

1 that grants unit owners freer access to such records; EXCEPT THAT THE
2 PRIVACY PROTECTIONS CONTAINED IN PARAGRAPH (b) OF SUBSECTION (2)
3 OF THIS SECTION SHALL SUPERSEDE ANY SUCH PROVISION.

4 **SECTION 13. Repeal.** 38-33.3-223, Colorado Revised Statutes,
5 is repealed.

6 **SECTION 14.** 38-35.7-102, Colorado Revised Statutes, is
7 REPEALED AND REENACTED, WITH AMENDMENTS, to read:

8 **38-35.7-102. Disclosure - common interest community -**
9 **obligation to pay assessments - requirement for architectural**
10 **approval.** (1) ON AND AFTER JANUARY 1, 2007, EVERY CONTRACT FOR
11 THE PURCHASE AND SALE OF RESIDENTIAL REAL PROPERTY IN A COMMON
12 INTEREST COMMUNITY SHALL CONTAIN A DISCLOSURE STATEMENT IN
13 BOLD-FACED TYPE THAT IS CLEARLY LEGIBLE AND IN SUBSTANTIALLY THE
14 FOLLOWING FORM:

15 **"THE PROPERTY IS LOCATED WITHIN A**
16 **COMMON INTEREST COMMUNITY AND IS**
17 **SUBJECT TO THE DECLARATION FOR SUCH**
18 **COMMUNITY. THE OWNER OF THE PROPERTY**
19 **WILL BE REQUIRED TO BE A MEMBER OF THE**
20 **OWNER'S ASSOCIATION FOR THE COMMUNITY**
21 **AND WILL BE SUBJECT TO THE BYLAWS AND**
22 **RULES AND REGULATIONS OF THE**
23 **ASSOCIATION. THE DECLARATION, BYLAWS,**
24 **AND RULES AND REGULATIONS WILL IMPOSE**
25 **FINANCIAL OBLIGATIONS UPON THE OWNER**
26 **OF THE PROPERTY, INCLUDING AN**
27 **OBLIGATION TO PAY ASSESSMENTS OF THE**
28 **ASSOCIATION. IF THE OWNER DOES NOT PAY**
29 **THESE ASSESSMENTS, THE ASSOCIATION**
30 **COULD PLACE A LIEN ON THE PROPERTY AND**
31 **POSSIBLY SELL IT TO PAY THE DEBT. THE**
32 **DECLARATION, BYLAWS, AND RULES AND**
33 **REGULATIONS OF THE COMMUNITY MAY**
34 **PROHIBIT THE OWNER FROM MAKING**
35 **CHANGES TO THE PROPERTY WITHOUT AN**
36 **ARCHITECTURAL REVIEW BY THE**
37 **ASSOCIATION (OR A COMMITTEE OF THE**



1 ASSOCIATION) AND THE APPROVAL OF THE
2 ASSOCIATION. PURCHASERS OF PROPERTY
3 WITHIN THE COMMON INTEREST COMMUNITY
4 SHOULD INVESTIGATE THE FINANCIAL
5 OBLIGATIONS OF MEMBERS OF THE
6 ASSOCIATION. PURCHASERS SHOULD
7 CAREFULLY READ THE DECLARATION FOR THE
8 COMMUNITY AND THE BYLAWS AND RULES
9 AND REGULATIONS OF THE ASSOCIATION."

10 (2) (a) THE OBLIGATION TO PROVIDE THE DISCLOSURE SET FORTH
11 IN SUBSECTION (1) OF THIS SECTION SHALL BE UPON THE SELLER, AND, IN
12 THE EVENT OF THE FAILURE BY THE SELLER TO PROVIDE THE WRITTEN
13 DISCLOSURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE
14 PURCHASER SHALL HAVE A CLAIM FOR RELIEF AGAINST THE SELLER FOR
15 ACTUAL DAMAGES DIRECTLY AND PROXIMATELY CAUSED BY SUCH
16 FAILURE PLUS COURT COSTS. IT SHALL BE AN AFFIRMATIVE DEFENSE TO
17 ANY CLAIM FOR DAMAGES BROUGHT UNDER THIS SECTION THAT THE
18 PURCHASER HAD ACTUAL OR CONSTRUCTIVE KNOWLEDGE OF THE FACTS
19 AND INFORMATION REQUIRED TO BE DISCLOSED.

20 (b) UPON REQUEST, THE SELLER SHALL EITHER PROVIDE TO THE
21 BUYER OR AUTHORIZE THE UNIT OWNERS' ASSOCIATION TO PROVIDE TO
22 THE BUYER, UPON PAYMENT OF THE ASSOCIATION'S USUAL FEE PURSUANT
23 TO SECTION 38-33.3-317 (3), ALL OF THE COMMON INTEREST COMMUNITY'S
24 GOVERNING DOCUMENTS AND FINANCIAL DOCUMENTS, AS LISTED IN THE
25 MOST RECENT AVAILABLE VERSION OF THE CONTRACT TO BUY AND SELL
26 REAL ESTATE PROMULGATED BY THE REAL ESTATE COMMISSION AS OF THE
27 DATE OF THE CONTRACT.

28 (3) THIS SECTION SHALL NOT APPLY TO THE SALE OF A UNIT THAT
29 IS A TIME SHARE UNIT, AS DEFINED IN SECTION 38-33-110 (7).

30 **SECTION 15.** 10-4-110.8 (5), Colorado Revised Statutes, is
31 amended to read:

32 **10-4-110.8. Homeowner's insurance - prohibited practices -**
33 **definitions.** (5) (a) In a common interest community, as defined in
34 section 38-33.3-103 (8), C.R.S., a unit owner may file a claim against the
35 policy of the unit owner's association to the same extent, and with the
36 same effect, as if the unit owner were ~~an additional~~ A named insured IF

