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Bill Number	Sponsors	Synopsis	Next Steps
HB 10-1084	Representative Acree Senator Mitchell	<p>Concerning Measures to Encourage the Voluntary Clean-Up of Unoccupied Real Property</p> <p>This bill promotes the ability of individuals to go onto the unoccupied property of another to trim or water vegetation or remove accumulated weeds, brush, trash, or debris from the property.</p> <ul style="list-style-type: none"> ●The protections of this bill only apply to individuals who voluntarily, without pay, enter upon the property of another to carry out the activities outlined above. ●These individuals, who are acting in good faith, are treated as licensees who have the landowner’s implied consent to enter upon the land to carry out the activities. ●These individuals are not liable for nominal or presumed damages in trespass. ●These individuals are liable for actual damages caused on the land. ●These individuals are exempt from criminal trespass laws. ●This legislation does not apply to the common elements of common interest communities. 	<p>1/13/2010 – Introduced in the House & Assigned to the Judiciary Committee</p> <p>2/4/2010 – House Committee on Judiciary Postponed HB 1084 Indefinitely.</p> <p style="color: red;">No further action on HB 1084 is anticipated during the 2010 Legislative Session.</p>
SB 10-045	Senator Morse Representative Andy Kerr	<p>Concerning Increasing the Rights of Homeowners, and, in Connection Therewith, Enacting the “Homeowner Protection Act of 2010”</p> <p>This bill promotes the ability of homeowners to work with the holders of their mortgages to refinance their loans prior to a public trustee foreclosure sale taking place.</p> <ul style="list-style-type: none"> ●At least 60 days prior to a lender commencing a public trustee foreclosure action to foreclose on a mortgage, the lender must provide notice to the homeowner which contains: <ul style="list-style-type: none"> ○The telephone number of an individual who has the authority to 	<p>1/13/2010 – Introduced in the Senate & Assigned to the State, Veterans & Military Affairs Committee</p> <p>Next Step: Hearing by the Committee</p>



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		<p>negotiate an agreement to avoid foreclosure;</p> <ul style="list-style-type: none"> ○ Information regarding the lender's duty to negotiate a mutually acceptable agreement to avoid foreclosure; and ○ Information regarding the homeowner's right to participate in mediation to attempt to reach a mutually acceptable agreement to avoid foreclosure. <p>● Prior to a court authorizing a public trustee sale, the court must:</p> <ul style="list-style-type: none"> ○ Appoint a mediator to mediate the matter; ○ Verify the lender has paid all of the costs of the mediation; ○ Receive notice from the mediator that the parties were unable to reach an agreement to avoid foreclosure. <p>● If the court receives notice from the mediator that the parties were able to reach an agreement to avoid foreclosure, the case is dismissed.</p>	
<p>HB 10-1086</p>	<p>Representative Curry Senator Hodge</p>	<p>Concerning a Limitation of Landowners' Liability, and, in Connection Therewith, Limiting Landowners' Liability Arising From Facilities Related to Water Rights and From the Use of Land for Recreational Purposes</p> <p>The bill would prohibit attractive nuisance claims brought on behalf of children who are members of the public and under 14 years of age against landowners for injuries and damages relating to:</p> <ul style="list-style-type: none"> ● Property that was constructed or is used for or in connection with irrigation ditches, laterals, channels, canals, reservoirs, dams, weirs, flumes, headgates, bridges and footbridges over or across water, or any other device, facility, or structure constructed for the diversion, storage, conveyance, or use of water; and ● The use of land for recreational purposes unless the landowner 	<p>1/13/2010 – Introduced in the House & Assigned to Judiciary Committee</p> <p>1/28/2010 – House Committee on Judiciary Postponed HB 1086 Indefinitely.</p> <p>No further action on HB 1086 is anticipated during the 2010 Legislative Session.</p>



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		willfully or deliberately causes the injuries or damages. For purposes of this section, it does not matter whether the individual was an invitee, licensee or trespasser.	
HB 10-1118	Representative James Kerr Senator Hudak	<p>Concerning the Regulation of Distressed Real Property by a Board of County Commissioners</p> <p>This bill would give Boards of County Commissioners the jurisdiction to “regulate distressed real property by requiring, at a minimum, that such real property be secured, maintained, and insured and that real property owners or foreclosing lenders provide contact information to the county for persons responsible for management of such real property.”</p> <p>● “Distressed Real Property” means any vacant, foreclosed, or abandoned real property.”</p> <p>Amended Bill Passed by House:</p> <p>The amended version of this bill passed by the House and introduced in the Senate would give Boards of County Commissioners the jurisdiction to regulate distressed real property by “requiring that such real property be secured, maintained, and insured by the owner of such real property or, if applicable, by a holder of a lien that has taken possession of such real property pursuant to Part 6 of Article 38 of Title 38, C.R.S., or any receiver appointed to take possession of or to preserve the real property. The county may require that real property owners or parties foreclosing on a lien provide to the county planning and zoning department contact information for the person or entity responsible for the preservation of the real property.”</p> <p>● Distressed Real Property” means any “real property in</p>	<p>1/15/2010 – Introduced in the House & Assigned to the Local Government Committee</p> <p>2/9/2010 – HB 1118 Was Reported out of the House Committee on Local Government to the Floor of the House for Action</p> <p>2/19/2010 – Passed by the Full House</p> <p>2/24/2010 – Introduced in the Senate and Assigned to the Senate Committee on Local Government & Energy</p> <p>Next Step: Hearing by Senate Committee</p>



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<p>SB 10-093</p>	<p>Senator Lundberg</p>	<p>foreclosure or any vacant or abandoned real property.”</p> <p style="text-align: center;">Concerning the Orderly Resolution of Claims in Foreclosures Involving Junior Liens</p> <p>This bill would require junior lienors (including associations and those to whom association’s have assigned lien rights) to accept payment of the lien amount from the purchaser (“Certificate of Purchase Holder”) of the property sold at a public trustee foreclosure sale. If the Certificate of Purchase Holder tenders payment to a junior lienor, that junior lienor’s right of redemption and ability to assign the lien are extinguished. Here are the particulars:</p> <ul style="list-style-type: none"> ●The Certificate of Purchase Holder has 10 business days following the sale to pay of the debt held by junior lienors. ●Tender of payment must be made directly to the junior lienors who must accept the payment. ●Upon acceptance of payment, a junior lienor must execute a release of lien. ●Junior lienors must submit with the notice of intent to redeem a signed statement of the amount payable to the lienor. ●If the statement of the amount payable to the lienor contains a material misstatement, the individual submitting the statement may be responsible for payment of court costs and attorney fees. <p>Amended Bill Passed by Senate Committee on Business Labor & Technology Referred to the Full Senate for Action:</p> <p>The procedural requirements outlined in the introduced version of SB 93 were deleted and the following concept was passed by the Senate Committee:</p> <p>“The holder of a certificate of purchase may pay a junior lienor the debt secured by the junior lienor’s lien. The junior lienor shall not refuse the tendered payment.”</p>	<p>1/20/2010 – Introduced in the Senate & Assigned to Business, Labor and Technology Committee</p> <p>2/1/2010 – Testimony heard by the Senate Committee on Business, Labor & Technology. Senator Lundberg was directed by the Committee Chair to meet with stakeholders to rework the bill.</p> <p>2/15/2010 – Amended version of SB 93 was passed by the Senate Committee on Business, Labor & Technology and referred to the full Senate for action.</p> <p>3/1/2010 – Full Senate passed SB 93 with amendments on second reading.</p> <p>3/3/2010 – Full Senate passed SB 93 with amendments on 3rd reading and referred the bill to the House for action.</p> <p>3/4/2010 – SB 93 assigned to the House Committee on Local Government</p> <p>Next Steps: Hearing by House Committee on Local Government</p>
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<p>HB 10-1278</p>	<p>Representative Ryden Senator Carroll</p>	<p>Concerning the Creation of an Ombudsman for Matters Arising Under the Colorado Common Interest Ownership Act</p> <p>This bill creates the Office of the HOA Ombudsman. Under the bill, as currently written, the Ombudsman would be empowered to:</p> <ol style="list-style-type: none"> 1. Advocate for the rights of unit owners in the governance of associations; 2. Offer to mediate disputes between unit owners and their associations; 3. Act as a clearing house for information concerning the rights and duties of unit owners, declarants and associations; 4. Report to the Division of Real Estate suspected violations under the legislation or of the Division's rules; and 5. Report other suspected violations of the law to the appropriate authorities. <p>The Ombudsman is not permitted under the bill to provide legal advice to any party.</p> <p>The bill provides that the operating expenses of the Office of the HOA Ombudsman shall be paid for from the HOA Ombudsman</p>	<p>2/5/2010 – Introduced in the House and Assigned to the Business Affairs & Labor Committee</p> <p>2/24/2010 – Testimony taken by the House Business Affairs & Labor Committee. No formal action was taken by the Committee. Sponsors were asked to work with stakeholders to craft a workable solution.</p> <p>3/3/2010 – Amended version of HB 1278 passed by House Committee on Business Affairs and Labor and referred to House Appropriations Committee for action.</p> <p>Next Step: Hearing by the House Appropriations Committee</p>



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		<p>Cash Fund which will consist of "surcharges on filing fees paid by unit owners' associations and collected by the Secretary of State." In particular, the surcharge will apply to associations that "file Articles of Incorporation or Articles of Organization" with the Secretary of State. The bill does not specify the actual amount associations would pay for the surcharge.</p> <p>Amended Bill Passed by the House Committee on Business Affairs and Labor</p> <p>The amended version of HB 1278 does not include an advocacy role for an ombudsman. Instead, the amended bill focuses on information gathering and education with the following provisions:</p> <p>1. Registry for Associations. Under the Auspices of the Division of Real Estate, homeowner associations will be required to register on a yearly basis. The purpose of the registry is for the State of Colorado to get a handle on how many associations actually exist in Colorado and to be able to communicate with those associations. The current anticipated cost of the registration is \$20.00 for the first year and is expected to reduce to approximately \$15.00 for the second and subsequent years. However, an updated fiscal note is being prepared which will take into account the retooled version of the bill. We will provide you with more information on the anticipated cost for associations as it becomes available.</p> <p>2. Track Inquiries & Complaints. The Division of Real Estate will also be responsible for tracking inquiries and complaints relating to homeowner associations. The purpose of this provision is to determine whether there are any trends of concern relating to the complaints. This data will be utilized to determine whether future changes to the regulation of associations are necessary. Revisions to CCIOA are currently based upon anecdotal complaints received by legislators and do</p>	
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		<p>not necessarily reflect trends in associations.</p> <p>3. Information Clearing House. The bill also provides that the Division of Real Estate will act as a clearing house for information concerning the rights and duties of unit owners, declarants, and homeowner associations.</p>	
<p>HB 10-1290</p>	<p>Representative Stephens</p>	<p>Concerning Procedures for Small Planned Communities to Elect to Exempt Themselves From Certain Provisions of the Colorado Common Interest Ownership Act</p> <p>This bill allows a small common interest community to exempt itself from most of the provisions of CCIOA. A small common interest community: (a) contains no more than 20 units; (b) does not impose assessments of over \$400.00 per year (adjusted for inflation); and (c) has annual revenues or expenses of less than \$250,000 per year.</p> <p>The process to exempt a community from CCIOA would require the executive board of the association to pass a resolution recommending the association become exempt. The resolution of the board would then be brought before the members of the association for a vote. The resolution exempting the community from CCIOA would be approved by the membership if at least 67% of the members who appear in person or by proxy at the meeting of the members vote to approve the resolution.</p> <p>The question of whether to become exempt from CCIOA will also be voted upon by the members, if at least 1/20th of the members of the association request a vote of the membership on the issue.</p> <p>If a small association votes to become exempt from CCIOA, that action would not be retroactive and the association would be</p>	<p>2/5/2010 – Introduced in the House and Assigned to the Local Government Committee</p> <p>2/23/2010 – House Committee on Local Government passed the bill without amendments and referred the bill to the full House for action.</p> <p>3/3/2010 – HB 1290 was killed on the floor of the House by a slim 3 vote margin. No further action will occur on this bill during the 2010 legislative session.</p>



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		<p>required to comply with the following provisions of CCIOA:</p> <p>38-33.3-105 – Separate titles and taxation.</p> <p>38-33.3-106 – Applicability of local ordinances, regulations, and building codes.</p> <p>38-33.3-106.5 – Prohibitions contrary to public policy – patriotic and political expression – emergency vehicles – fire prevention – renewable energy generation devices – affordable housing – definitions.</p> <p>38-33.3-106.7 – Unreasonable restrictions on energy efficiency measures – definitions.</p> <p>38-33.3-107 – Eminent domain.</p>	
<p>HB 10-1240</p>	<p>Representative Ferrandino</p>	<p style="text-align: center;">Concerning the Foreclosure Deferment Process for Residential Properties</p> <p>This bill clarifies legislation signed into law in 2009 that creates a 90-day foreclosure deferment period for eligible borrowers with property that is the subject of a public trustee foreclosure. The bill:</p> <ol style="list-style-type: none"> (1) Clarifies that the notice of opportunity for foreclosure deferment may not be posted prior to the date the public trustee determines that the documents filed for the commencement of the foreclosure are complete and accurate; (2) Requires the notice of the opportunity for foreclosure deferment must include a telephone number for the lender, the attorney for the lender, and the public trustee foreclosure number; (3) Requires a foreclosure counselor to inform the lender if 	<p>2/3/2010 – Introduced in the House and Assigned to the Local Government Committee</p> <p>2/16/2010 – House Committee on Local Government passed an amended version of the bill and referred this version to the House Appropriations Committee</p> <p>2/26/201 – Passed by the House Appropriations Committee and referred to the full House without amendment for action.</p> <p>3/2/2010 – Passed on 2nd reading by the full House with amendments.</p>



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		<p>an eligible borrower who qualifies for deferment chooses not to participate;</p> <p>(4) Prohibits an eligible borrower from qualifying for a foreclosure deferment if the borrower has transferred title to the property to another party.</p> <p>Amended Bill Passed by House Committee on Local Government and Referred to House Appropriations Committee:</p> <p>In addition to the provisions of the original bill that was introduced, this version of the bill addresses the documents that must be filed with the public trustee when commencing a foreclosure proceeding and procedures to be followed if the documents were filed in error.</p>	<p>3/3/2010 – Passed by the full House on 3rd reading and referred to the Senate.</p> <p>Next Step: Assign HB 1240 to a Senate Committee</p>
<p>HB 10-1249</p>	<p>Representative Labuda</p> <p>Representative Primavera</p> <p>Senator Johnston</p>	<p style="text-align: center;">Concerning Expedited Residential Foreclosure Sales</p> <p>The purpose of this bill, being championed by Governor Ritter, is to permit lenders to expedite public trustee foreclosure sales on properties that have been abandoned – to prevent blight, a reduction in property values and these properties from becoming magnets for criminal activity.</p> <p>In order for the expedited sale to be conducted, a court must issue an order for expedited sale, and a copy of the order must be filed with the public trustee. The court shall only issue an order if, among other things:</p> <ul style="list-style-type: none"> ●The property has been abandoned; or ●The grantor of the deed of trust requests the order for expedited sale. <p>The bill establishes that an affidavit that meets certain criteria is</p>	<p>2/3/2010 – Introduced in the House and assigned to State, Veterans & Military Affairs Committee</p> <p>3/4/2010 – Amended version of HB 1249 passed by the House Committee on State, Veterans, & Military Affairs and referred to the full House for action.</p> <p>Next Steps: Action by the Full House</p>



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		<p>prima facie evidence of abandonment.</p> <p>If an expedited sale is set, the bill also makes appropriate modifications to the public trustee foreclosure process.</p> <p>Amended Bill Passed by the House Committee on State, Veterans, & Military Affairs</p> <p>In addition to the provisions of the original bill that was introduced, this version of the bill addresses the following:</p> <ul style="list-style-type: none">● If passed, HB 1249 will apply only to public trustee foreclosures commenced on or after July 1, 2010 and before July 1, 2013.● In public trustee foreclosure sales that comply with the requirements of the bill, the initial sale date shall be set no less than 45 calendar days and no more than 65 calendar days following the commencement of the public trustee foreclosure action.● An expedited foreclosure may be ordered by a court upon a showing that the property has been abandoned by clear and convincing evidence. In addition, abandoned property must be inspected on more than one occasion and on each occasion it must be determined that the property has been abandoned. Gas, electric and water service must also have been terminated for a period of at least 30 days.● Notice requirements have also been modified in the amended version of the bill.	
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