

February 11, 2026 / **amended February 16, 2026**

re: Colorado House Bill HB26-1099 “Protect Financial Condition of H.O.A.s”
<https://leg.colorado.gov/bills/HB26-1099>

Sponsors

Colorado State Representative Brianna Titone (D)

Colorado State Representative Kenny Nguyen (D)

Colorado State Senator Chris Kolker (D)

Colorado State Senator Janice Marchman (D)

Transportation, Housing, & Local Government Committee (CO House of Rep.)

Meg Froelich (D) • Rebekah Stewart (D) • Andrew Boesenecker (D) •

Max Brooks (R) • Jamie Jackson (D) • Mandy Lindsay (D) • Kenny Nguyen (D) •

Amy Paschal (D) • Jacque Phillips (D) • Chris Richardson (R) •

Larry Don Suckla (R) • Elizabeth Velasco (D) • Ron Weinberg (R)

Please amend CO HB26-1099 by adding a requirement for

- the Reserve Studies to be filed with the Division of Real Estate, or another appropriate State agency, and
- the Reserve Studies to be made publicly available by the State agency.

Making this information publicly available would provide value to both

- potential buyers / investors / consumers of H.O.A.-burdened housing, and
- public policy makers such as yourselves, and other State regulators.

An 18-line long draft for the requested amendment is included on the following page.

Thank you.



Robert Racansky

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1 **SECTION 6.** In Colorado Revised Statutes, amend 38.33.3-401 “**Registration –**
2 **Annual Fees – Data Collection and Enforcement Actions**” by adding the
3 following to (3.2):

4
5 **(d)** the most recent Reserve Study required pursuant to Section 38-33.3-209.2

6
7 **SECTION 7.** In Colorado Revised Statutes, amend 12-10-801 “**H.O.A.**
8 **Information and Resource Center – Creation – Duties – Rules**” by adding the
9 following:

10
11 **(7) (a)** In order to increase the transparency of Homeowner Associations to existing
12 property owners and investors, potential property owners and investors, the General
13 Assembly, and other State regulators and public policy makers, the H.O.A.
14 Information Officer shall make the data collected pursuant to 38.33.3-401 available
15 to the public.

16
17 **(b)** The information made available to the public pursuant to this Section shall be
18 indexed to and searchable by the identifying information of any individual property.

Per the current existing statute 12-18-801(3)(a)(I), “The HOA information officer shall act as a clearing house for information by compiling a database about registered associations” (edited for brevity). An H.O.A. database *already* exists.

There is no reason that *any* potential home buyer should not be able to enter the address, parcel I.D., *etc.*, of a property into a database and receive information about the H.O.A. – such as the Reserve Study, *etc.* And do so early in the home buying process, long before the “twenty-four hours prior to the closing date for the sale” currently mandated at page 3 line 27 of Colorado House Bill HB26-1099.

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In order to provide additional protections for owners of H.O.A.-burdened housing,
please amend CO HB26-1099 to include the 24 lines of text on the following page.

Thank you.



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1 **SECTION 8.** In Colorado Revised Statutes, add the following:

2
3 **38-33.3-501. Void Agreements - Penalty - Civil Remedies — Investigations of**
4 **Complaints – Prosecution of Violations.**

5
6 **(1) Void Agreements.** Any agreement, understanding, or practice, written or oral,
7 implied or expressed, that violates the rights of any homeowners as guaranteed in
8 this Act is void.

9
10 **(2) Penalty.** Any person who directly or indirectly violates any provision of this Act
11 is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not
12 more than one thousand dollars, imprisonment in the county jail for not more than
13 ninety days, or both a fine and imprisonment for each offense.

14
15 **(3) Civil Remedies.** Any person injured as a result of a violation or threatened
16 violation of this Act may bring suit in a court of competent jurisdiction for injunctive
17 relief; to recover all damages, including costs and reasonable attorney fees, resulting
18 from the violation or threatened violation, or both.

19
20 **(4) Investigation of Complaints - Prosecution of Violations.** The Attorney
21 General, or the District Attorney in each Judicial District in which a violation is
22 alleged, shall investigate a complaint of a violation or threatened violation of this
23 Act, prosecute any person in violation of this Act, and take actions necessary to
24 ensure effective enforcement of this Act.

The language of the amendment on the previous page is taken directly from the various “Prohibition of Discrimination Against Employees Based on Labor Union Participation”, a.k.a. “Right to Work”, bills – including but not limited to:

2012 Colorado Senate Bill SB12-100 • 2013 Colorado House Bill HB13-1106 •
2013 Colorado Senate Bill SB13-024 • 2014 Colorado House Bill HB14-1098 •
2014 Colorado Senate Bill SB14-113 • 2015 Colorado House Bill HB15-1076 •
2016 Colorado Senate Bill SB16-070 • 2017 Colorado Senate Bill SB17-055 •
2018 Colorado House Bill HB18-1030 • 2019 Colorado House Bill HB19-1101 •
2020 Colorado House Bill HB20-1169 • 2021 Colorado House Bill HB21-1049 .

Therefore the expected and predictable homeownerphobic objections to this amendment that will certainly be put forth by the G.O.P. members can be dismissed without consideration and as being without merit.

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