



HOME OWNERS ASSOCIATION FAQ

WHAT IS AN HOA?

A homeowners association (HOA) is an organization of homeowners of a particular subdivision, condominium, or planned unit development. The HOA is typically established by the Developer and is a mechanism for preserving, maintaining, and enhancing the development's homes and properties. HOAs are subject to Colorado state statutes and must be registered with the Secretary of State and the [Colorado Division of Real Estate](#).

WHAT DOES AN HOA REGULATE?

Each HOA generally has a set of governing documents, including covenants, conditions, and restrictions (CC&Rs). Covenants are typically recorded with the county clerk and recorder and are referenced on a deed and have the legal effect of a binding contract. Covenants can control a variety of things, including the examples below:

- Animals – restrictions on number, type, breed, etc.
- Architectural control - paint color, roofing materials, or house style
- Decorations – limitations or timing of holiday displays
- Fencing – material, color, and style
- Outdoor structures - storage sheds, swing sets, etc.
- Vehicles – storage of RVs or Boats

HOA covenants do not replace Town regulations (they cannot be less restrictive than Town regulations) although they can be stricter than Town requirements. The HOA board may also adopt rules, which are less permanent than covenants. Rules might include things like prohibiting glass in pool areas, storage of trash containers, etc.

CAN COVENANTS OR RULES BE AMENDED?

Covenants can be amended but typically require a vote of 67% of all property owners. Rules can be changed through a vote of the HOA Board.

WHAT IS COMMON SPACE?

Common space in a development is typically property owned in common by all the homeowners (rather than an individual homeowner). The most common type of common space is "general" common space. A developer may create general common spaces such as parks, open space, or a clubhouse as an amenity for residents. Other types of common space are "limited" or "exclusive", which restrict use in some manner and should be defined in the governing documents.

CAN A HOMEOWNER OR HOA BUILD IN COMMON SPACE?

An HOA can build in some areas designated as common space but there are restrictions. Common space that has been designated as Open Space cannot be built upon and must be kept as open space, as defined in the Municipal Code. Check with the Town to determine if such a restriction exists and if a building permit is required.

Homeowners are typically not allowed to build in common open space and would need to seek special permission from the HOA to do so. Decks and other improvements are occasionally inadvertently built over a lot line into common space. HOAs need to carefully consider the ramifications of allowing private use of common areas, such as liability, conflicts with governing documents, maintenance, etc.

WHAT RESPONSIBILITIES DOES AN HOA HAVE?

The primary responsibilities of the HOA Board are to enforce governing documents, collect owner assessments, budget the HOA operation, and maintain common spaces. HOAs should also consult with the Town regarding regulations that may overlap Town regulations to ensure consistent enforcement.

WHAT RESPONSIBILITIES DOES A HOMEOWNER HAVE?

When an HOA exists within a given development, membership is typically mandatory so a homeowner is obligated to pay membership dues and abide by all associated covenants and rules.