

State specific portion:

**I. Community Association Manager Licensure program (HB 13 – 1277) – material not tested**

- A. Who is required to hold a CAM license
  - 1. Engages in two or more defined activities (12-61-1001(3)(a) – (f))
  - 2. Compensation by fee, commission, salary, or anything of value (12-61-1001(4)(a))
  - 3. Management of a Common Interest Community (CIC)
    - a. Residential
    - b. Commercial
    - c. Time-share
    - d. Mixed-use
- B. Requirements for licensure
  - 1. Hold one of the following credentials (12-61-1003(5)(a)(I)(A),(B),(C), or (D))
    - a. CMCA
    - b. AMS
    - c. PCAM
    - d. Alternative “DRE” credential
  - 2. Certify completion of the required educational requirements
  - 3. Pass the state exam
  - 4. Submit a set of fingerprints to the Colorado Bureau of Investigations
  - 5. Insurance requirements (D rules)
  - 6. Complete the Division of Real Estate application for licensure
- C. Partnerships, LLCs, or Corporations
  - 1. Shall appoint a Designated Manager
  - 2. DM is responsible for supervision and management of licensed activity
  - 3. Personally responsible for handling all CIC funds
- D. Maintaining the CAM license
  - 1. Renewal (D rules)
  - 2. Reinstatement
  - 3. Continuing education requirements (B rules)

**II. Colorado Common Interest Ownership Act (CCIOA)**

- A. General Provisions: (Part 1) - (C.R.S. §38-33.3-101 to §38-33.3-124)
  - 1. Date enacted (legislative notes 1991)
  - 2. Applicability to communities created before/after date CCIOA enacted (Sec. 117)
  - 3. Common Interest Community: Colorado definition (Sec. 103(8))
  - 4. Common Elements: definition (Sec. 103(5))
  - 5. Declaration: definition (Sec. 103(13))
  - 6. Limited Common Element: definition (Sec. 103(19))
  - 7. Taxation of Common Elements (Sec. 105)
  - 8. Prohibitions contrary to public policy (Sec. 106.5)
    - a. American flag
    - b. Service flag
    - c. Political signs
    - d. Emergency service vehicles

- e. Fire mitigation plans
- f. Xeriscape or drought-tolerant vegetative landscapes
- g. Renewable energy generation devices
- h. Flammable roofing materials
- 9. Unreasonable restrictions on energy efficiency measures (Sec. 106.7 and Sec. 106.8)
  - a. Energy efficiency measure—definition
  - b. Permissible rules
  - c. Electric vehicle charging stations (Sec. 106.8)
- 10. Exemptions from CCIOA
  - a. Small cooperatives and planned communities (Sec. 116)
  - b. Limited expense communities (Sec. 116)
  - c. Large planned communities (Sec. 116.3)
- 11. Statute of limitations for enforcement actions (Sec. 123(2))Right to collect/seek legal fees (Sec. 123 (1))
- 12. Alternative dispute resolution (Sec. 124)
- B. Creation, Alteration, and Termination of Common Interest Communities: (Part 2) - (C.R.S. §38-33.3-201 to §38-33.3.223)
  - 1. How a common interest community must be created (Sec. 201) **(not tested)**
  - 2. Declaration (Sec. 205) **(not tested)**
    - a. Required content
    - b. Purpose
  - 3. Required public disclosures (Sec. 209.4)
  - 4. Required governance policies (Sec. 209.5)
  - 5. Conflict of interest policy (Sec. 209.5(4))
  - 6. Executive board member education (Sec. 209.6)
  - 7. Owner education (Sec. 209.7)
  - 8. Alteration of units (Sec. 211)
  - 9. Declaration amendments (Sec. 217)
    - a. Min/max owner approval requirements (Sec. 217(1)(a))
    - b. Court petition process (Sec. 217(7))
    - c. Certified notice to first mortgagees option (Sec. 217(1)(b))
- C. Management of the Common Interest Community (Part 3) - (C.R.S. §38-33.3-301 to §38-33.3-319)
  - 1. Independent powers of association even without specific authority in the declaration (Sec. 302)
    - a. Right to adopt rules and regulations (Sec. 302(1)(a))
    - b. Right to regulate use, maintenance and repair of common elements (Sec. 302(1)(f))
    - c. Notice and opportunity for hearing prior to fining (Sec. 302(1)(k))
    - d. Termination of managing agent for cause (Sec.302(4)(a))
  - 2. Actions that may not be taken by boards without owner approval (Sec. 303(3)(a))
  - 3. Committee appointments (Sec. 303(3)(b))
  - 4. Financial Audits (Sec. 303(4)(b))
  - 5. CCIOA budget process (Sec. 303(4))
  - 6. Investment of Reserve Funds (Sec, 303(2.5)) and Reserve Study (Sec. 209.5)
  - 7. Construction defect actions – disclosure (Sec. 303.5)
  - 8. Required contents of bylaws (Sec. 306)
  - 9. Default maintenance requirements (Sec. 307)

10. Requirement for annual meetings (Sec. 308(1))
11. Calling special meetings (Sec. 308(1))
12. Notice of membership meetings (Sec. 308(1) and (2))
13. Open meetings (Sec. 308(2.5))
14. Executive sessions and working sessions (Sec. 308(3) through (7))
15. Default quorum (Sec. 309)
16. Use of proxies (Sec. 310)
17. Conflict of Interest - Board and Manager (Sec. 310.5)
18. Requirements for conveyance/encumbrance of common elements (Sec. 312)
19. Insurance requirements (Sec. 313)
  - a. Fidelity Insurance (Sec. 313(10) through (13))
20. Assessment lien (Sec. 316)
21. Records of association (Sec. 317)
  - a. What constitutes a record subject to inspection?
  - b. Who may inspect?
  - c. What records may/must be withheld?
22. Conflict between CCIOA and other statutes (Sec. 319)
- D. Registration (Part 4) - (C.R.S. §38-33.3-401 to §38-33.3-402)
  1. Requirement to annual register common interest community (Sec. 401)
  2. CAM licensing – must maintain valid license (Sec. 402)

### **III. Colorado Revised Nonprofit Corporations Act (C.R.S. §7-121-*et seq.*)**

- A. Review association Articles of Incorporation and Bylaws with regard to their applicability to the CO Non-Profit Act.
- B. Incorporation
  1. Articles of incorporation (7-122-102)
    - a. Purpose
    - b. Required content
  2. Bylaws (7-122-106)
    - a. Purpose
    - b. Content
- C. Purposes and Powers
  1. Independent powers of corporation without specific authority in articles of incorporation (7-123-102)
- D. Member Meetings
  1. Special meetings (7-127-102)
    - a. Who can call?
    - b. Process if request received from owners
  2. Action by written ballot (7-127-109)
    - a. Mandatory information on ballot
    - b. Mandatory information in solicitation
  3. Use of proxies (7-127-203)
    - a. Appointment
    - b. Revocation
  4. Quorum—default requirement (7-127-205)
    - a. Impact of CCIOA

- E. Directors and Officers
  - 1. Default qualifications and terms (7-128-102 and 105)
  - 2. Removal of directors (7-127-108)
  - 3. Filling board vacancies (7-127110)
  - 4. Action by board without a meeting (7-128-202)
  - 5. Requirements concerning notice of board member meetings (7-128-203)
  - 6. Owners' rights during board meetings (7-128-203)
  - 7. Officers (7-128-301 through 304)
    - a. Election
    - b. Removal
    - c. Duties
  - 8. Required standards of conduct for board members and officers (7-128-401)
  - 9. Conflict of interest (7-128-501)
    - a. Definition
    - b. Requirements
- F. Indemnification (7-129-101 through 7-129-110)
  - 1. Who is entitled to indemnification?
  - 2. Definition
- G. Amendment of Articles and Bylaws
  - 1. Articles—default owner approval requirement (7-130-103)
  - 2. Bylaws—default approval requirements (7-130-201 and 203)
  - 3. Changes requiring owner approval (7-130-203)
- H. Corporate Records (7-136-101)
  - 1. Documents maintained
  - 2. Periodic reports with the Secretary of State

**IV. Colorado Fair Housing Act and Colorado Civil Rights Act (C.R.S. §24-34-501, *et seq.*)**

- A. Federal Fair Housing Act - (42 U.S.C. §§ 3601 to 3619)
  - 1. Basis of discrimination
  - 2. Illegal practices
- B. Colorado Fair Housing and Civil Rights Acts
  - 1. Protected classes
  - 2. Reasonable accommodations
  - 3. Reasonable modifications
  - 4. Assistance animals (24-34-803)
- C. Americans With Disabilities Act (ADA) - (42 U.S.C. §126, *et seq.*) (**not tested**)
  - 1. Bases of Discrimination
  - 2. Illegal Practices
- D. Major differences between the Federal and Colorado Fair Housing Acts

**V. Colorado Fair Debt Collection Practices Act (C.R.S. §12-14-101, *et seq.*) (not tested)**

- A. Comparison with Federal Statute
- B. Who must comply?
- C. Required steps to comply

## VI. Misc. Statutes

- A. Colorado Condominium Ownership Act (COA) - (C.R.S. §38-33-101, et. seq.)
  - 1. Applicability of the Act
  - 2. Staggering of director terms in condominium communities (38-33-106(3)(a))
  - 3. Time-sharing provisions (Sec, 110, 111, and 113)
- B. Colorado Consumer Protection Act - (C.R.S. §6-1-101, et. seq.) **(not tested)**
  - 1. Time-Share Resale Services (C.R.S. §§6-1-102; 6-1-703; 6-1-703.5) (SB13-182)
  - 2. Deceptive trade practices related to time-share sales (Sec. 703 and 703.5)
- C. Colorado Titles And Interests In Land Statute - (C.R.S. §38-30-168)
  - 1. Protection of "renewable energy generation devices" (38-30-168)
    - a. Solar energy device
    - b. Wind-electric generator
  - 2. Adoption of reasonable restrictions (38-30-168)
- D. Colorado Water Conservation Board Statute - (C.R.S. §37-60-126)
  - 1. Xeriscape protection (37-60-126(11))
- E. Unauthorized Practice Of Law - (C.R.S. §12-5-112)
  - 1. What is the practice of law
  - 2. What to avoid
  - 3. What is allowed
- F. Colorado Marijuana Laws **(not tested)**
  - 1. Medical marijuana code (C.R.S. §12-43.3-101, et seq.)
  - 2. Recreational marijuana code (C.R.S. §12-43.4-101, et seq.)
- G. FCC – Over-The-Air Reception Devices (OTARD) - (47 C.F.R. Sec. 1.4000) (Sec. 207 of the Telecommunications Act of 1996)
  - 1. Prohibits restrictions that impair the installation, maintenance or use of antennas used to receive video programming – including satellite dishes, tv antennas, and wireless cable antennas.
  - 2. Association rules governing the method and installation may still be enforced.