



## Fiscal Note

### Legislative Council Staff

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## HB 25-1043: OWNER EQUITY PROTECTION HOA FORECLOSURE SALES

**Prime Sponsors:**

Rep. Ricks; Bacon

Sen. Exum

**Fiscal Analyst:**

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**Bill Outcome:** Signed into Law

**Drafting number:** LLS 25-0077

**Version:** Final Fiscal Note

**Date:** June 30, 2025

**Fiscal note status:** This final fiscal note reflects the enacted bill.

### Summary Information

**Overview.** The bill modifies HOA enforcement, foreclosure, and reporting requirements.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- State Revenue

**Appropriations.** No appropriation is required.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## Summary of Legislation

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The bill makes several changes to a homeowner association's (HOA) enforcement procedures and foreclosure actions, and modifies reporting requirements for both HOAs and the Department of Regulatory Agencies (DORA).

### Enforcement

The bill requires an HOA to comply with its own bylaws and all applicable state laws prior to recovering money through enforcement actions. If an HOA is not in compliance, a court may stay the proceedings to provide reasonable time to come into compliance, during which time the HOA may not assess late fees, interest, or other charges against the unit owner.

When collecting unpaid assessments, current law requires an HOA to provide unit owners with a notice of delinquency prior to taking legal action or transferring the account to a collection agency. The bill adds certain timelines and instructions for unit owners to the notice.

### Foreclosure

The bill requires an HOA to provide unit owners with a notice regarding credit counseling services and intent to foreclose at least thirty days prior to initiating a foreclosure. Upon foreclosure, the HOA must provide a notice to the unit owner outlining their right to cure the nonpayment and file a motion to stay the sale at auction. If the unit owner files a motion to stay, they must submit a fair market value of the property or an alternate value, and list the unit at this price.

### Reporting

When registering annually with DORA, an HOA must submit totals for the previous twelve-month period on the following:

- unit owners that were delinquent in paying assessments;
- judgments obtained by the HOA against unit owners;
- payment plans entered into between an HOA and a unit owner;
- foreclosure actions filed against unit owners; and
- any other information DORA specifies regarding assessment collections and foreclosures.

### State Revenue

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Starting in FY 2025-26, the bill may impact revenue to the Judicial Department from filing fees. If fewer civil cases are initiated by HOAs to foreclose a lien or take other legal action against a unit owner as a result of the bill, revenue will decrease. At the same time, to the extent other requirements under the bill lead to additional filings (such as a dispute about fair market value amount or an HOA's auction bid), revenue could increase. Overall, it is assumed that impacts to revenue will be minimal. Revenue from filing fees is subject to TABOR.

## **State Expenditures**

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The bill minimally impacts workload in DORA and the Judicial Department beginning in FY 2025-26, as described below.

### **Department of Regulatory Agencies**

The HOA Information and Resource Center in DORA serves as a resource for consumers to understand rights and responsibilities under current law. The center also registers common interest communities like HOAs and other housing cooperatives, and tracks complaints. Workload will increase for the center to generate information for HOA unit owners facing collections, legal action, or foreclosure. This workload is expected to be minimal and no change in appropriations is required.

### **Judicial Department**

The trial courts in the Judicial Department may experience an increase in workload to hear additional cases and make findings during civil cases regarding HOA compliance. This workload may be offset to the extent the bill reduces foreclosure and other legal actions by HOAs. The fiscal note assumes that any workload impact will be minimal and change in appropriations are required.

## **Effective Date**

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The bill was signed into law by the Governor on June 4, 2025, and takes effect on October 1, 2025, assuming no referendum petition is filed.

## **State and Local Government Contacts**

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Judicial

Regulatory Agencies