

HB1043_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.

HB25-1043 be amended as follows:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 32-1-1004, add
3 (8)(e) as follows:

4 **32-1-1004. Metropolitan districts - additional powers and**
5 **duties.** (8) (e) IF THE BOARD OF A METROPOLITAN DISTRICT ASSUMES
6 COVENANT ENFORCEMENT AND DESIGN REVIEW SERVICES, THE BOARD
7 SHALL COMPLY WITH ALL OF THE COLLECTION REQUIREMENTS SET FORTH
8 IN THE "COLORADO COMMON INTEREST OWNERSHIP ACT", ARTICLE 33.3
9 OF TITLE 38."

10 Renumber succeeding sections accordingly.

11 Page 3, strike line 3 and substitute "ATTORNEY FEES OR COSTS THROUGH
12 THE FORECLOSURE OF AN ASSOCIATION LIEN, THE ASSOCIATION".

13 Page 3, line 5, before "PROVISIONS" insert "ASSOCIATION LIEN OR
14 FORECLOSURE".

15 Page 4, line 12, after "(1)" insert "OR THROUGH THE DEPARTMENT OF
16 LOCAL AFFAIRS' WEBSITE".

17 Page 4, line 19, after "AGENCIES" insert "AND THE DEPARTMENT OF LOCAL
18 AFFAIRS".

19 Page 4, line 24, after "(1)" insert "OR THE DEPARTMENT OF LOCAL
20 AFFAIRS' WEBSITE".

21 Page 5, line 3, strike "(11.5)," and substitute "(11.2),".

22 Page 5, line 14, strike "(1);" and substitute "(1) OR THROUGH THE
23 DEPARTMENT OF LOCAL AFFAIRS' WEBSITE;".

24 Page 5, strike lines 26 and 27 and substitute:

25 "(11.2) NO LATER THAN FIVE BUSINESS DAYS AFTER AN
26 ASSOCIATION INITIATES LEGAL ACTION TO FORECLOSE A LIEN DESCRIBED
27 IN THIS SECTION, THE ASSOCIATION SHALL PROVIDE WRITTEN AND
28 ELECTRONIC NOTICE TO ALL LIENHOLDERS IDENTIFIED IN THE UNIT OWNER
29 PROPERTY RECORDS OF:

30 (a) THE RIGHT TO CURE THE NONPAYMENT PURSUANT TO SECTION

1 38-38-104; AND

2 (b) THE RIGHT OF THE UNIT OWNER TO FILE A MOTION TO STAY THE
3 SALE OF THE PROPERTY AT AUCTION PURSUANT TO SECTION 38-38-109.5."

4 Page 6, strike lines 1 through 26.

5 Page 7, strike lines 15 through 24 and substitute:

6 "(a) FOR THE TWELVE-MONTH PERIOD IMMEDIATELY PRECEDING
7 THE ASSOCIATION'S ANNUAL REGISTRATION, THE NUMBER OF UNIT OWNERS
8 THAT WERE, AT ANY TIME DURING THE TWELVE-MONTH PERIOD, SIX OR
9 MORE CALENDAR MONTHS DELINQUENT IN THE PAYMENT OF AN ANNUAL
10 ASSESSMENT OR SPECIAL ASSESSMENT;"

11 Page 8, strike lines 12 through 27.

12 Page 9, strike lines 1 through 4 and substitute:

13 "SECTION 6. In Colorado Revised Statutes, add 38-38-109.5 as
14 follows:

15 **38-38-109.5 Continuance of sale - unit association lien - unit**
16 **owner's motion to stay - escrow of proceeds - purchaser title.**

17 (1) NOTWITHSTANDING ANY PROVISION OF THIS TITLE 38 TO THE
18 CONTRARY, AT ANY TIME AFTER A UNIT OWNERS' ASSOCIATION FILES AN
19 ACTION FOR FORECLOSURE OF THE UNIT ASSOCIATION LIEN ON A UNIT, BUT
20 PRIOR TO THE SALE DATE AT AUCTION, THE UNIT OWNER OR THE UNIT
21 OWNER'S DESIGNATED REPRESENTATIVE MAY FILE A MOTION WITH THE
22 COURT TO STAY THE SALE OF THE UNIT WITH NOTICE OF THE UNIT OWNER'S
23 INTENT TO LIST THE UNIT FOR SALE FOR THE FAIR MARKET VALUE OF THE
24 UNIT OR AN ALTERNATE AMOUNT AS SPECIFIED IN SUBSECTION (2) OF THIS
25 SECTION. THE UNIT OWNER OR THE UNIT OWNER'S DESIGNATED
26 REPRESENTATIVE SHALL PROVIDE NOTICE OF THE MOTION TO STAY THE
27 SALE TO THE ASSOCIATION AND TO THE OFFICER.

28 (2) (a) THE UNIT OWNER SHALL STATE IN THE MOTION TO STAY:

29 (I) THE FAIR MARKET VALUE OF THE UNIT, AS DETERMINED BY:

30 (A) AN APPRAISAL OF THE UNIT;

31 (B) A MARKET ANALYSIS CONDUCTED BY A LICENSED REAL ESTATE
32 AGENT; OR

33 (C) THE ASSESSED VALUE OF THE UNIT RECORDED IN THE COUNTY
34 ASSESSOR'S PROPERTY TAX RECORDS ON THE DATE OF THE COURT'S ORDER
35 TO SELL THE UNIT; OR

36 (II) AN ALTERNATE VALUE FOR THE UNIT THAT, IF LESS THAN THE
37 FAIR MARKET VALUE OF THE UNIT, EXCEEDS THE SUM OF ALL LIENS AND
38 ANY FEES OR COSTS ADVANCED BY THE HOLDER OF THE EVIDENCE OF
39 DEBT.

1 (b) THE COURT MAY ALLOW THE UNIT OWNER ADDITIONAL TIME TO
2 SUBMIT THE FAIR MARKET VALUE OR ALTERNATE VALUE TO THE COURT.

3 (c) THE UNIT OWNER SHALL LIST THE UNIT AT THE SALE PRICE
4 SPECIFIED IN THE MOTION TO STAY, UNLESS THE ASSOCIATION OBJECTS TO
5 THE UNIT OWNER'S DECLARED FAIR MARKET VALUE OR ALTERNATE VALUE
6 OF THE UNIT. THE ASSOCIATION MAY SUBMIT EVIDENCE OF THE UNIT'S
7 VALUE TO THE COURT. BASED ON THE EVIDENCE, THE COURT SHALL SET
8 THE INITIAL LIST PRICE OF THE UNIT AND MAY FURTHER ORDER A CHANGE
9 TO THE LIST PRICE IF SUPPORTED BY SUFFICIENT EVIDENCE.

10 (3) THE COURT MAY EXTEND THE STAY OF THE SALE OF THE UNIT
11 AT AUCTION BEYOND NINE MONTHS UPON EVIDENCE THAT THE SALE OF
12 THE UNIT IS IMMINENT OR FOR GOOD CAUSE, AS DETERMINED BY THE
13 COURT.

14 (4) IF A SALE DATE WAS SCHEDULED, THE OFFICER SHALL POST OR
15 PROVIDE NOTICE OF THE CONTINUANCE OF THE SALE WHILE THE STAY IS IN
16 EFFECT.

17 (5) THE COURT SHALL ENTER ANY ORDERS NECESSARY TO ENSURE
18 THAT THE PROCEEDS OF THE SALE OF THE UNIT ARE HELD IN ESCROW AND
19 DISTRIBUTED BY THE COURT IN ACCORDANCE WITH LIEN PRIORITY AND
20 OTHER APPLICABLE LAW.

21 (6) A PURCHASER OF A UNIT LISTED FOR SALE PURSUANT TO THIS
22 SECTION SHALL TAKE TITLE TO THE UNIT FREE AND CLEAR OF ANY
23 ENCUMBRANCES RELATING TO FILING OF THE FORECLOSURE ACTION."

24 Renumber succeeding section accordingly.

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