



## AGENDA

### Housing, Neighborhood Services and Redevelopment Policy Committee

Thursday, October 6, 2022, 10:00 a.m.

VIRTUAL MEETING

City of Aurora

15151 E Alameda Parkway

#### Public Participation Dialing Instructions

Dial Access Number: 1.408.418.9388 | Access code: 2485 403 2229 | Event password: aurora2022 | This meeting will be live-streamed on the city's YouTube channel. Watch at [YouTube.com/TheAuroraChannel](https://www.youtube.com/TheAuroraChannel).

Council Member Crystal Murillo, Chair

Council Member Ruben Medina, Vice Chair

Council Member Juan Marcano

The Housing, Neighborhood Services and Redevelopment Policy Committee's goal is to:

- Maintain high quality neighborhoods with a balanced housing stock by enforcing standards, in relation to new residential development, and considering new tools to promote sustainable infill development;
- Plan for redevelopment of strategic areas, including working with developers and landowners, to leverage external resources and create public-private partnerships

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Pages

1. Call to Order

2. Approval of Minutes

2.a. September 1, 2022

1

3. Announcements

4. New Items

- 4.a. Ordinance Amending Sec. 94-107 of the City Code of the City of Aurora, Colorado, Pertaining to Unnecessary Noise; Disturbing the Peace** 9

For an Ordinance of the City Council of the City of Aurora, Colorado, Amending Section 94-107 of the City Code of the City of Aurora, Colorado, Pertaining to Unnecessary Noise; Disturbing the Peace in Public and Private Places

Sponsor: Council Member Marcano

Estimated Presentation/Discussion Time: 20 Minutes

- 4.b. City-owned buildings in the Arts District – 1400 Dallas** 15

City-owned buildings in the Arts District – 1400 Dallas

Estimated Presentation/Discussion Time: 25 Minutes

- 4.c. Neighborhood Engagement Update** 18

Neighborhood Improvement Grant

Estimated Presentation/Discussion Time: 25 Minutes

- 4.d. HB 22-1137 Update and possible impact on Code Enforcement** 28

HB 22-1137 Update and possible impacts on Code Enforcement

Estimated Presentation/Discussion Time: 20 Minutes

**5. Miscellaneous Matters for Consideration**

- 5.a. Updates From Community Members**

**6. Adjournment**

**HOUSING, NEIGHBORHOOD SERVICES & REDEVELOPMENT POLICY  
COMMITTEE  
September 1, 2022**

Members Present: *Council Member, Chair Crystal Murillo  
Council Member, Vice-Chair Ruben Medina  
Council Member, Juan Marcano*

Others Present: Dayna Ashley-Oehm, Tim Joyce, Mattye Sisk, Andrea Amonick, Emma Knight, Jessica Prosser, Alicia Montoya, Craig Maraschky, Adrian Botham, Karen Hancock, Jennifer Orozco, Jeff Hancock, Sarah Carroll, Mindy Parnes, Steve Blackstone, Rachel Allen, Roberto Venegas, Jeannine Rustad, Angela Garcia, Michelle Gard, Sandra Youngman, Jacquelyn Bayard

**WELCOME AND INTRODUCTIONS**

Council Member Murillo welcomes everyone to the meeting.

**MINUTES**

August 4, 2022 minutes are approved.

**ANNOUNCEMENTS**

None.

**NEW ITEMS**

**Aurora Housing Authority Update and Available Housing Community Resources**

Summary of Issue and Discussion

Dayna Ashley-Oehm, Craig Maraschky, and Steve Blackstock from the Aurora Housing Authority present this item. The Aurora Housing Authority (AHA) was established in 1975 and is quasi-governmental. There are seven members of the Board of Commissioners that were appointed by the Mayor. The primary focus of AHA is to focus on affordable rental housing and the operating budget currently is \$57 million. From 2017 to 2020, there has been \$53 million in new construction and for the next 24 months, the plan is to do an additional \$78 million of new construction. The new construction will be for three properties and will add 231 new units to the existing 810. Currently, there are 60 employees. The AHA serves 2,200 vouchers and is engaged in Aurora@Home, the city’s homeless program and plan. The Housing Choice Vouchers are subject to congressional appropriations, and thus will need responses to Notice of Funding Opportunities (NOFO) once available. A NOFO regarding homelessness will be coming out in October.

Currently, AHA provides \$36 million in annual rental assistance for 2,200 households. There are 137 HUD-VASH vouchers available for formerly homeless veterans. The AHA has been working with the city to ensure all vouchers are used through the Built for Zero campaign. There are 72 mainstream vouchers for non-elderly individuals with disabilities. Moreover, there are 74 emergency homeless vouchers (EHV) for homeless individuals. The AHA gets referrals through the Metro Denver Homeless Initiative Continuum. They recently received 15 new vouchers through the 2021 Congressional Appropriations. Those 15 vouchers will be available in the next few months. In the

2,200 households, 5,900 individuals are served, with half being children and 44% senior or disabled or senior and disabled. The average income for those with the vouchers is \$12,000 to \$13,000 per year and the average rental assistance provided is \$1,100 to \$1,200 depending on family size.

When vouchers become available, priority is given to individuals in various homeless programs. AHA works with various nonprofits and with the city through Aurora@Home to get vouchers for homeless individuals. 1,000 property owners lease to clients. For 810 units, AHA is the general partner. There are 1,500 units that AHA is a limited partner with for-profits and nonprofits including Providence at the Heights (PATH), Alameda View Apartments, and Range View Apartments.

The affordable rental properties are funded through various sources such as Project-based Section 8, Low-income Housing Tax Credits (LIHTC), resolution trust corporation units (RTC), HOME, and CDBG. AHA also uses taxable and tax-exempt bonds including private activity bonds. There is \$48 million in outstanding debt on the properties and \$25 million will be added next year for the new units. The oldest building, Fletcher Gardens, is for seniors; the newest building is Peoria Crossing.

AHA houses over 1,700 household members and the average annual income is \$21,600. However, 60% of residents' income falls below \$20,000 per year. The Department of Family Services partners with individuals, families, and the community to help foster quality housing. There are eight MSWs that serve AHA clients. One social worker works with veterans and the VASH program, while newer social workers work with 50 former foster youths and families involved in the Family Reunification Program. The DOH and the Continuum of Care Program (COC) help fund Aurora and allow the AHA to work with homeless families and children. The AHA also works closely with the Aurora@Home's landlord recruiter to assist program participants to locate suitable housing. AHA launched the Education, Community, Health, and Opportunity program (ECHO) which brings resources and programming to residents on nine AHA properties. Through the Youth Violence Prevention Program, the AHA was awarded a grant to fund family activities at the properties. Another grant was awarded through the Department of Human Services to provide early childhood education at three properties. The AHA has hosted vaccine clinics, distributed school supplies, and hosted STEM and gardening classes. Moreover, the AHA is working with families and individuals in the Emergency Housing Voucher Program.

AHA is the planned administrator and fiscal agent for Aurora@Home and is working to meet the needs of the unhoused population. In 2022, the AHA has served 63 families including 139 children. 91% of the families that exited the program went into permanent housing, and ten families received vouchers from AHA. The landlord recruiter helped house 11 new families in 2022. Recently, referrals were opened. The recruiter has built relationships with property managers to work closely with landlords to resolve any maintenance or rental issues. The recruiter decreased the time that families spend in the housing search process through this as well.

The AHA competes with other cities in Colorado for low-income housing tax credits and soft funds. The Colorado Housing and Finance Authority (CHFA) is the allocating agency for the tax credits. The city applies to CHFA for federal and state housing credits. CHFA awards funding based on readiness, geographic considerations, and the quality of the applicant. The federal 9% credit states get a per capita allocation of \$2.60 per person, resulting in 15.3 million in federal credits. The straight 4% tax credit is linked to a private activity bond volume cap (PAB). Aurora receives a 21 million PAB volume cap annually. The state housing credit adds \$10 million annually. For Colorado in 2021, 49 deals were awarded with state and federal credits. CHFA allocated 1.74 million in 4% credits to Walden35 and will be good for 10 years to the investor. The AHA's investor is Wells Fargo, which offered \$0.95 per credit which results in \$16.5 million in equity. The equity will allow charging lower rent prices. This amounts to the project costing \$37 million to build. The first mortgage is from Wells Fargo for \$12.6 million.

Four deals are being worked on for the development pipeline. In 2020, AHA was successful in getting awarded the state 4% tax credit for Liberty View. The construction will be complete in November 2022. In 2021, Peoria was awarded tax credits as well. Walden35 received a straight 4% deal. The CHFA had an unwritten policy that Aurora would get one award of tax credits in any competitive cycle per year. Due to this, staff had a discussion with CHFA regarding infrastructure, developers, and the growing need for affordable housing in Aurora. The final project AHA is working on is the permanent supportive housing project in partnership with Aurora Mental Health. The goal is to apply for a 9% tax credit award in February 2023 and build 40 units of permanent supportive housing.

### Questions/Comments

CM Murillo thanks the AHA for their presentation. CM Medina questions how long the waitlist is to get into one of the complexes. Craig says they open the waitlist when vouchers are available. A notice would be posted and the waitlist would be opened. For properties, the lease up on the property will start three months before opening and before getting the temporary certificate of occupancy (TCO). Interested individuals will be contacted for the lease. Dayna adds that the tax credit program is income-based and people can apply to live in a building should they be within income thresholds. For Liberty View, AHA is already talking to veterans and families so they could start giving their information and be given direction if they are qualified to live on the property. Once the buildings are open, it would take two to three months to fully lease them. CM Medina asks if those on the waitlist are there permanently or if they get slated for a year. Craig says a lot of the waitlist process is mandated by HUD. After 12 months, the waitlist is cleared and reopens once more vouchers are available. This prevents individuals from being on the waitlist for years.

CM Marcano thanks the AHA for their presentation and asks what the city can do to help them build more housing. He mentions how he receives messages from individuals in the city who are scared of becoming homeless. Craig responds that he talked with Laura Perry about streamlining the developmental review process. He adds that having brokers help identify land parcels would be beneficial. He mentions that there will be \$500 million coming in from Colorado for new affordable housing and housing for those with mental health and substance use issues. He clarifies that having

streamlined processes, cooperation, and money will aid in building affordable housing. Dayna remarks that the biggest detriment is the competition with Denver and Boulder as they have bond programs and general fund dollars. She also suggests partnering with the faith community or other entities such as school districts to find land that they may be underutilizing. Craig says they could also look into moral obligation where if the housing authority defaulted on the loan, then the city could fill in. He mentions that they can explore other lines of credit to buy new buildings. He comments that if they are given land, it would take years before people can move in, unlike if they purchase ready units. Steve talks about the partnership with the Aurora@Home programs and the city partnerships for Youth Violence Prevention. He mentions that having more opportunities to work together to support residents and try to house individuals is the best way to benefit everybody. Craig also remarks that the partnership with Aurora@Home currently has a good framework, but it needs to be scaled up.

CM Murillo asks what the city needs to do internally to channel land acquisition strategies or city resources to support the strategies and the housing authorities. Craig mentions that they can use the market and work with brokers to identify and inventory parcels. He adds that the group working on the Windler Property has identified a parcel for AHA. Jessica comments that there is a robust strategy around land acquisition and land inventory. Two pieces of city-owned land were identified to go through an RFP process. She says that they engage in continued efforts such as having conversations with school districts and Restoration Christian Ministries regarding partnerships with their land. She adds that they can do ground lease agreements where the housing authority can be a partner in some deals. She highlights that they want to ensure affordability is distributed throughout the city. CM Murillo agrees that one district should not have a concentration of income-based housing. She suggests looking into condemned or nuisance properties including a nuisance motel that the police department is working on regarding criminal activity. She adds that they can explore the Motel Redevelopment Strategy and possible partnerships.

Outcome – Information Only.

## **City Land and Buildings in the Aurora Arts District**

### Summary of Issue and Discussion

Andrea Amonick, the Development Services/AURA Manager, presents this item. The strategy for redevelopment in the arts district began in the late 1990s - 2000 and included the approval of the Fletcher Plaza Urban Renewal Plan, in the area now known as the Arts District. There are three major components to this plan: including building a civic and cultural core, supporting arts organizations and individuals, and developing urban, residential, and new retail.

In 2012, City Council asked to relook at the strategy, and staff conducted extensive public outreach to update and determine priorities in the Colfax corridor. The outreach reconfirmed the public's

priorities in developing arts and entertainment uses and had jobs and economic development at the top, followed by reducing poverty and increasing cleanliness and safety. Following the study, the city amended the Fletcher Plaza Urban Renewal Plan.

There are seven city-owned properties and buildings in the district. First is the Fox Theater, which used to be a movie theater. The city purchased and renovated it for staff productions. It is now run by Library and Cultural Services. The second property is 1443-45 Elmira, which used to be leased to Catholic Charities and was run as a charitable donation center. Because of a deed restriction the property reverted back to the city. In 2012, it was proposed to be used for retail. However, it is now under Housing and Community Development to be used for low to moderate-income housing. The property will be demolished, and a developer found.

The third property is the Hornbein Building, which is a former library that went to Red Delicious Press through an RFP. Another building is 1468 Dayton Street, now known as Vintage Theater. It was purchased by a private developer in 2007 which turned the commercial building into a theater. It was originally leased out to Shadow Theater. However, they went bankrupt, and the successor company moved to Denver. Vintage Theater then purchased the building. The city then purchased the building and retained Vintage as the tenant and retained the arts use. Vintage Theater is now requesting to buy the building back.

The fifth building is the People's Building at 9995 Colfax Avenue. It was formerly People's Rent-to-Own. The city purchased the building with the intent of turning it into a multi-use arts facility. It cost \$2.5 million to purchase and renovate the space. The building hosted 211 events and 9,300 visitors in 2019. After the beginning of the pandemic, the curator initiated a shift to virtual events. It then hosted 165 events and 8,400 visitors in 2020, and 270 events with 8,500 in-person visitors and 21,000 virtual visitors in 2021. Through the city's ownership, the venue became one of the most cost-effective venues for artists in the area. Aurora's ownership allows subsidies to be offered to Aurora's artists and groups by giving them discounts to rent the space. The sixth building is the Music City Building. It was leased by Real Property for 15 years to a piano and organ dealer known as Music City. Following their closure, a contractor looked at the building and evaluated that it needed \$750,000 for renovations in 2018, now estimated to be over \$1 million. Staff worked with Wend Foundation for redevelopment, but after the pandemic the foundation's direction changed and they left Aurora in early 2022. Staff suggested issuing an RFP for sale or lease of the space for other uses and bringing more activity downtown. This would then meet the goal of creating a civic core. The building's estimated value "as is" is approximately \$350,000 to \$600,000 but will be confirmed by an appraisal.

The seventh building is 1400 Dallas Street Art Center and Gallery. This was the first building used to support the Arts District Strategy. It was sold for \$1 to The Other Side Arts through an RFP. Later on, they couldn't manage the staff and building so the city offered to settle the loan and have the building back. In 2013, another RFP was issued, and the management was awarded to Aurora Cultural Arts District Organization (ACAD) for a five-year lease term which ended in 2019. At the

end of the lease, the city decided to make repairs to the building. Currently, there has been \$180,000 worth of renovations to the building and staff are currently in the process of bringing in artists before the building was vacated for more renovations. Temporary use agreements have been sent with the objective of stabilizing the building's occupancy. The city has also been successful in getting another grant for a matching amount of \$190,000. As a result, there would be another round of renovations. Once these are complete, the building could be put out for RFP to be managed or sold.

### Questions/Comments

CM Murillo asks if there was a timeline on the buildings that were open to disposition. Andrea replies that they recommend renovating the 1400 Dallas Street building first in order to make renovations that are aligned with the strategy, such as studio space improvements and energy efficiency. The property can then be put out for RFP in the beginning of 2023. It would be ready within six months if the RFP process were successful. She adds that Council must decide whether to sell the building or put out the management. The Music City Building, on the other hand, can be ready to be disposed of within the next 12 months and the RFP process can begin early in 2023. Andrea says the process can already be started. She adds that there are ways to structure a sale or partnership to develop the building such as subsidizing the purchase price so the developer can spend more on renovations. This would require policy direction. CM Murillo asks when Council would get engaged with these conversations. Andrea replies that they can have a second round of discussions around these two buildings to see if Council would prefer to follow the recommendation of the staff or pursue a different direction after requesting proposals and looking at their options. She says that further information and proposals could be provided for both scenarios including buying the building or leasing it for management. CM Murillo proposes there should be part two of discussions in more detail for these two buildings, at the next meeting.

CM Marcano says the city should not sell its assets. He adds that he would not support such an option but would rather the city lease the buildings to keep them under its control. He mentions that acquiring and aggregating land is how a lot of cities have successfully redeveloped neighborhood centers and that the city shouldn't be looking to sell public land; if anything, they should be looking to acquire more. CM Murillo prefers to see all options around the sale or management of the buildings to have all perspectives on the issue. She mentions that they may be able to engage with organizations such as Community Wealth Building Network.

Outcome – The Committee decided to have additional discussions regarding possible options for the properties presented.

### **Emergency Rental Assistance Update**

#### Summary of Issue and Discussion

Alicia Montoya, the Community Development Manager, presents the update on emergency rental assistance. This program is for individuals that have been having hardship paying their rent related



to COVID reasons. The requirements are 80% area median income, COVID related, the lease has to be in place, and the property has to be in the city of Aurora. They also ensure that the applicants do not receive double funding from other organizations such as the counties or the Department of Local Affairs (DOLA). So far, two rounds of rental assistance have been done. For the first round, \$9.5 million was distributed and it had about 110 applicants. The second round included \$4.6 million and staff received 826 applicants. The application system has been frozen and have stopped taking applications because the funding had been running out. In addition, applications being received are not necessarily related to loss of income due to COVID. There are concerns about the program's integrity due to a rise in fraudulent applications. So far, the city has administered \$14.7 million in Emergency Rental Assistance. Due to staff turnover, only one person is processing over 50 applications that are still pending. The remaining applications are expected to be processed in September. They are also looking to administer a new program for mortgage payment assistance.

The Emergency Mortgage Assistance Program has been awarded \$1.75 million and the agreements are being wrapped up. This program will focus on individuals experiencing hardships due to COVID and will prevent foreclosures. Updates are posted on the website to inform residents that applications are no longer being received. There are also conversations with DOLA and other counties to make sure there is a plan should people still need rental assistance. Reporting for the first phase had been done and reporting for the second phase is being wrapped up.

### Questions/Comments

CM Marcano expresses concern that phasing out this program might leave people vulnerable when Aurora had been the eviction capital of Colorado even before the pandemic. He asks if a plan was in place given the ongoing affordability crisis in the city. Alicia replies that there are conversations being had with DOLA and different counties to address these issues. She adds that DOLA has \$40 million in funding they have left to administer. Since there is other assistance available throughout the state, the city is focusing on addressing foreclosures. Jessica adds that there are other ways for people to apply for help like the Aurora Flex Fund, which is funded with marijuana funds. This does not need to be COVID-related and it addresses eviction prevention and downpayment assistance.

Outcome – Information only.

### **Camping Ordinance/Homeless Services Update**

#### Summary of Issue and Discussion

Information on this item is provided in the backup.

Outcome – Information only.

### **MISCELLANEOUS MATTERS FOR CONSIDERATION**

None.

### **Updates from Community Members**

None.

**Next meeting:** Thursday, October 6, 2022, at 10 a.m.

**Meeting Adjourned:** 11:48 a.m.

APPROVED: \_\_\_\_\_  
Committee Chair, Crystal Murillo



# CITY OF AURORA

## Council Agenda Commentary

**Item Title:** ORDINANCE AMENDING SEC. 94-107 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, PERTAINING TO UNNECESSARY NOISE; DISTURBING THE PEACE

**Item Initiator:** Council Member Marcano

**Staff Source/Legal Source:** Jessica Prosser, Director, Housing and Community Services / Angela Garcia, Senior Assistant City Attorney

**Outside Speaker:** N/A

**Council Goal:** 2012: 4.0--Create a superior quality of life for residents making the city a desirable place to live and work

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

### ITEM DETAILS:

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 94-107 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, PERTAINING TO UNNECESSARY NOISE; DISTURBING THE PEACE IN PUBLIC AND PRIVATE PLACES

Sponsor: Council Member Marcano

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration  
Reason for waiver is described in the Item Details field.

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval

Forwarded Without Recommendation

Recommendation Report Attached

Minutes Attached

Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Ordinance amendment to City Code Section 94-107(a) pertaining to unnecessary noise; disturbing the peace in public and private places.

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**QUESTIONS FOR COUNCIL**

Does the Committee approve of moving the item forward to Study Session?

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**LEGAL COMMENTS**

Council has the power to make and publish ordinances consistent with the laws of the state for carrying into effect or discharging the powers and duties conferred by the State Constitution, State Statute, or City Charter and such as it shall deem necessary and proper to provide for the safety; preserve the health; promote the prosperity; and improve the morals, order, comfort and convenience of the city and the inhabitants thereof. (City Code, Sec. 2-32 and C.R.S., Sec. 31-15-103). City Council shall act only by ordinance, resolution or motion. All legislative enactments must be in the form of an ordinance. (City Charter, Art. 5-1). (Garcia)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

ORDINANCE NO. 2022-\_\_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTION 94-107 OF THE CITY CODE OF THE CITY OF AURORA, COLORADO, PERTAINING TO UNNECESSARY NOISE; DISTURBING THE PEACE IN PUBLIC AND PRIVATE PLACES

WHEREAS, the City Council has a significant governmental interest in protecting the health, safety and welfare of the general public and in preserving the public order; and

WHEREAS, loud and disturbing noise degrades the City's environment in that it: (a) is harmful to the health, welfare, and safety of residents and visitors, (b) interferes with the comfortable enjoyment of life and property, and (c) interferes with the well-being, tranquility, and privacy of the home; and

WHEREAS, the City Council desires to amend the City Code relating to unnecessary noise to prevent excessive levels of sound that may cause annoyance and inconvenience to residents and visitors of the City thereby disturbing the peace of those residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. That subsection 94-107(a) of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 94-107. – Unnecessary noise; disturbing the peace.

(a) *Public and private places.* It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud or ~~unusual~~ **unnecessarily loud** noise which ~~seriously inconveniences~~ **causes an annoyance or inconvenience** to other persons in the area.

**(1) For purposes of this section, a member of the police department or a member of the code enforcement division is empowered to make a prima facie determination as to whether such noises constitute a public nuisance.**

**(2) No summons and complaint shall be issued nor shall there be a conviction for violation of this section unless there are at least two (2) or more complaining witnesses from separate households who shall have signed a complaint form stating the date, time, and how the unreasonably loud or unnecessarily loud noise caused annoyance or inconvenience to the complaining parties.**

**(3) The complaining parties shall be willing to appear and testify at the trial for their complaints. Any witness who fails to testify at trial on an unreasonably loud or**

**unnecessarily loud noise complaint shall not be considered as a “witness willing to testify at trial” for any subsequent unreasonably loud or unnecessarily loud noise complaint.**

**(4) For purposes of this section, police officers or code enforcement officers will review the complaint forms and any other evidence including but not limited to audio and video recordings of the unreasonably loud or unnecessarily loud noise to determine whether probable cause exists for the issuance of a summons and complaint.**

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 4. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2022.


PASSED AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANGELA L. GARCIA, Senior Assistant City Attorney

# MEMORANDUM



Housing and Community Services  
15151 E Alameda Pkwy, Suite 4500  
Aurora, Colorado 80012  
303.739.7280

**TO:** Jim Twombly, City Manager

**THROUGH:** Roberto Venegas, Deputy City Manager

**THROUGH:** Jessica Prosser, Director, Housing and Community Services

**FROM:** Sandra Youngman, Manager, Code Enforcement

**DATE:** September 19, 2022

**SUBJECT:** Noise Enforcement - Chapter 94 Unnecessary Noise, disturbing the peace.

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The City Attorney's Office has been asked by Council Member Marcano to update Chapter 94 Unnecessary Noise, Distrusting the Peace Ordinance currently enforced by Aurora Police Department. CM Marcano is asking to empower Code Enforcement Officers to enforce Chapter 94. On 7/18/2022, we met City Attorney A. Garcia and City Attorney M. Platt to discuss this request. This is a follow up memo regarding the discussion surrounding this issue.

Code Enforcement enforces UDO Chapter 146.4.11.2 E Noise which pertains to noise regarding land uses and land development in the city. Typically, Code Enforcement responds to complaints such as construction noise occurring during non-permitted times or loud music noise from a commercial event abutting a residential area and trash trucks picking up trash before permitted hours.

Code Enforcement's noise compliant process involves a Noise Test to determine if the noise from an event or site exceeds the permissible sound levels as defined in the UDO. A calibrated noise measuring device is used to obtain noise level violations which may be occurring from the neighboring properties. When Code Enforcement receives a complaint through Access Aurora, specific information is obtained regarding the possible noise violation (date/ time/ location/activity occurring). Noise meter readings are taken at the complainant property line. Two code officers will respond to the complaint location to take the noise readings. Two officers respond to insure officer safety as well as to insure consistency in the testing. If the code officer has a safety concern, APD may be contacted to stand by as an assist.

First, the ambient noise is measured to establish a base line prior to measuring the offending noise. The ambient noise is taken at multiple locations along the property line. The offending noise is then measured multiple times along the same property line locations. The noise readings are documented. If a violation occurs, Code Enforcement contacts the offending property owner

to issue a Courtesy Notice of Violation, asking to cease the excessive noise or cease operation of equipment outside of permitted hours. Code Enforcement continues to monitor the area for compliance taking additional readings as necessary to insure compliance. Should a second complaint be received, and a violation occurs, further enforcement action, which may include the issuance of a summons to Aurora Municipal Court, may be taken.

Code Enforcement Officers work week is Monday through Friday and are on-call for after hours and weekend enforcement. Typically, after hours/weekend enforcement is limited to instances where additional information on a specific complaint needs to be obtained.

Disturbing the peace noise complaints that are after hours or on weekends would require having the on-call code officers to come into a city building to get equipment, get a vehicle and then go the complaint. Since code complaints come in through Access Aurora there is not an established process for immediate dispatch.

Response by Code Enforcement to afterhours noise complaints brings a number of concerns especially those surrounding officer safety. When approaching an unknown home, vehicle, a large party after hours Code Enforcement does not have needed safety tools or training to handle these complaints.

The proposal involves modifying the Municipal Code to allow the probable cause evidence be obtained and used to issue a summons for disturbing the peace. The request is to allow the affected reporting party to write a statement and provide the evidence for the issuance of a noise violation. ( ie: a statement, a recorded video or noise, ability to identify the perpetrator). The question rises to whom would be reviewing the video to determine the Noise violation and issuing the summons. Should the "evidence" be determined to meet the ordinance criteria, a summons to Municipal Court may be issued. Since the issuing enforcement officer did not observe or hear the violation themselves, the Municipal Courts require the "witness" or the party who provided the statement and or video to appear in court to testify to the evidence they provided. Most times, we have found people reporting complaints will not want to appear in court as they have concerns for neighbor retaliation.

In addition, Code Enforment does not have current staff capacity to enforce this ordinance nor do we know what the fiscal impact may be. Staff would need additional time to analyze the impact and additional processes, equipment and staff capacity needed to take on this additional task.





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> City-owned buildings in the Arts District – 1400 Dallas
<b>Item Initiator:</b> Andrea Amonick, Development Services/AURA Manager
<b>Staff Source/Legal Source:</b> Andrea Amonick, Development Services/AURA Manager / Rachel Allen, Client Group Manager
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban centers

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

### ITEM DETAILS:

City-owned buildings in the Arts District – 1400 Dallas

Staff Source/Legal Source: Andrea Amonick, Development Services/AURA Manager / Rachel Allen, Client Group Manager

Estimated Presentation/Discussion Time: 10 miutes/15 minutes

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration  
Reason for waiver is described in the Item Details field.

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Housing, Neighborhood Services & Redevelopment

**Policy Committee Date:** 9/1/2022

**Action Taken/Follow-up:** *(Check all that apply)*

Recommends Approval

Does Not Recommend Approval

Forwarded Without Recommendation

Recommendation Report Attached

Minutes Attached

Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

At the last Housing, Neighborhood Services and Redevelopment Committee meeting, staff presented an overview of City-owned land and buildings within the Arts District (aka the Fletcher Plaza Urban Renewal Area) and some recommendations for the disposition of two City-owned facilities: the Music City Building and 1400 Dallas Street. The staff recommendation for both buildings was to issue an RFP for the disposition of the sites consistent with the strategy of the Amended Fletcher Plaza Urban Renewal Plan. Since that time, City Management has requested that we move forward expeditiously on the implementation of the RFP for 1400 Dallas Street.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

At the direction of City Management, staff is drafting a Request for Qualifications/Proposals for the disposition of 1400 Dallas Street consistent with the urban renewal plan and strategy. Staff is prepared to present an outline of the key features of the draft to the Committee for discussion. The goal of the facility will be to provide studio/exhibit space and develop primarily visual artists. During the artists' tenancy within the facility, training and other forms of support and assistance would be available so that artists may achieve greater self sufficiency and progress to other privately held studio space within the District.

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**QUESTIONS FOR COUNCIL**

Information Only

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**LEGAL COMMENTS**

This item is informational only. No formal council action necessary. The City has the powers that are necessary, requisite, or proper for the government and administration of its local and municipal matters. (City Charter, art. I, sec. 1-3). Council has the authority to do what is deemed necessary and proper to promote the prosperity, improve the order, comfort and convenience of the City and its inhabitants. (City Code § 2-32). An Urban Renewal Authority is authorized to make such appropriations and expenditures of its funds and other actions necessary to carry out its purposes. Colo. Rev. Stat. § 31-25-105(1)(h). The Urban Renewal Authority may make and execute all contracts and other instruments which it deems necessary or convenient to the exercise of its powers under the Colorado Urban Renewal Law. Pursuant to C.R.S. § 31-25-112(1), the City has the power to do all things necessary to aid or cooperate with the Urban Renewal Authority in or in connection with the planning or undertaking of urban renewal projects and to enter into agreements with the Authority respecting any action to be taken pursuant to the powers granted to the Authority under the Colorado Urban Renewal Law. (TJoyce)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:**

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:**





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Neighborhood Engagement Update
<b>Item Initiator:</b> Jessica Prosser, Director of Housing and Community Services
<b>Staff Source/Legal Source:</b> Scott Campbell, Community Engagement Coordinator/ Tim Joyce, Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 1.2--Develop neighborhood and community relationships

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

### ITEM DETAILS:

Neighborhood Improvement Grant  
Estimated Presentation/discussion time: 10/15 minutes

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### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input type="checkbox"/> Approve Item and Move Forward to Study Session   | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting   | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input checked="" type="checkbox"/> Information Only  |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

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### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- |   |   |
|---|---|
| <input type="checkbox"/> Recommends Approval              | <input type="checkbox"/> Does Not Recommend Approval    |
| <input type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |
| <input type="checkbox"/> Minutes Attached                 | <input type="checkbox"/> Minutes Not Available          |

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A – This is the first update to Council on this new grant.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

City Council has approved \$60,000.00 from the General Fund for the Aurora Neighborhood Improvement Grant Program. The program was designed to improve the appearance of Aurora neighborhoods while strengthening the social fabric and organizational networks of community residents. This is an update to Council on the projects for the 2022 grant cycle.

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**QUESTIONS FOR COUNCIL**

N/A

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**LEGAL COMMENTS**

This item is informational only. There is no formal council action necessary. The City Manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge and, to that end, shall have the power and duty to make written or verbal reports at any time concerning the affairs of the City. (City Charter, Art. 7-4(e)). (TJoyce)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** This grant is funded in the amount of \$60,000.00 from the General Fund.

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

City of Aurora

# Neighborhood Engagement Grant Update

Housing, Neighborhood Services and Redevelopment  
Policy Committee Meeting

October 6, 2022



# Overview

City Council has approved \$60,000 (up to \$5,000 per project) from the general fund for the Aurora Neighborhood Improvement Grant Program. The program was designed to improve the appearance of Aurora neighborhoods while strengthening the social fabric and organizational networks of community residents.

The goals of this program include:

1. Improving the physical condition of a neighborhood
2. Enhancing neighborhood pride and identity
3. Connecting neighbors and fostering a strong sense of community
4. Encouraging “place-making” by bringing assets into the neighborhood that encourage gathering and positive experiences



# Updates

Number of Applicants: 16

Number of Awardees: 14

Funding Requests: \$69, 030

Funding Awarded: \$59,410

Ward	Number of Awards
I	2
II	1
III	2
IV	2
V	4
VI	3





# Project Highlights



# Project Highlights

Before



After



# Project Highlights

Before



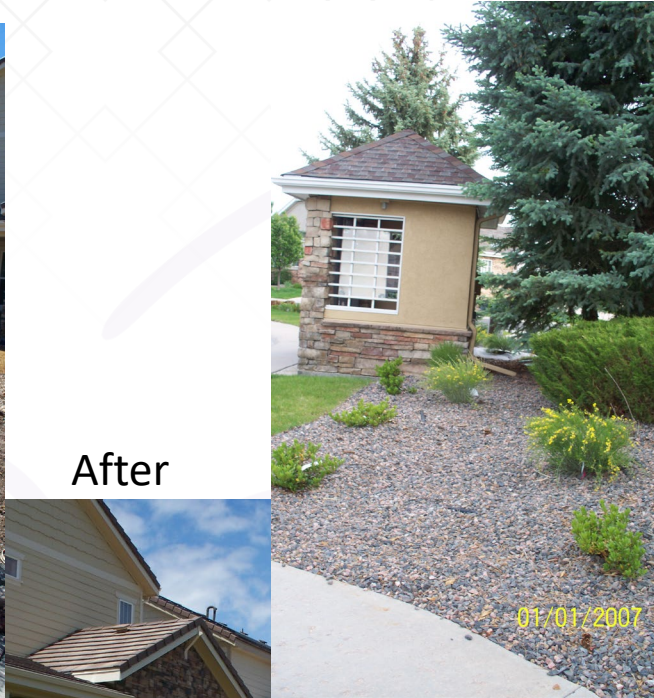
After



# Project Highlights

Before

After



After



# Project Highlights

Before



After





# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> HB 22-1137 Update and possible impact on Code Enforcement
<b>Item Initiator:</b> Jessica Prosser, Director of Housing and Community Services
<b>Staff Source/Legal Source:</b> Sandra Youngman, Manager of Code Enforcement / Tim Joyce, Assistant City Attorney
<b>Outside Speaker:</b> N/A
<b>Council Goal:</b> 2012: 4.5--Maintain high-quality, livable neighborhoods

### COUNCIL MEETING DATES:

**Study Session:** N/A

**Regular Meeting:** N/A

### ITEM DETAILS:

HB 22-1137 Update and possible impacts on Code Enforcement

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration  
Reason for waiver is described in the Item Details field.

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** N/A

**Policy Committee Date:** N/A

### Action Taken/Follow-up: *(Check all that apply)*

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- Recommendation Report Attached
- Minutes Attached
- Minutes Not Available

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**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

In June 2022, HB 22-1137 was passed by the Colorado Legislature. HB 22-1137 concerns practices of HOAs and the enforcement of unit owners' associations, and, in connection with authorizing the enforcement of certain matters regarding unit owners' associations in small claims court and limiting the conduct of unit owners' associations in collecting unpaid assessments, fees, and fines.

A small number of neighborhood and HOA leaders reached out to the Community Engagement Division with questions and concerns. Some property management companies may be telling their HOAs that they will no longer be enforcing HOA guidelines for code related violations as they feel this piece of legislation has made it overly cumbersome to enforce anything.

Code Enforcement enforces the zoning codes in the UDO requirements on private property. Code Enforcement does not enforce HOA covenants. HOA dues, HOA regulations and HOA bylaws are private contract matters and the City has no authority to enforce them. The homeowners pay HOA fees so the property management company will have oversight and enforcement of the HOA rules and regulations to ensure their properties within the HOA are maintained. If a unit owner violates City Code, the City can take enforcement action against the unit owner.

That said, Code Enforcement is both proactive and complaint based for enforcement capacity in the city. We prioritize our responses with the highest priority being life safety. If an HOA property manager does not enforce the covenants and bylaws and refers all these violations and complaints to Code Enforcement, this may cause an impact in the enforcement ability in areas within the city which do not have covenants in place.

Hananh Smith, Intergovernmental Relations Manager, was asked to reach out to CML regarding this concern and they have not heard any concerns from other municipalities.

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**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Discussion regarding HB 22-1137 regarding HOA enforcement of the HOA's Bylaws.

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**QUESTIONS FOR COUNCIL**

This is informational only. Does the committee want this information presented to Council at a Study Session?

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**LEGAL COMMENTS**

This item is informational only. There is no formal council action necessary. The City Manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge and, to that end, shall have the power and duty to make written or verbal reports at any time concerning the affairs of the City. (City Charter, Art. 7-4(e)). (TJoyce)

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**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

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**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

# An Act

HOUSE BILL 22-1137

BY REPRESENTATIVE(S) Ricks and Bradfield, Bacon, Bernett, Boesenecker, Duran, Exum, Hooton, Jodeh, Kipp, Lindsay, Lontine, Titone;  
also SENATOR(S) Gonzales and Coleman, Bridges, Buckner, Donovan, Hinrichsen, Jaquez Lewis, Moreno, Sonnenberg, Story.

CONCERNING PRACTICES OF UNIT OWNERS' ASSOCIATIONS, AND, IN CONNECTION THEREWITH, AUTHORIZING THE ENFORCEMENT OF CERTAIN MATTERS REGARDING UNIT OWNERS' ASSOCIATIONS IN SMALL CLAIMS COURT AND LIMITING THE CONDUCT OF UNIT OWNERS' ASSOCIATIONS IN COLLECTING UNPAID ASSESSMENTS, FEES, AND FINES.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 38-33.3-209.5, **amend** (2)(a), (5)(a) introductory portion, and (5)(a)(V) introductory portion; and **add** (1.7), (2)(c), (6), (7), (8), (9), and (10) as follows:

**38-33.3-209.5. Responsible governance policies - due process for imposition of fines - procedure for collection of delinquent accounts - enforcement through small claims court - definitions.** (1.7) (a) WITH

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*



REGARD TO A UNIT OWNER'S DELINQUENCY IN PAYING ASSESSMENTS, FINES, OR FEES, AN ASSOCIATION SHALL:

(I) FIRST CONTACT THE UNIT OWNER TO ALERT THE UNIT OWNER OF THE DELINQUENCY BEFORE TAKING ACTION IN RELATION TO THE DELINQUENCY PURSUANT TO SUBSECTION (1.7)(a)(II) OF THIS SECTION AND SHALL MAINTAIN A RECORD OF ANY CONTACTS, INCLUDING INFORMATION REGARDING THE TYPE OF COMMUNICATION USED TO CONTACT THE UNIT OWNER AND THE DATE AND TIME THAT THE CONTACT WAS MADE. ANY CONTACTS THAT A COMMUNITY ASSOCIATION MANAGER OR A PROPERTY MANAGEMENT COMPANY MAKES ON BEHALF OF AN ASSOCIATION PURSUANT TO THIS SUBSECTION (1.7)(a) IS DEEMED A CONTACT MADE BY THE ASSOCIATION AND NOT BY A DEBT COLLECTOR AS DEFINED IN SECTION 5-16-103 (9). A UNIT OWNER MAY IDENTIFY ANOTHER PERSON TO SERVE AS A DESIGNATED CONTACT FOR THE UNIT OWNER TO BE CONTACTED ON THE UNIT OWNER'S BEHALF FOR PURPOSES OF THIS SUBSECTION (1.7)(a)(I). A UNIT OWNER MAY ALSO NOTIFY THE ASSOCIATION IF THE UNIT OWNER PREFERS THAT CORRESPONDENCE AND NOTICES FROM THE ASSOCIATION BE MADE IN A LANGUAGE OTHER THAN ENGLISH. IF A PREFERENCE IS NOT INDICATED, THE ASSOCIATION SHALL SEND THE CORRESPONDENCE AND NOTICES IN ENGLISH. THE UNIT OWNER AND THE UNIT OWNER'S DESIGNATED CONTACT MUST RECEIVE THE SAME CORRESPONDENCE AND NOTICES ANYTIME COMMUNICATIONS ARE SENT OUT; EXCEPT THAT THE UNIT OWNER MUST RECEIVE THE CORRESPONDENCE AND NOTICES IN THE LANGUAGE FOR WHICH THE UNIT OWNER HAS INDICATED A PREFERENCE, IF ANY. AN ASSOCIATION MAY DETERMINE THE MANNER IN WHICH A UNIT OWNER MAY IDENTIFY A DESIGNATED CONTACT. IN CONTACTING THE UNIT OWNER OR A DESIGNATED CONTACT, AN ASSOCIATION SHALL SEND THE SAME TYPE OF NOTICE OF DELINQUENCY REQUIRED TO BE SENT PURSUANT TO SUBSECTION (5)(a)(V) OF THIS SECTION, INCLUDING SENDING IT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND PHYSICALLY POST A COPY OF THE NOTICE OF DELINQUENCY AT THE UNIT OWNER'S UNIT. IN ADDITION, THE ASSOCIATION SHALL CONTACT THE UNIT OWNER BY ONE OF THE FOLLOWING MEANS:

(A) FIRST-CLASS MAIL;

(B) TEXT MESSAGE TO A CELLULAR NUMBER THAT THE ASSOCIATION HAS ON FILE BECAUSE THE UNIT OWNER HAS PROVIDED THE CELLULAR NUMBER TO THE ASSOCIATION; OR

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(C) E-MAIL TO AN E-MAIL ADDRESS THAT THE ASSOCIATION HAS ON FILE BECAUSE THE UNIT OWNER HAS PROVIDED THE E-MAIL ADDRESS TO THE ASSOCIATION.

(II) REFER A DELINQUENT ACCOUNT TO A COLLECTION AGENCY OR ATTORNEY ONLY IF A MAJORITY OF THE EXECUTIVE BOARD VOTES TO REFER THE MATTER IN A RECORDED VOTE AT A MEETING CONDUCTED PURSUANT TO SECTION 38-33.3-308 (4)(e). A COMMUNITY ASSOCIATION MANAGEMENT OR PROPERTY MANAGEMENT COMPANY ACTING ON BEHALF OF THE ASSOCIATION SHALL NOT REFER A DELINQUENT ACCOUNT TO A COLLECTION AGENCY OR AN ATTORNEY UNLESS A MAJORITY OF THE EXECUTIVE BOARD VOTES TO REFER THE MATTER IN A RECORDED VOTE AT A MEETING CONDUCTED PURSUANT TO SECTION 38-33.3-308 (4)(e).

(b) (I) AN ASSOCIATION SHALL NOT IMPOSE THE FOLLOWING ON A DAILY BASIS AGAINST A UNIT OWNER:

(A) LATE FEES; OR

(B) FINES ASSESSED FOR VIOLATIONS OF THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF THE ASSOCIATION. AN ASSOCIATION MAY ONLY IMPOSE FINES FOR VIOLATIONS IN ACCORDANCE WITH THIS SUBSECTION (1.7)(b).

(II) (A) WITH RESPECT TO ANY VIOLATION OF THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF AN ASSOCIATION THAT THE ASSOCIATION REASONABLY DETERMINES THREATENS THE PUBLIC SAFETY OR HEALTH, THE ASSOCIATION SHALL PROVIDE THE UNIT OWNER WRITTEN NOTICE, IN ENGLISH AND IN ANY LANGUAGE THAT THE UNIT OWNER HAS INDICATED A PREFERENCE FOR CORRESPONDENCE AND NOTICES PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION, OF THE VIOLATION INFORMING THE UNIT OWNER THAT THE UNIT OWNER HAS SEVENTY-TWO HOURS TO CURE THE VIOLATION OR THE ASSOCIATION MAY FINE THE UNIT OWNER.

(B) IF, AFTER AN INSPECTION OF THE UNIT, THE ASSOCIATION DETERMINES THAT THE UNIT OWNER HAS NOT CURED THE VIOLATION WITHIN SEVENTY-TWO HOURS AFTER RECEIVING THE NOTICE, THE ASSOCIATION MAY IMPOSE FINES ON THE UNIT OWNER EVERY OTHER DAY AND MAY TAKE LEGAL ACTION AGAINST THE UNIT OWNER FOR THE VIOLATION; EXCEPT THAT, IN ACCORDANCE WITH SUBSECTION (8)(c)(I) OF THIS SECTION, THE

ASSOCIATION SHALL NOT PURSUE FORECLOSURE AGAINST THE UNIT OWNER BASED ON FINES OWED.

(III) (A) IF AN ASSOCIATION REASONABLY DETERMINES THAT A UNIT OWNER COMMITTED A VIOLATION OF THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF THE ASSOCIATION, OTHER THAN A VIOLATION THAT THREATENS THE PUBLIC SAFETY OR HEALTH, THE ASSOCIATION SHALL, THROUGH CERTIFIED MAIL, RETURN RECEIPT REQUESTED, PROVIDE THE UNIT OWNER WRITTEN NOTICE, IN ENGLISH AND IN ANY LANGUAGE THAT THE UNIT OWNER HAS INDICATED A PREFERENCE FOR CORRESPONDENCE AND NOTICES PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION, OF THE VIOLATION INFORMING THE UNIT OWNER THAT THE UNIT OWNER HAS THIRTY DAYS TO CURE THE VIOLATION OR THE ASSOCIATION, AFTER CONDUCTING AN INSPECTION AND DETERMINING THAT THE UNIT OWNER HAS NOT CURED THE VIOLATION, MAY FINE THE UNIT OWNER; HOWEVER, THE TOTAL AMOUNT OF FINES IMPOSED FOR THE VIOLATION MAY NOT EXCEED FIVE HUNDRED DOLLARS.

(B) AN ASSOCIATION SHALL GRANT A UNIT OWNER TWO CONSECUTIVE THIRTY-DAY PERIODS TO CURE A VIOLATION BEFORE THE ASSOCIATION MAY TAKE LEGAL ACTION AGAINST THE UNIT OWNER FOR THE VIOLATION. IN ACCORDANCE WITH SUBSECTION (8)(c)(I) OF THIS SECTION, AN ASSOCIATION SHALL NOT PURSUE FORECLOSURE AGAINST THE UNIT OWNER BASED ON FINES OWED.

(IV) IF THE UNIT OWNER CURES THE VIOLATION WITHIN THE PERIOD TO CURE AFFORDED THE UNIT OWNER, THE UNIT OWNER MAY NOTIFY THE ASSOCIATION OF THE CURE AND, IF THE UNIT OWNER SENDS WITH THE NOTICE VISUAL EVIDENCE THAT THE VIOLATION HAS BEEN CURED, THE VIOLATION IS DEEMED CURED ON THE DATE THAT THE UNIT OWNER SENDS THE NOTICE. IF THE UNIT OWNER'S NOTICE DOES NOT INCLUDE VISUAL EVIDENCE THAT THE VIOLATION HAS BEEN CURED, THE ASSOCIATION SHALL INSPECT THE UNIT AS SOON AS PRACTICABLE TO DETERMINE IF THE VIOLATION HAS BEEN CURED.

(V) IF THE ASSOCIATION DOES NOT RECEIVE NOTICE FROM THE UNIT OWNER THAT THE VIOLATION HAS BEEN CURED, THE ASSOCIATION SHALL INSPECT THE UNIT WITHIN SEVEN DAYS AFTER THE EXPIRATION OF THE THIRTY-DAY CURE PERIOD TO DETERMINE IF THE VIOLATION HAS BEEN CURED. IF, AFTER THE INSPECTION AND WHETHER OR NOT THE ASSOCIATION

RECEIVED NOTICE FROM THE UNIT OWNER THAT THE VIOLATION WAS CURED, THE ASSOCIATION DETERMINES THAT THE VIOLATION HAS NOT BEEN CURED:

(A) A SECOND THIRTY-DAY PERIOD TO CURE COMMENCES IF ONLY ONE THIRTY-DAY PERIOD TO CURE HAS ELAPSED; OR

(B) THE ASSOCIATION MAY TAKE LEGAL ACTION PURSUANT TO THIS SECTION IF TWO THIRTY-DAY PERIODS TO CURE HAVE ELAPSED.

(VI) ONCE THE UNIT OWNER CURES A VIOLATION, THE ASSOCIATION SHALL NOTIFY THE UNIT OWNER, IN ENGLISH AND IN ANY LANGUAGE THAT THE UNIT OWNER HAS INDICATED A PREFERENCE FOR CORRESPONDENCE AND NOTICES PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION:

(A) THAT THE UNIT OWNER WILL NOT BE FURTHER FINED WITH REGARD TO THE VIOLATION; AND

(B) OF ANY OUTSTANDING FINE BALANCE THAT THE UNIT OWNER STILL OWES THE ASSOCIATION.

(c) ON A MONTHLY BASIS AND BY FIRST-CLASS MAIL AND, IF THE ASSOCIATION HAS THE RELEVANT E-MAIL ADDRESS, BY E-MAIL, AN ASSOCIATION SHALL SEND TO EACH UNIT OWNER WHO HAS ANY OUTSTANDING BALANCE OWED THE ASSOCIATION AN ITEMIZED LIST OF ALL ASSESSMENTS, FINES, FEES, AND CHARGES THAT THE UNIT OWNER OWES TO THE ASSOCIATION. THE ASSOCIATION SHALL SEND THE ITEMIZED LIST TO THE UNIT OWNER IN ENGLISH OR IN ANY LANGUAGE FOR WHICH THE UNIT OWNER HAS INDICATED A PREFERENCE FOR CORRESPONDENCE AND NOTICES PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION AND TO ANY DESIGNATED CONTACT FOR THE UNIT OWNER.

(2) Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations to the contrary, the association may not fine any unit owner for an alleged violation unless:

(a) The association has adopted, and follows, a written policy governing the imposition of fines; and

(c) THE POLICY:

(I) REQUIRES NOTICE REGARDING THE NATURE OF THE ALLEGED VIOLATION, THE ACTION OR ACTIONS REQUIRED TO CURE THE ALLEGED VIOLATION, AND THE TIMELINE FOR THE FAIR AND IMPARTIAL FACT-FINDING PROCESS REQUIRED UNDER SUBSECTION (2)(b) OF THIS SECTION. THE ASSOCIATION MAY SEND THE UNIT OWNER THE NOTICE REQUIRED UNDER THIS SUBSECTION (2)(c)(I) IN ACCORDANCE WITH SUBSECTION (1.7)(a) OF THIS SECTION.

(II) SPECIFIES THE INTERVAL UPON WHICH FINES MAY BE LEVIED IN ACCORDANCE WITH SUBSECTION (1.7)(b) OF THIS SECTION FOR VIOLATIONS THAT ARE CONTINUING IN NATURE.

(5) (a) Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations to the contrary or the absence of a relevant provision in the declaration, bylaws, articles, or rules or regulations, the association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, may not use a collection agency or take legal action to collect unpaid assessments unless the association or a holder or assignee of the association's debt has adopted, and follows, a written policy governing the collection of unpaid assessments AND UNLESS THE ASSOCIATION COMPLIES WITH SUBSECTION (7) OF THIS SECTION. The policy must, at a minimum, specify:

(V) That, before the entity turns over a delinquent account of a unit owner to a collection agency or refers it to an attorney for legal action, the entity must send the unit owner a notice of delinquency, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, specifying:

(6) A NOTICE OF DELINQUENCY THAT AN ASSOCIATION SENDS TO A UNIT OWNER FOR UNPAID ASSESSMENTS, FINES, FEES, OR CHARGES MUST:

(a) BE WRITTEN IN ENGLISH AND IN ANY LANGUAGE THAT THE UNIT OWNER HAS INDICATED A PREFERENCE FOR CORRESPONDENCE AND NOTICES PURSUANT TO SUBSECTION (1.7)(a)(I) OF THIS SECTION;

(b) SPECIFY WHETHER THE DELINQUENCY CONCERNS UNPAID ASSESSMENTS; UNPAID FINES, FEES, OR CHARGES; OR BOTH UNPAID ASSESSMENTS AND UNPAID FINES, FEES, OR CHARGES, AND, IF THE NOTICE OF DELINQUENCY CONCERNS UNPAID ASSESSMENTS, THE NOTICE OF

DELINQUENCY MUST NOTIFY THE UNIT OWNER THAT UNPAID ASSESSMENTS MAY LEAD TO FORECLOSURE; AND

(c) INCLUDE:

(I) A DESCRIPTION OF THE STEPS THE ASSOCIATION MUST TAKE BEFORE THE ASSOCIATION MAY TAKE LEGAL ACTION AGAINST THE UNIT OWNER, INCLUDING A DESCRIPTION OF THE ASSOCIATION'S CURE PROCESS ESTABLISHED IN ACCORDANCE WITH SUBSECTION (1.7)(b) OF THIS SECTION; AND

(II) A DESCRIPTION OF WHAT LEGAL ACTION THE ASSOCIATION MAY TAKE AGAINST THE UNIT OWNER, INCLUDING A DESCRIPTION OF THE TYPES OF MATTERS THAT THE ASSOCIATION OR UNIT OWNER MAY TAKE TO SMALL CLAIMS COURT, INCLUDING INJUNCTIVE MATTERS FOR WHICH THE ASSOCIATION SEEKS AN ORDER REQUIRING THE UNIT OWNER TO COMPLY WITH THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF THE ASSOCIATION.

(7) (a) AN ASSOCIATION SHALL NOT COMMENCE A LEGAL ACTION TO INITIATE A FORECLOSURE PROCEEDING BASED ON A UNIT OWNER'S DELINQUENCY IN PAYING ASSESSMENTS UNLESS:

(I) THE ASSOCIATION HAS COMPLIED WITH EACH OF THE REQUIREMENTS IN THIS SECTION AND IN SECTION 38-33.3-316.3 RELATED TO A UNIT OWNER'S DELINQUENCY IN PAYING ASSESSMENTS;

(II) THE ASSOCIATION HAS PROVIDED THE UNIT OWNER WITH A WRITTEN OFFER TO ENTER INTO A REPAYMENT PLAN PURSUANT TO SECTION 38-33.3-316.3 (2) THAT AUTHORIZES THE UNIT OWNER TO REPAY THE DEBT IN MONTHLY INSTALLMENTS OVER EIGHTEEN MONTHS. UNDER THE REPAYMENT PLAN, THE UNIT OWNER MAY CHOOSE THE AMOUNT TO BE PAID EACH MONTH, SO LONG AS EACH PAYMENT MUST BE IN AN AMOUNT OF AT LEAST TWENTY-FIVE DOLLARS UNTIL THE BALANCE OF THE AMOUNT OWED IS LESS THAN TWENTY-FIVE DOLLARS; AND

(III) WITHIN THIRTY DAYS AFTER THE ASSOCIATION HAS PROVIDED THE OWNER WITH A WRITTEN OFFER TO ENTER INTO A REPAYMENT PLAN, THE UNIT OWNER HAS EITHER:

(A) DECLINED THE REPAYMENT PLAN; OR

(B) AFTER ACCEPTING THE REPAYMENT PLAN, FAILED TO PAY AT LEAST THREE OF THE MONTHLY INSTALLMENTS WITHIN FIFTEEN DAYS AFTER THE MONTHLY INSTALLMENTS WERE DUE.

(b) A UNIT OWNER WHO HAS ENTERED INTO A REPAYMENT PLAN PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION MAY ELECT TO PAY THE REMAINING BALANCE OWED UNDER THE REPAYMENT PLAN AT ANY TIME DURING THE DURATION OF THE REPAYMENT PLAN.

(8) AN ASSOCIATION SHALL NOT:

(a) CHARGE A RATE OF INTEREST ON UNPAID ASSESSMENTS, FINES, OR FEES IN AN AMOUNT GREATER THAN EIGHT PERCENT PER YEAR;

(b) ASSESS A FEE OR OTHER CHARGE TO RECOVER COSTS INCURRED FOR PROVIDING THE UNIT OWNER A STATEMENT OF THE TOTAL AMOUNT THAT THE UNIT OWNER OWES;

(c) FORECLOSE ON AN ASSESSMENT LIEN IF THE DEBT SECURING THE LIEN CONSISTS ONLY OF ONE OR BOTH OF THE FOLLOWING:

(I) FINES THAT THE ASSOCIATION HAS ASSESSED AGAINST THE UNIT OWNER; OR

(II) COLLECTION COSTS OR ATTORNEY FEES THAT THE ASSOCIATION HAS INCURRED AND THAT ARE ONLY ASSOCIATED WITH ASSESSED FINES.

(9) A PARTY SEEKING TO ENFORCE RIGHTS AND RESPONSIBILITIES ARISING UNDER THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF AN ASSOCIATION IN RELATION TO DISPUTES ARISING FROM ASSESSMENTS, FINES, OR FEES OWED TO THE ASSOCIATION AND FOR WHICH THE AMOUNT AT ISSUE DOES NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS, EXCLUSIVE OF INTEREST AND COSTS, MAY FILE A CLAIM IN SMALL CLAIMS COURT PURSUANT TO SECTION 13-6-403 (1)(b)(I).

(10) AS USED IN THIS SECTION, "NOTICE OF DELINQUENCY" MEANS A WRITTEN NOTICE THAT AN ASSOCIATION SENDS TO A UNIT OWNER TO NOTIFY THE UNIT OWNER OF ANY UNPAID ASSESSMENTS, FINES, FEES, OR

CHARGES THAT THE UNIT OWNER OWES THE ASSOCIATION.

**SECTION 2.** In Colorado Revised Statutes, 38-33.3-308, **amend** (4)(e) as follows:

**38-33.3-308. Meetings.** (4) Matters for discussion by an executive or closed session are limited to:

(e) Any matter, the disclosure of which would constitute an unwarranted invasion of individual privacy, INCLUDING A DISCIPLINARY HEARING REGARDING A UNIT OWNER AND ANY REFERRAL OF DELINQUENCY; EXCEPT THAT A UNIT OWNER WHO IS THE SUBJECT OF A DISCIPLINARY HEARING OR A REFERRAL OF DELINQUENCY MAY REQUEST AND RECEIVE THE RESULTS OF ANY VOTE TAKEN AT THE RELEVANT MEETING;

**SECTION 3.** In Colorado Revised Statutes, 38-33.3-315, **amend** (2) as follows:

**38-33.3-315. Assessments for common expenses.** (2) Except for assessments under subsections (3) and (4) of this section and section 38-33.3-207 (4)(a)(IV), all common expenses shall be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to section 38-33.3-207 (1) and (2). Any past-due common expense assessment or installment thereof shall bear OF A COMMON EXPENSE ASSESSMENT BEARS interest at the rate established by the association ~~not exceeding twenty-one~~ IN AN AMOUNT NOT TO EXCEED EIGHT percent per year.

**SECTION 4.** In Colorado Revised Statutes, 38-33.3-316, **amend** (1), (2)(d), and (7); and **add** (12) as follows:

**38-33.3-316. Lien for assessments - liens for fines, fees, charges, costs, and attorney fees - limitations.** (1) (a) The association, if such association is incorporated or organized as a limited liability company, has a statutory lien on a unit for any assessment levied against that unit or fines imposed against its unit owner. ~~Unless the declaration otherwise provides,~~ Fees, charges, late charges, attorney fees UP TO THE MAXIMUM AMOUNT AUTHORIZED UNDER SUBSECTION (7) OF THIS SECTION, fines, and interest charged pursuant to section 38-33.3-302 (1)(j), (1)(k), and (1)(l), section 38-33.3-313 (6), and section 38-33.3-315 (2) ~~are enforceable as assessments~~

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~~under this article. The amount of the lien shall include all those items set forth in this section from the time such items become due~~ MAY BE SUBJECT TO A STATUTORY LIEN BUT ARE NOT SUBJECT TO A FORECLOSURE ACTION UNDER THIS ARTICLE 33.3.

(b) If an assessment is payable in installments, each installment is ~~a lien from the time it becomes due, including the due date set by any valid association's acceleration of installment obligations~~ MAY BE SUBJECT TO A STATUTORY LIEN IF THE UNIT OWNER FAILS TO PAY THE INSTALLMENT WITHIN FIFTEEN DAYS AFTER THE INSTALLMENT BECOMES DUE, BUT THE ASSOCIATION MAY NOT PURSUE LEGAL ACTION FOR UNPAID MONTHLY INSTALLMENTS UNTIL THE UNIT OWNER HAS FAILED TO PAY AT LEAST THREE MONTHLY INSTALLMENTS PURSUANT TO SECTION 38-33.3-209.5 (7)(a)(III)(B).

(2) (d) ~~The association shall have the statutory lien described in subsection (1) of this section for any assessment levied or fine imposed after June 30, 1992. Such A lien shall have~~ DESCRIBED IN SUBSECTION (1) OF THIS SECTION HAS the priority described in this subsection (2) if the other lien or encumbrance is created after June 30, 1992.

(7) (a) (I) The association ~~shall be~~ IS entitled to costs and reasonable attorney fees ~~incurred by~~ THAT the association ~~in a judgment or decree~~ INCURS in any action or suit FOR A JUDGMENT OR DECREE brought by the association under this section.

(II) A COURT SHALL DETERMINE REASONABLE ATTORNEY FEES IN ACCORDANCE WITH RULE 121 SEC. 1-22 OF THE COLORADO RULES OF CIVIL PROCEDURE.

(b) AN ASSOCIATION IS NOT ENTITLED TO RECOVER ATTORNEY FEES UNDER SUBSECTION (7)(a) OF THIS SECTION FOR ATTORNEY FEES INCURRED BEFORE THE ASSOCIATION HAS COMPLIED WITH THE NOTICE REQUIREMENTS OF SECTION 38-33.3-209.5 (1.7)(a) WITH REGARD TO ANY MATTER FOR WHICH THE ASSOCIATION IS REQUIRED TO COMPLY WITH THE NOTICE REQUIREMENTS OF SECTION 38-33.3-209.5 (1.7)(a).

(12) IF A UNIT HAS BEEN FORECLOSED, A MEMBER OF THE EXECUTIVE BOARD, AN EMPLOYEE OF A COMMUNITY ASSOCIATION MANAGEMENT COMPANY REPRESENTING THE ASSOCIATION, AN EMPLOYEE OF A LAW FIRM

REPRESENTING THE ASSOCIATION, OR AN IMMEDIATE FAMILY MEMBER, AS DEFINED IN SECTION 2-4-401 (3.7), OF ANY SUCH EXECUTIVE BOARD MEMBER, COMMUNITY ASSOCIATION MANAGEMENT COMPANY EMPLOYEE, OR LAW FIRM EMPLOYEE SHALL NOT PURCHASE THE FORECLOSED UNIT.

**SECTION 5.** In Colorado Revised Statutes, 38-33.3-316.3, **amend** (2); **repeal** (3); and **add** (4) and (5) as follows:

**38-33.3-316.3. Collections - limitations - violations.** (2) A payment plan negotiated between the association or a holder or assignee of the association's debt, whether the holder or assignee of the association's debt is an entity or a natural person, and the unit owner pursuant to this section must permit the unit owner to pay off the deficiency in equal installments over a period of at least ~~six~~ EIGHTEEN months. Nothing in this section prohibits an association or a holder or assignee of the association's debt from pursuing legal action against a unit owner if the unit owner fails to comply with the terms of ~~his or her~~ THE UNIT OWNER'S payment plan. A unit owner's failure to remit payment of ~~an~~ THREE OR MORE agreed-upon ~~installment~~ INSTALLMENTS PURSUANT TO SECTION 38-33.3-209.5 (7)(a)(III)(B), or to remain current with regular assessments as they come due during the ~~six-month~~ EIGHTEEN-MONTH period, constitutes a failure to comply with the terms of ~~his or her~~ THE UNIT OWNER'S payment plan.

(3) ~~For purposes of this section, "assessments" includes regular and special assessments and any associated fees, charges, late charges, attorney fees, fines, and interest charged pursuant to section 38-33.3-315 (2).~~

(4) IF A UNIT OWNER WHO HAS BOTH UNPAID ASSESSMENTS AND UNPAID FINES, FEES, OR OTHER CHARGES MAKES A PAYMENT TO THE ASSOCIATION, THE ASSOCIATION SHALL APPLY THE PAYMENT FIRST TO THE ASSESSMENTS OWED AND ANY REMAINING AMOUNT OF THE PAYMENT TO THE FINES, FEES, OR OTHER CHARGES OWED.

(5) IF AN ASSOCIATION HAS VIOLATED ANY FORECLOSURE LAWS, THE UNIT OWNER IN RELATION TO WHOM THE VIOLATION OCCURRED MAY, WITHIN FIVE YEARS AFTER THE VIOLATION OCCURRED, FILE CIVIL SUIT IN A COURT OF COMPETENT JURISDICTION AGAINST THE ASSOCIATION TO SEEK DAMAGES. THE COURT MAY AWARD THE UNIT OWNER DAMAGES IN AN AMOUNT OF UP TO TWENTY-FIVE THOUSAND DOLLARS, PLUS COSTS AND REASONABLE ATTORNEY FEES, IF THE UNIT OWNER PROVES THE VIOLATION BY A

PREPONDERANCE OF THE EVIDENCE.

**SECTION 6.** In Colorado Revised Statutes, 13-6-403, amend (1), (2) introductory portion, and (2)(h) as follows:

**13-6-403. Jurisdiction of small claims court - limitations.**

(1) (a) ~~On and after January 1, 1996;~~ The small claims court ~~shall have~~ HAS concurrent original jurisdiction with the county and district courts in all civil actions in which the debt, damage, or value of the personal property claimed by either the plaintiff or the defendant, exclusive of interest and ~~cost~~ COSTS, does not exceed seven thousand five hundred dollars, including such civil penalties as may be provided by law. By way of further example, and not limitation, the small claims court ~~shall have~~ HAS jurisdiction to hear and determine actions in tort and assess damages ~~therein~~ IN TORT ACTIONS not to exceed seven thousand five hundred dollars.

(b) The small claims court division ~~shall also have~~ ALSO HAS concurrent original jurisdiction with the county and district courts in actions where a party seeks:

(I) TO ENFORCE RIGHTS AND RESPONSIBILITIES ARISING UNDER THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF A UNIT OWNERS' ASSOCIATION, AS DEFINED IN SECTION 38-33.3-103 (3), IN RELATION TO DISPUTES ARISING FROM ASSESSMENTS, FINES, OR FEES OWED TO THE UNIT OWNERS' ASSOCIATION AND FOR WHICH THE AMOUNT AT ISSUE DOES NOT EXCEED SEVEN THOUSAND FIVE HUNDRED DOLLARS, EXCLUSIVE OF INTEREST AND COSTS.

(II) To enforce a restrictive covenant on residential property and the amount required to comply with the covenant does not exceed seven thousand five hundred dollars, exclusive of interest and costs; ~~in actions~~

(III) ~~Where a party seeks~~ Replevin if the value of the property sought does not exceed seven thousand five hundred dollars; and ~~in actions~~

(IV) ~~Where a party seeks~~ To enforce a contract by specific performance or to disaffirm, avoid, or rescind a contract and the amount at issue does not exceed seven thousand five hundred dollars.

(2) The small claims court ~~shall have no~~ HAS ONLY THAT jurisdiction

~~except that~~ specifically conferred upon it by law, AS PROVIDED IN SUBSECTION (1) OF THIS SECTION. In particular, it ~~shall have no~~ DOES NOT HAVE jurisdiction over the following matters:

(h) Actions involving injunctive relief, except as required to:

(I) ENFORCE RIGHTS OR RESPONSIBILITIES ARISING UNDER THE DECLARATION, BYLAWS, COVENANTS, OR OTHER GOVERNING DOCUMENTS OF A UNIT OWNERS' ASSOCIATION, AS DEFINED IN SECTION 38-33.3-103 (3), AND INCLUDING ACTIONS SEEKING DECLARATORY RELIEF;

~~(H)~~ (II) Enforce restrictive covenants on residential property;

~~(HH)~~ (III) Enforce the provisions of section 6-1-702.5; ~~C.R.S.~~;

~~(HHH)~~ (IV) Accomplish replevin; and

~~(HVV)~~ (V) Enter judgments in actions where a party seeks to enforce a contract by specific performance or to disaffirm, avoid, or rescind a contract;

**SECTION 7. Act subject to petition - effective date - applicability.** (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

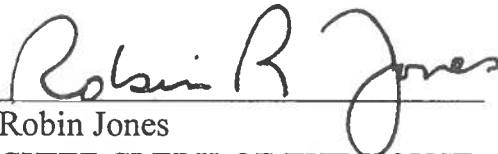
(2) This act applies to conduct occurring on or after the applicable effective date of this act.



Alec Garnett  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED June 3rd at 4:31 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

# HORNS

## Housing and Community Services Code Enforcement HB 22-1137 October 6, 2022



# HB 22-1137

HB 22-1137 was signed by the Governor Polis on June 3 ,2022. This bill is concerned with the practices of HOA's, and authorizing the enforcement of certain matters regarding unit owners' associations in small claims court and limiting the conduct of unit owners' associations in collecting unpaid assessments, fees, and fines.



# HB 22-1137

## Specifically addresses:

- Under this law, when a unit owner is behind in paying HOA dues this law prescribes how the HOA can collect that money.
- The HOA is generally prohibited from imposing late fees or fines for violations, but there are exceptions.
- Life/safety violations must be cured within 72-hours of notice given or the violator can be fined by the HOA.
- Non-life/safety violations require notice from the association by certified mail and can require the violation to be cured within 30-days or the violator may be fined. The 30-day cure period can be extended another 30-days. The association may also take legal action to cure the violation in Small Claims court.





# HB 22-1137

## Concerns:

- Concerns from neighborhood and HOA leaders on enforcement from Management companies sending complaints onto Code Enforcement.
- May cause an influx of complaints onto code enforcement when the property management can actually address the issues.
- May impact Code Enforcement ability to address violation in areas which do not have covenants in place.



Question:

This is an informational only.  
Does the committee want to move this  
information forward to Study Session?