

HB-1270 FREQUENTLY ASKED QUESTIONS

The following Frequently Asked Questions were assembled by The Community Associations Institute – Rocky Mountain Chapter (CAI-RMC) in an attempt to assist homeowners and association boards in their understanding and adherence to operational issues in light of the effects of HB 2008-1270. These answers are general guidelines and are not intended for specific Associations. These opinions are not legal opinions and should not be substituted for such. In the event of specific questions, an experienced attorney should be contacted. A listing of licensed, qualified attorneys experienced in association law can be obtained from the CAI-RMC website, www.hoa-colorado.org.

- 1. I heard that the law now allows me to install a clothesline, solar panels and a windmill at my home in an HOA. Is this correct? Can the Association regulate these in any way?**

HB 2008-1270 bars restrictions that effectively prohibit or unreasonably restrict the installation or use of a solar energy device, a wind-electric generator, an awning, shutter, trellis, ramada or other shade structure that is marketed for the purpose of reducing energy consumption, a garage or attic fan and any associated vents or louvers, an evaporative cooler, an energy efficient outdoor lighting device, or a retractable clothesline. These installations are only allowed on property that is wholly owned by the person making the installation.

However, the law does allow an association to adopt reasonable aesthetic provisions that govern the dimensions, placement or external appearance of these installations. Whether an association's restriction is "reasonable" will depend on several factors, including whether the restriction significantly increases the cost or significantly decreases the effectiveness of the installation.

- 2. Are there other sorts of energy saving devices I can install on the exterior of my unit? What are the regulations?**

The installations of other devices are regulated by the Association's governing documents. In most cases, Associations have guidelines to govern the dimensions, placement or external appearance of any such exterior installation to assure the quality of the neighborhood appearance for the protection of all residents.

- 3. Can Associations regulate the installation of energy saving devices or is that illegal?**

Associations can continue to regulate the installation of energy devices as to their dimensions, placement and external appearance. These regulations, generally known as architectural guidelines, exist for the protection of all owners to assure a proper appearance of the neighborhood.

Homeowners should consider the potential impact of their installation on their neighbors during the design phase of their project. Plans should be submitted to the association with appropriate time allowed for the association to review. Homeowners should be prepared to work in cooperation with the association to make modifications of the plans to make an aesthetically

pleasing installation. Associations must be reasonable in their expectations of the homeowner and the cost of the modifications they might expect and be prepared to work in cooperation with the homeowner on modifications that will make for an efficient installation.

4. When does HB 2008-1270 become law?

HB 2008-1270 becomes law on August 6, 2008, 90-days after Governor Ritter signed it.