



REQUIRED POLICIES

Pursuant to C.R.S. §38-33.3-209.5 of the Colorado Common Interest Ownership Act, an association is required to adopt the following nine policies:

1. Adoption and Amendment of Policies, Procedures, and Rules: Discusses procedures board uses to review, adopt, repeal and amend policies, procedures, and rules.
2. Collections: Process used in collecting delinquent assessments, including time frames of notices, late fees and interest, indicate when an account gets turned over to legal counsel, and how payments are applied, etc.
3. Conduct of Meetings: Process/procedures for assigning proxies, use of secret ballots, rules for owner participation at board meetings, and process for providing notices of meetings.
4. Inspection of Records: Procedures to be used by owners when requesting to inspect/copy association records; how requests will be processed, and how copy costs will be calculated. Contains description of association records that are considered confidential and not available for inspection or copying by owners.
5. Covenant and Rule Enforcement and Fine: Includes fine schedule, notice and hearing procedures, process for complaint submissions and investigation.
6. Conflicts of Interest: Process for directors to disclose conflicts and the criteria to be used by the board in determining if a conflict exists, defining conflicts, procedures used when a conflict exists, and requiring periodic review.
7. Reserve Fund and Investment: Discusses methodology and standards to be used by board in deciding how to invest and manage association reserve funds.
8. Alternative Dispute Resolution: Procedures to be followed involving certain owner/association disputes. Identifies the types of alternative dispute resolutions that are required, if any, the procedure for doing so, and how costs will be allocated.
9. Reserve Study: Identifies whether the association has prepared a reserve study for those portions of the community it has responsibility to maintain, repair, replace or improve. includes information about whether there is a funding plan for work recommended by the reserve study, sources of funding, and the basis of these analyses.

RECOMMENDED POLICIES

While not required under Colorado law, the following is a list of standard recommended policies that may be appropriate for your association:

Document Retention: This policy sets forth timelines for how long various association records are retained and when they will be destroyed. This policy helps associations defend claims alleging they purposely destroyed records or “evidence”.

Electric Vehicle (“EV”) Charging Station: This policy clarifies the procedure for submitting to and obtaining approval for EV charging stations, locations where EV charging stations can be installed, and the responsibility for costs to install, use, and maintain the EV charging station.

Flag and Sign Policy: This policy addresses the requirement to allow flags and signs within the Unit boundaries, window and balconies, and the ability to adopt content-neutral regulations over the same.

Solar Panel Policy: This policy addresses the requirement to allow solar panels on property owned by Owners, the Association’s ability adopt regulations on the dimension, placement of external appearance of the policy, and the timeframe required to respond to solar panel installation requests.

Xeriscaping Policy: This policy addresses the requirement to: (i) allow xeriscaping, including the definition of xeriscaping and turf grass, (ii) allow use of nonvegetative turf grass (i.e., artificial turf) in the rear yards of homes, (iii) allow vegetable gardens in certain communities, and (iv) address other water-wise landscaping requirements.

Insurance Claims Submission/Allocation of Deductible Policy: This policy addresses the process of submitting homeowner claims to associations’ insurance carriers. Because CCIOA treats owners as additional insureds under an association’s policy, this policy can help associations manage owners who continuously demand claims be submitted on their behalf. This also includes language allocating the deductible to the appropriate party.

Water Leak Policy: This policy will set forth the steps that the Owners and Association should follow upon detection of a water leak inside a condo, townhome or other building in which the Association has interior maintenance and/or insurance responsibilities. This policy works best if adopted in conjunction with the Insurance Claims Submission/Allocation of Deductible Policy.

Reasonable Accommodation/Modification Policy: Associations are often accused of discrimination based on disability when an owner is not allowed to bring his/her emotional assistance animal into the community, or does not get a parking space closer to his/her unit. This policy sets forth a process for requesting reasonable accommodations and modifications by residents, the process for reviewing the requests, and making decisions on same.

Virtual Meetings: In this day and age, virtual meetings have become the norm, but nobody is sure on how they should work. This policy is intended to supplement the conduct of meeting policy and set forth the process for calling and conducting virtual board and membership meetings.

Drone Policy: To the extent an association receiving complaints about drones in the community and allegations of privacy invasions, this policy sets forth what is, and is not, allowed when it comes to flying drones in the association.

Social Media Policy: Any association with a social media site (i.e. Facebook, Twitter, and the like) should have this policy in place to manage owner expectations of same. For example, the policy should address who may post on the site, who can comment, and who has editing rights.

Harassment Policy: This policy defines behavior that constitutes harassment, establishes that it is a violation to engage in harassment, and clarified enforcement of such violation and penalties for the same.

Personal Identifying Information (“PII”): This policy addresses the security and destruction of Association records containing personal identifying information.

Both the Required and Recommended Policies can be drafted together or individually.

Please contact us at 303.432.9999 or hoalaw@altitude.law if you have any questions on the above or any other policy or other legal needs for your association.