

# COLORADO

## Basic Information on community association operations in this state

1. Is UCA the legal basis for community associations? <ul style="list-style-type: none"> <li>• Condominium Ownership Act Title 38, Article 33</li> </ul>	<b>YES</b> <b>NO</b>
2. Do state laws/regulations (in general) apply to Condominium Associations and Homeowner Associations, and Coop Associations equally?  <p style="text-align: center;">FOCUS HOA's</p> <ul style="list-style-type: none"> <li>• Common Interest Ownership Act (applies to HOAs) Title 38, Article 33.3</li> <li>• Condominium Ownership Act Title 38, Article 33</li> <li>• Community Association Managers Title 12, Article 61.1001</li> </ul>	<b>YES</b> <b>NO</b>
3. What state agency regulates community associations?  <p style="text-align: center;">                     COLORADO DEPARTMENT OF REGULATORY AGENCIES, DIVISION OF REAL ESTATE  <a href="https://www.colorado.gov/pacific/dora/hoa-related-state-and-federal-laws">https://www.colorado.gov/pacific/dora/hoa-related-state-and-federal-laws</a>                       DIVISION OF REAL ESTATE, COMMUNITY ASSOCIATION MANAGER PROGRAM  <a href="https://www.colorado.gov/pacific/dora/node/97701">https://www.colorado.gov/pacific/dora/node/97701</a>   <a href="https://www.colorado.gov/pacific/dora/node/91506">HOA INFORMATION AND RESOURCE CENTER</a>  <a href="https://www.colorado.gov/pacific/dora/node/91506">https://www.colorado.gov/pacific/dora/node/91506</a> </p>	
4. Are community associations, HOAs registered as business entities or nonprofit corporations?  <p style="text-align: center;">NONPROFIT</p> <ul style="list-style-type: none"> <li>• Colorado Revised Nonprofit Corporation Act, Title 7, Article 121</li> </ul>	
5. How many community associations in this state?  <i>(Source: CAI Fact Book 2016 Statistics)</i>	9,500 est'd.
6. Does this state have laws that regulate use of technology?  If Yes, do these laws impact: <ul style="list-style-type: none"> <li>• Information privacy</li> <li>• Data access;</li> <li>• Identity Theft;</li> <li>• Data breach?</li> </ul>	<b>YES</b> <b>NO</b>   YES YES YES YES

## Key Statutes - Association/CID specific Cyber Security, Data Access and Privacy

NONE FOUND

## Relevant Legislative Trends

- **H.B. 1453** Status: Signed by Governor. Chap. 189  
Concerns measures to enhance cyber security; creates the Colorado cybersecurity council. (Does not impact common interest property communities)

## Statutes related to Data Security/retention/protection/disposal and penalties

- **C.R.S. § 6-1-713** Consumer and Commercial Affairs, Disposal of personal identifying documents—policy. Applies to all businesses.
- (1) Each public and private entity in the state that uses documents during the course of business that contain personal identifying information shall develop a policy for the destruction or proper disposal of paper documents containing personal identifying information.
- (2) For the purposes of this section, "personal identifying information" means: A social security number; a personal identification number; a password; a pass code; an official state or government-issued driver's license or identification card number; a government passport number; biometric data; an employer, student, or military identification number; or a financial transaction device.
- (3) A public entity that is managing its records in compliance with part 1 of article 80 of title 24, C.R.S., shall be deemed to have met its obligations under subsection (1) of this section.
- (4) Unless an entity specifically contracts with a recycler or disposal firm for destruction of documents that contain personal identifying information, nothing herein shall require a recycler or disposal firm to verify that the documents contained in the products it receives for disposal or recycling have been properly destroyed or disposed of as required by this section.
- **Section 716** covers ELECTRONIC INFO ONLY
  - allows encryption safe harbor
  - requires risk of harm analysis
  - requires a harm threshold for notice to consumer reporting agencies (>1000)
  - requires third party notice: If you maintain covered info on behalf of another entity you must notify them immediately following discovery of a breach, if misuse of the covered info about a resident has occurred or is reasonably likely to occur.

## Identity theft statutes and penalties

- **Colo. Rev. Stat. §18-5-113** Criminal impersonation. Class 6 felony
- **Colo. Rev. Stat. §18-5-901 – 905** Identity theft. Classes of felony and penalties for criminal possession of financial devices or identification documents.
  - **Colo. Rev. Stat. §18-5-904** Gathering identity information by deception. Class 5 felony
  - **Colo. Rev. Stat. §18-5-905 Possession of identity theft tools. Class 5 felony**
  - **Colo. Rev. Stat. §18-1.3-603 Restitution(7)** When a person's means of identification or financial information was used without that person's authorization in connection with a conviction for any crime in violation of part 2, 3, or 4 of article 4, part 1, 2, 3, or 7 of article 5, or article 5.5 of this title, the sentencing court may issue such orders as are necessary to correct a public

record that contains false information resulting from any violation of such laws. In addition, the restitution order shall include any costs incurred by the victim related to §16-5-103, C.R.S.

**Related General Business/Organization Statutes (non-specific to Associations)**

NOTED ABOVE