

# *Colorado* Homeowners Association *Law*

## **With Few Exceptions – Open HOA Board Meetings Are Not Optional**

By Molly Foley-Healy on June 24, 2013

Early last week, I participated as a volunteer for the **Rocky Mountain Chapter of Community Associations Institute** on the HOA Line 9 which is hosted by **9 News** with the assistance of the Chapter. This outstanding program permits folks who live in and serve on the boards of HOAs in Colorado, to call in with questions about their associations. While we received many questions on the new **HOA debt collection law** which will go into effect on January 1st, I also noticed a trend from the calls I received relating to transparency.

Since I understand that many HOAs in Colorado are self-managed and the boards of directors which govern them may not necessarily be well-versed in the provisions of the Colorado Common Interest Ownership Act ("CCIOA") relating to open meetings, I thought now was a great time to provide these folks with basic information on the laws which appropriately promote transparency. Please feel free to share this information with residents and board members of HOAs in Colorado.

Here is what you need to know:

### ***Open Meetings and CCIOA***

The Colorado Common Interest Ownership Act ("CCIOA"), at **C.R.S. 38-33.3-308**, addresses a variety of issues relating to association meetings. Here is a synopsis of the requirements

relating to open meetings:

- Board of directors *and* committee meetings must be open to members of the association or their designated representatives.
- Agendas for board meetings must be made reasonably available to members of the association or their designated representatives.
- While CCIOA does not require associations to provide *notice* of board or committee meetings, we recommend this information be posted on association websites or in other convenient locations when reasonably practical. In addition, you should check the bylaws of your HOA to determine whether that document requires notice of board or committee meetings be given to members. If such a provision exists in your HOA's bylaws –please make sure to comply with it.

### ***Transparency and Open Meetings***

In addition to open meetings being required under CCIOA, there's no question that open meetings promote transparent communications between homeowners and the volunteers who govern their associations. Frankly, there's no better way to prevent misunderstandings, mistrust and unrest from taking root in communities than by boards and committees openly discussing and taking action on issues.

### ***Meeting in Closed Executive Sessions***

While there is no question that as a general rule board and committee meetings must be open, CCIOA also narrowly regulates the circumstances under which a board or committee of an HOA may convene in a closed executive session. CCIOA, at C.R.S. 38-33.3-308 (3) and (4), specifically provides as follows:

“(3) the members of the executive board or any committee thereof may hold an executive or closed door session and may restrict attendance to the executive board members and such other persons requested by the executive board during a regular or specially announced meeting or a

part thereof. The matters to be discussed at such an executive session ***shall include only matters enumerated in paragraphs (a) to (f) of subsection 4 of this section.***

**(4) Matters for discussion by an executive or closed door session are limited to:**

**(a)** Matters pertaining to employees of the association or the managing agent's contract or involving the employment, promotion, discipline, or dismissal of an officer, agent, or employee of the association;

**(b)** Consultation with legal counsel concerning disputes that are the subject of pending or imminent court proceedings or matters that are privileged or confidential between attorney and client;

**(c)** Investigative proceedings concerning possible or actual criminal misconduct;

**(d)** Matters subject to specific constitutional, statutory, or judicially imposed requirements protecting particular proceedings or matters from public disclosure;

**(e)** Any matter the disclosure of which would constitute an unwarranted invasion of individual privacy;

**(f)** Review of or discussion relating to any written or oral communication from legal counsel." (emphasis supplied)

For more information on important provisions of CCIOA that boards of HOAs need to know about, click on "CCIOA 101 for HOA Boards" on the left side of **our webpage**.

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