

Regarding your difficulty in obtaining certain information from your association, section 38-33.3-317 of the Colorado Common Interest Ownership Act (also called "CCIOA") defines what records must be kept by the association, for the purposes of retention and production to unit owners. You may want to review a summary of [House Bill 12-1237](#), which was incorporated into CCIOA Section 317. It may help to understand which association records (1) "must be produced", (2) which "may be produced" (at the discretion of the Board), and (3) those which "must be withheld". A useful list of these documents is identified in the article [Association Records: Which Are Available to Owners?](#) by the law firm Orten, Cavanagh, Holmes & Hunt, LLC.

Be sure to read through your governing documents to determine if your community has a records request policy. If it does, be sure to follow it when making your request. Please take a look at this sample [request template that lists the items that associations are required to disclose](#). Please be sure to review your association's record request policy *prior* to using this form to ensure it complies with policy requirements.

If you follow the appropriate procedure for requesting records you are entitled to, and the board does not provide them within 10 days of the request, and there is no scheduled board meeting within 30 days after the request in which the records are provided, then you will have to engage your board in alternative dispute resolution (i.e. mediation or arbitration) or, as a last resort, consult with an attorney about your rights in civil court.

In the event that you believe your association is withholding documents that you are entitled to, you may want to review [HB21-1229](#) which was incorporated into section 38-33.3-317(4.5) of CCIOA and may allow a unit owner the opportunity to recover penalties of fifty dollars (\$50.00) per day, up to a maximum of five hundred dollars (\$500.00) or the unit owner's actual damages sustained as a result of the refusal, whichever is greater.

Thank you for contacting the HOA Information and Resource Center.

**Division of Real Estate
HOA Information and Resource Center**



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