

SENATE COMMITTEE OF REFERENCE REPORT

	March 13, 2025
Chair of Committee	Date

Committee on Local Government & Housing.

After consideration on the merits, the Committee recommends the following:

HB25-1043 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 3, line 11, before "(3)" insert "(1)(f)(III.5)
- 2 and".

- 3 Page 3, line 13, strike "(3) NOTWITHSTANDING" and substitute "(1) (f) In
- 4 determining reasonable attorney fees pursuant to this subsection (1)
- 5 relating to an association's foreclosure of a lien against a unit owner for
- 6 unpaid assessments, the court shall give consideration to all relevant
- 7 factors, including:
- 8 (III.5) WHETHER THE ASSOCIATION INCURRED INFLATED OR
- 9 DUPLICATIVE ATTORNEY FEES DUE TO A STAY IN COURT PROCEEDINGS
- 10 PURSUANT TO SUBSECTION (3) OF THIS SECTION FOR THE ASSOCIATION TO
- 11 COME INTO STRICT COMPLIANCE WITH APPLICABLE LIEN OR FORECLOSURE
- 12 PROVISIONS OF THIS TITLE 38;
- 13 (3) NOTWITHSTANDING".

- 14 Page 3, lines 17 and 18, strike "THIS SECTION AND".

- 15 Page 3, line 19, strike "38 OR OTHER APPLICABLE LAW, THE" and substitute
- 16 "38 AND ANY APPLICABLE LIEN OR FORECLOSURE PROVISIONS OF THE
- 17 ASSOCIATION'S".

- 18 Page 3, line 20, after the period add "IN ADDITION, IF A COURT
- 19 DETERMINES THAT A COMMON INTEREST COMMUNITY IS NOT IN STRICT
- 20 COMPLIANCE WITH THE LIEN OR FORECLOSURE PROVISIONS OF THIS TITLE
- 21 38, THE COURT MAY STAY THE PROCEEDINGS TO GRANT THE ASSOCIATION
- 22 A REASONABLE PERIOD OF TIME TO COME INTO STRICT COMPLIANCE WITH
- 23 THE LAW. DURING THE STAY IN PROCEEDINGS, THE ASSOCIATION SHALL
- 24 NOT ASSESS OR ACCRUE LATE FEES, INTEREST, OR OTHER DELINQUENCY

1 CHARGES AGAINST THE UNIT OWNER."

2 Page 3, line 23, after "**add**" insert "(1)(a.5), (1.7)(a)(I)(D), and".

3 Page 3, line 26, after "**definitions.**" add "(1) To promote responsible
4 governance, associations shall:

5 (a.5) REQUEST PERIODICALLY FROM A UNIT OWNER OR
6 DESIGNATED CONTACT, AND MAINTAIN IN THE ASSOCIATION'S RECORDS
7 FOR PURPOSES OF PROVIDING NOTICE TO THE UNIT OWNER AS REQUIRED
8 PURSUANT TO THIS SECTION AND THIS TITLE 38, A TELEPHONE NUMBER FOR
9 PHONE CALLS, A CELLULAR NUMBER FOR TEXTS, AND AN EMAIL ADDRESS
10 FOR EMAILS;

11 (1.7) (a) With regard to a unit owner's delinquency in paying
12 assessments, fines, or fees, an association shall:

13 (I) First contact the unit owner to alert the unit owner of the
14 delinquency before taking action in relation to the delinquency pursuant
15 to subsection (1.7)(a)(II) of this section and shall maintain a record of any
16 contact, including information regarding the type of communication used
17 to contact the unit owner and the date and time that the contact was made.
18 Any contact that a community association manager or a property
19 management company makes on behalf of an association pursuant to this
20 subsection (1.7)(a) is deemed a contact made by the association and not
21 by a debt collector as defined in section 5-16-103 (9). A unit owner may
22 identify another person to serve as a designated contact for the unit owner
23 to be contacted on the unit owner's behalf for purposes of this subsection
24 (1.7)(a)(I). A unit owner may also notify the association if the unit owner
25 prefers that correspondence and notices from the association be made in
26 a language other than English. If a preference is not indicated, the
27 association shall send the correspondence and notices in English. The unit
28 owner and the unit owner's designated contact must receive the same
29 correspondence and notices any time communications are sent out; except
30 that the unit owner must receive the correspondence and notices in the
31 language for which the unit owner has indicated a preference, if any. An
32 association may determine the manner in which a unit owner may identify
33 a designated contact. In contacting the unit owner or a designated contact,
34 an association shall send the same type of notice of delinquency required
35 to be sent pursuant to subsection (5)(a)(V) of this section, including
36 sending it by certified mail, return receipt requested. In addition, the
37 association shall contact the unit owner or designated contact by two of
38 the following means:

39 (D) BY REGULAR MAIL, IF THE UNIT OWNER OR DESIGNATED
40 CONTACT HAS NOT PROVIDED A TELEPHONE NUMBER, CELLULAR NUMBER,
41 OR EMAIL ADDRESS AS ADDITIONAL MEANS BY WHICH TO RECEIVE

1 NOTICES.

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