



**Division of Real Estate**  
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DEPARTMENT OF REGULATORY AGENCIES

DIVISION OF REAL ESTATE

POSITION STATEMENT

HOA 1.1 – REGISTRATION REQUIREMENTS FOR CCIOA-EXEMPT  
 HOMEOWNERS’ ASSOCIATIONS

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Section 1. Scope and Purpose

The Director of the Division of Real Estate finds it imperative that a position statement regarding the jurisdiction of the registration requirement under §38-33.3-401, C.R.S. is necessary in order to provide clarity to the industry. The Director acknowledges that §38-33.3-401(1), C.R.S. requires “[E]very unit owners’ association organized under Section 38-33.3-301” to register annually with the Director of the Division of Real Estate. The Director recognizes that the Colorado Common Interest Ownership Act (“CCIOA”) exempts from its jurisdiction those entities that were created before July 1, 1992 who have not elected treatment under the CCIOA pursuant to §38-33.3-118, C.R.S. The interpretation of whether the registration requirement applies to entities not formed under CCIOA has caused significant confusion amongst homeowners’ association registrants.

Section 2. Definitions

1. “Unit owners’ association” means a unit owner’s association organized under § 38-33.3-301, C.R.S.
2. “Homeowner’s Associations” means an association or unit owners’ association formed before, on, or after July 1, 1992, as part of a common interest community as defined in section 38-33.3-103, C.R.S.



### Section 3. Applicability

This position statement concerns all homeowners' associations and unit owners' associations.

### Section 4. Position Statement – HOA 1.1 – Registration Requirements for CCIOA-Exempt Homeowners' Associations

§ 38-33.3-401, C.R.S. requires “every unit owners’ association organized under § 38-33.3-301” to register with the Division of Real Estate. § 38-33.3-103(3), C.R.S. defines a unit owners’ association as an association organized under § 38-33.3-301. C.R.S., which became effective on July 1, 1992. This particular statute provides that entities that were not formed prior to that date are exempt from the jurisdiction of the Colorado Common Interest Ownership Act (the “CCIOA-Exempt”) with the exception of those enumerated provisions in § 38-33.3-117, C.R.S. Therefore, it is the position of the Director of the Division of Real Estate that homeowners’ associations formed prior to July 1, 1992, that have not elected treatment under CCIOA, are not required to comply with the registration requirement set forth in §38-33.3-401(1), C.R.S.

### Section 5. Issuance Date

The Director of the Division of Real Estate issues this position statement March 1, 2011.