUDY POLICY

Authority: C.R.S. 38-33.3-209.5(1)(b)(IX). CCIOA requires this policy. In the 2024 statute text it does not require an association to commission a reserve study or to fund reserves at a set level.

The policy states

- ☐ When the association has a reserve study prepared for the portions of the community it maintains, repairs, replaces and improves (the statute says "when," not "whether")
- ☐ Whether there is a funding plan for work the study recommends, and its projected sources of funding
- ☐ Whether the study rests on a physical and financial analysis (an internally prepared study can qualify)

Related 2026 change (HB 26-1099, effective August 12, 2026)

- ☐ Communities still under declarant control: the board is aware that the declarant must obtain and pay for an independent 30-year reserve study before turnover (new C.R.S. 38-33.3-209.2). Whether this reaches communities already past turnover, or pre-1992 communities, has not been confirmed; ask counsel.

Notes

SECTION 10

CONNECTED OBLIGATIONS

- ☐ The responsible governance policies are part of the annual disclosure made within 90 days after fiscal year-end (C.R.S. 38-33.3-209.4(2))
- ☐ The policies are kept as association records owners may inspect (C.R.S. 38-33.3-317(1)(f))

- ☐ The association is registered with the DORA Division of Real Estate for the current year. An unregistered association's lien and enforcement rights are suspended until it registers (C.R.S. 38-33.3-401(3))
- ☐ The board has a date on its calendar to review the policy set each year

Notes _____

SECTION 11

WHICH COMMUNITIES THIS APPLIES TO

CCIOA reaches communities differently by creation date and size. These are statements of the statute. Which category a particular community falls in is a question for counsel.

Communities created on or after July 1, 1992: C.R.S. 38-33.3-209.5 applies.

Communities created before July 1, 1992: 209.5 applies from January 1, 2006, and the reserve study policy (Section 9) from July 1, 2010 (C.R.S. 38-33.3-117(1.5) and (1.7)).

Small new cooperatives and planned communities (nonresidential only, or 20 or fewer units with no development rights, or a declaration capping average annual common expense liability at the CPI-adjusted $400 amount) are subject only to C.R.S. 38-33.3-105 to 107 unless they opt in (C.R.S. 38-33.3-116). Small preexisting communities are addressed in section 38-33.3-119.

Created before July 1, 1992 *[ ] Yes [ ] No [ ] Unsure*

Small-community exemption may apply *[ ] Yes [ ] No [ ] Unsure*

Confirmed with counsel on (date) _____

SECTION 12

Sign-Off

Policies found on file (of 9) ___

Items referred to counsel ___

Reviewed by _____

Date _____

Presented to the board on _____

This tool is an educational aid for self-assessment by volunteer board members and managers. Outputs reflect general governance frameworks, not legal determinations or professional opinions. Consult your association's counsel and qualified professionals before acting on any output.

This information is educational in nature and should not be construed as legal advice. Consult qualified association counsel regarding legal interpretation specific to your jurisdiction.

Statute citations are to the 2024 Colorado Revised Statutes and enrolled 2025-2026 bills and may not reflect later amendments.