

West's Colorado Revised Statutes Annotated
Title 12. Professions and Occupations (Refs & Annos)
General--Continued
Article 61. Real Estate (Refs & Annos)
Part 10. Community Association Managers (Refs & Annos)

C.R.S.A. § 12-61-1001

§ 12-61-1001. Definitions

Effective: May 25, 2017

[Currentness](#)

As used in this part 10, unless the context otherwise requires:

(1) “Apprentice” means a person who:

(a) Has not completed the education and examination requirements for obtaining a community association manager license;

(b) Is under the control and direct supervision of a licensed community association manager; and

(c) Is licensed with the director for purposes of learning and performing any practices that require a community association manager license.

(2) “CCIOA” means the “Colorado Common Interest Ownership Act”, article 33.3 of title 38, C.R.S.

(3)(a) “Common interest community” has the meaning set forth in [section 38-33.3-103\(8\), C.R.S.](#); except that “common interest community” does not include:

(I) A community managed by an association or unit owners' association in which a majority of units that are designated for residential use are time share units, as defined in [section 38-33-110\(7\), C.R.S.](#), or consist of time share interests as defined in [section 12-61-401\(4\)](#); or

(II) A community, resort, or development registered with the Colorado division of real estate as a time share subdivision.

(b) As used in this subsection (3), “majority of units” means the units to which are allocated more than fifty percent of the allocated interests in the common interest community appurtenant to all units that are designated for residential use.

(4)(a) “Community association management” means any of the following practices relating to the management of a common interest community, at the direction or on behalf of its executive board:

(I) In interactions with members or nonmembers of the common interest community, acting with the authority of the common interest community with respect to its business, legal, financial, or other transactions;

(II) Executing the resolutions and decisions of the executive board;

(III) Enforcing the rights of the common interest community secured by statute, contract, covenant, rule, or bylaw;

(IV) Administering or coordinating maintenance of property or facilities of the common interest community;

(V) Administering applications for architectural review;

(VI) Arranging, conducting, or coordinating meetings of the common interest community's membership or executive board;

(VII) Maintaining the common interest community's records pursuant to its governing documents and applicable provisions of the CCIOA; or

(VIII) Administering, or otherwise exercising control of, a common interest community's funds, including the administration of a reserve program for the major repair or replacement of capital assets.

(b) "Community association management" does not mean the performance of any clerical, ministerial, accounting, or maintenance function.

(5)(a) "Community association manager" or "manager" means any person, firm, partnership, limited liability company, association, or corporation that, in consideration of compensation by fee, commission, salary, or anything else of value or with the intention of receiving or collecting such compensation, whether or not the compensation is received by the licensed manager directly or by the licensed entity that employs the licensed manager, engages in or offers or attempts to engage in community association management in Colorado.

(b) "Community association manager" or "manager" does not include:

(I) A person who, under the direct supervision of a manager, performs any clerical, ministerial, accounting, or maintenance function;

(II) Any public official in the conduct of his or her official duties;

(III) A receiver, trustee, administrator, conservator, executor, or guardian acting under proper authorization;

(IV) A person, firm, partnership, limited liability company, or association acting personally or a corporation acting through its officers or regular salaried employees, on behalf of that person or on its own behalf as principal in acquiring or in negotiating to acquire any interest in real estate;

(V) An attorney-at-law in connection with his or her representation of clients in the practice of law;

(VI) A corporation with respect to property owned or leased by it, acting through its officers or regular salaried employees, when such acts are incidental and necessary in the ordinary course of the corporation's business activities of a non-property management nature. For the purposes of this paragraph (b), the term "officers or regular salaried employees" means persons regularly employed who derive not less than seventy-five percent of their compensation from the corporation in the form of salaries;

(VII) An independent contractor who:

(A) Performs any clerical, ministerial, accounting, or maintenance function; or

(B) Is not otherwise engaged in the performance of community association management; or

(VIII) An apprentice working under the direct supervision of a licensed manager.

(5.5) "Designated manager" means a person who is currently licensed as a manager and who, on behalf of a licensed entity, is responsible for performing community association management practices and supervising community association management practices performed by persons employed by, or acting on behalf of, the licensed entity.

(6) "Director" means the director of the division.

(7) "Division" means the division of real estate in the department of regulatory agencies.

(8) "Executive board" has the meaning set forth in [section 38-33.3-103\(16\), C.R.S.](#)

(9) "HOA" or "homeowners' association" means an association or unit owners' association, as defined in [section 38-33.3-103\(3\), C.R.S.](#), whether organized before, on, or after July 1, 1992; except that the term does not include an association or unit owners' association in which a majority of units that are designated for residential use are time share units, as defined in [section 38-33-110\(7\), C.R.S.](#) As used in this subsection (8)¹, "majority of units" means the units to which are allocated more than fifty percent of the allocated interests in the common interest community appurtenant to all units that are designated for residential use.

(10) "Limited liability company" has the meaning set forth in [section 7-80-102\(7\), C.R.S.](#)

Credits

Added by [Laws 2013, Ch. 352, § 3, eff. Jan. 1, 2015](#). Amended by [Laws 2015, Ch. 216, § 1, eff. May 20, 2015](#); [Laws 2015, Ch. 259, § 27, eff. Aug. 5, 2015](#); [Laws 2015, Ch. 290, § 1, eff. June 5, 2015](#); [Laws 2017, Ch. 264, § 26, eff. May 25, 2017](#).

Editors' Notes

REPEAL

<For repeal of this section, see [§ 12-61-1014](#).>

Footnotes

¹ So in original. Probably should read “in this subsection (9).”.

C. R. S. A. § 12-61-1001, CO ST § 12-61-1001

Current through all Laws of the First Regular and First Extraordinary Sessions of the 71st General Assembly (2017), also including Ch. 2 of the Second Regular Session of the 71st General Assembly (2018)