

HOA – Legal Questions Review ADUs
References:
Accessory Living Areas https://www.larimer.gov/building/accessory_living_areas Confirmed with County, the information here is still accurate as of 2026-03
Guidance on HB 24-1007 Concerning Residential Occupancy Limits Passed July 2024 https://dlg.colorado.gov/guidance-on-hb-24-1007-concerning-residential-occupancy
Evolving modifications to the state's Residential Occupancy Limits – Occupancy standards https://docs.google.com/document/d/1-DvbItFeAuR-tGnokZRUhcgu2PIPSGcCRYFC1na1Ygs/edit?tab=t.0#heading=h.uetx1mlxor7i
Tenant Right in Colorado When a Property Is Sold https://tenant-rights.com/colorado/tenant-rights-in-colorado-when-property-is-sold
ADU Toolkit https://dlg.colorado.gov/accessory-dwelling-unit-toolkit
Supporting Homeowners to Bring Pre-Existing ADUs into Compliance https://dlg.colorado.gov/supporting-homeowners-to-bring-pre-existing-adus-into-compliance
Overview of HB24-1152 (CRS 29-35-401 through 405) – has specific sections on HOA, parking and more https://dlg.colorado.gov/accessory-dwelling-units
Notes
1. Advice from Realtor - Spend time before seeking legal consultation, identify high risk areas for teh HOA – align county regs>our approval process>covenants
2. Advice from GC - No need to waste HOA \$\$\$\$. There ultimately is no enforcement mechanism from a group to any covenant violation. An individual may be different.
3. Advice from GC – If you hire an attorney, get an engagement letter in writing. Scope of work. Who does the work. Hourly rates Someone who does not need to be educated. Do not use RocketLawyer.
4. RocketLawyer - \$40/mo, free for 7 days, could trial and see if they have an CO ADU expert.
Discussion points -
We are one of the first ADUs in an HOA to call the county planning department to clarify issues related to the process of approving ADUs into an HOA in our county.
Thought is to avoid changing current covenants, until we know what needs to be changed and the outcome of the pending lawsuit.
Develop a Status Report to provide to the neighborhood to bring them up to date on the process and decision making; the law, what we are thinking, considerations, decision.

Legal Question	Risk Level	HOA risk?	State/County Regulations	Westridge Estates Covenants	Westridge Estates Approval Process
<p>I vote NO to any ADUs: (a) please join the existing lawsuit (b) wait for the lawsuit to resolve (c) we do not want more people in our neighborhood (4) can we vote as a community not to have any ADUs</p> <p>Does this law negating portions of the covenants, negate the covenants in their entirety?</p> <p>As the Westridge Covenants prohibit an ADU now, on what authority then, specifically, does the ADU submitter rely?</p> <p>Larimer County is a Supportive Jurisdiction and not a Subject Jurisdiction under HB 24-1152 (State ADU law). Must a Supportive Jurisdiction follow the State ADU Law provisions exactly the same?</p>	<p>H</p>	<p>Y</p>	<p>State Regulation: In Subject Jurisdictions(Larimer County has committed to follow HB24-1152) , HOA covenants adopted on or before June 30, 2025 may not be applied to restrict the creation of an ADU in any way that is prohibited by the law. As a practical matter, these provisions mean that the courts of Colorado will not be available to enforce restrictive covenants that violate these requirements.</p> <p>Comment: Requiring single family homes, and disallowing ADUs is not permitted by an HOA</p> <p>Accessory Dwelling Units https://dgl.colorado.gov/accessory-dwelling-units</p> <p>See Homeowners' Associations (HOAs) and Restrictive Covenants section</p> <p>Also see section on Subjective vs Supportive Jurisdictions</p> <p>ADU Supportive Jurisdictions https://dgl.colorado.gov/adu-supportive-jurisdictions</p> <p>Larimer County's Community Development Director actually coordinated with state DOLA staff to answer this question—you are not the first to ask. They told us that ADUs (with limited exceptions) must be allowed in all communities that permit single-family housing if the community is either subject to, and in compliance with, HB24-1152 or has opted in as a Supportive Jurisdiction. In those cases, an HOA “cannot prevent or place an undue burden on ADUs.” I recommend consulting an attorney if you require a more specific interpretation of the law or clarification regarding potential exceptions.</p> <p>Article 3.4.5.A of the Larimer County Land Use Code https://www.larimer.gov/planning/land-use-code</p>	<p>Relevant Covenants to be stricken: <i>Article I Definitions, Section 22: “Single-family” shall mean and refer to any individual or group of persons related by blood or marriage or any unrelated group of not more than three (3) persons living together in a Residence.</i></p> <p><i>Article XI ACC Section 10: Use Restrictions and Building Type. No building or other structure shall be erected, altered, placed, or permitted to remain on any Lot other than one (1) single-family Residence per Lot, with attached or detached garage, and other appurtenant structures.</i></p> <p>ARTICLE XI. GENERAL PROVISIONS Section 2: Severability. Should any part or parts of this Declaration be declared invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions</p> <p>Article VI Architectural Control Section 6: The Architectural Control Committee shall consider the quality of workmanship, type of materials, and harmony of exterior design with other Residences located within the Property. Should the Architectural Control Committee fail to approve or disapprove the plans and specifications submitted to it by an Owner of a Lot within thirty (30) days after complete submission of all required documents, then such approval shall not be required; provided, however, that no building or other structure shall be erected or allowed to remain on any Lot which violates any of the covenants or restrictions contained in this Declaration. The issuance of a building permit or license for the construction of improvements inconsistent with this Declaration shall not prevent the Association or any Owner from enforcing the provisions of this Declaration.</p> <p>1989 Westridge Estates Covenants https://westridgeestateshoa.managebuilding.com/</p>	<p>ACC approval - Article VI ACC – Section 1 (c) Decisions. All decisions of the Architectural Control Committee, ACC shall be by a majority vote of those members of the Committee present at a meeting at which a quorum is present. A majority of the members of the Architectural Control Committee shall constitute a quorum.</p> <p>Comments: In this case as it it precedence setting the board is reviewing and providing additional review, support and decision.</p> <p>The Board/ACC can not break the law without potential negative consequences.</p> <p>Westridge Estates Architectural Guidelines: https://westridgeestateshoa.managebuilding.com/</p>

Where do the real teeth exist in enforcement of current HOA covenants?	H	Y	n/a	<p>Declaration Enforcement Policy and Procedures. The Board is responsible for ensuring that all Members comply with the covenants, conditions and restrictions as set forth in the Declaration and its amendments. The Board will, from time to time and at random intervals, have the P.U.D. inspected from the exterior of buildings, and have any noticeable violations of the Declaration and its amendments noted and reported to the Board. In addition, the Board will record any violation reported by Members or others. When a violation is observed or reported, the Board will employ written procedures for violation fines.</p> <p>*2015-04-01 Westridge Estates PUD Policy, Rules, Regulations, Enforcements, Procedures for Unpaid Assessments and Fines https://westridgeestateshoa.managebuilding.com/</p>	Board is responsible
Suppose a rental is leased for 99 years? Gary C. When a property transfers, do rental leases end? Elsa	M	N	<p>Potentially the renter would have a lease of that property regardless of the property owner for that duration. Leases do not break when a property is sold in CO.</p> <p>Tenant Rights in Colorado When Property Is Sold https://tenant-rights.com/colorado/tenant-rights-1</p>	n/a	n/a
Does this change need to be voted on by a majority of the neighbors?	M	L	n/a	<p>Article VI – Architectural Control Section 6: Review of Plans and Specifications. Should the Architectural Control Committee fail to approve or disapprove the plans and specifications submitted to it by an Owner of a Lot within thirty (30) days after complete submission of all required documents, then such approval shall not be required; provided, however, that no building or other structure shall be erected or allowed to remain on any Lot which violates any of the covenants or restrictions contained in this Declaration.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/</p>	<p>ACC approval - Article VI ACC – Section 1 (c) Decisions. All decisions of the Architectural Control Committee, ACC shall be by a majority vote of those members of the Committee present at a meeting at which a quorum is present. A majority of the members of the Architectural Control Committee shall constitute a quorum. In this case as it it precedence setting the board is reviewing and providing final approval.</p> <p>Comment: The Board/ACC can not break the law without increasing HOA risk exposure.</p>

<p>Can we do an addendum to the covenants so that we can enforce ADU's or do we need to change the covenants? (Kevin) Or ACC guidelines (Elsa)</p>	L	Y	n/a	<p>ARTICLE XI This Declaration may be altered or amended in whole or in part at any time the then record Owners of seventy-five percent (75%) of the Lots so elect through a duly written and recorded instrument.</p> <p>ARTICLE VI Architectural Control Section 5: Rules and Guidelines. The Architectural Control Committee may issue rules setting forth procedures for the submission of plans for approval and may also issue guidelines setting forth the criteria that the Architectural Control Committee will use in considering plans submitted to it for approval.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuildi</p>	<p>ARTICLE XI This Declaration may be altered or amended in whole or in part at any time the then record Owners of seventy-five percent (75%) of the Lots so elect through a duly written and recorded instrument</p> <p>Comment: This is a very difficult process with a low success rate. We have ACC guidelines that have evolved over time to modernize to accommodate changing needs, provide consistency, and necessary adjustments to site specific situations.</p>
<p>Can we not require a garage? (Kevin)</p>	L	N	<p>State Regulation: The law prohibits Local Laws from requiring that a new parking space be constructed or available for each ADU, but does provide exceptions:</p> <p>The jurisdiction may require the designation of an existing parking space on the lot for the use of the ADU, if such a parking space already exists at the time the ADU is constructed or converted.</p> <p>(There is no mention of a garage)</p> <p>Parking Regulations - ADU https://dlg.colorado.gov/accessory-dwelling-units</p>	<p>Article VI ACC, Section 14: Garages. Each Residence shall include an attached or detached garage having space for not less than two (2) vehicles.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuildi</p>	<p>ACC approval - Article VI ACC – Section 1 (c) Decisions. All decisions of the Architectural Control Committee, ACC shall be by a majority vote of those members of the Committee present at a meeting at which a quorum is present. A majority of the members of the Architectural Control Committee shall constitute a quorum.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.manageb</p>

<p>Can we enforce roof height? (Kevin) Similarly, The state law 24-1152 states HOA's may still enforce "reasonable restrictions" what does this mean? (Kevin)</p> <p>How do we identify and enforce reasonable restrictions?</p>	L	N	<p>State Regulation: CRS38-33.3-106.5(4) HOAs to continue to apply "Reasonable Restrictions" on ADUs. A Reasonable Restriction is defined as "a substantive condition or requirement that does not unreasonably increase the cost to construct, effectively prohibit the construction, or extinguish the ability to otherwise construct an ADU" pursuant to the law. Among other things, an HOA may apply standards and conditions to ADUs if those standards are also applied to the construction of other types of accessory buildings. They may apply standards and conditions to the creation of an ADU within an existing Single-Unit Detached Dwelling if they would apply the same standards and conditions to other internal modifications of the house.</p> <p>Require compliance with architectural style, building material, or landscaping standards that are more restrictive than those that apply to the single-unit home on the lot.</p> <p>Types of ADU Dev Regs Allowed and Homeowners HOA and Restrictive Covenants https://dlg.colorado.gov/accessory-dwelling-units</p>	<p>ARTICLE VI. Architectural Control. Section 6: Review of Plans and Specifications. The Architectural Control committee shall consider and act upon any and all requests submitted for its approval. The Architectural Control Committee shall approve plans and specifications submitted to it only if it determines that the construction, alteration, and additions contemplated thereby, and in the location as indicated, will comply with this Declaration, will serve to preserve and enhance the values of Lots within the Property, and will maintain a harmonious relationship among structures, vegetation, topography, and the overall development of the Property.</p> <p>Section 5: Rules and Guidelines. The Architectural Control Committee may issue rules setting forth procedures for the submission of plans for approval and may also issue guidelines setting forth the criteria that the Architectural Control Committee will use in considering plans submitted to it for approval.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/</p> <p>1998 Westridge Estates Architectural Guidelines https://westridgeestateshoa.managebuilding.com/</p>	<p>(c) Decisions. All decisions of the Architectural Control Committee, ACC shall be by a majority vote of those members of the Committee present at a meeting at which a quorum is present. A majority of the members of the Architectural Control Committee shall constitute a quorum.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/</p>
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<p>Are there any laws regarding a view be diminished by new buildings?</p> <p>What remedy to an adjacent or other homeowner who may be impacted and harmed by a property devaluation? Should there be some form compensation? How would this be justified and/or valued?</p> <p>If an ADU blocks a view or causes another issue on an adjacent property what is the remediation?</p>	L	N	<p>There are no building code regulations on aesthetics.</p> <p>A view may impact property value.</p> <p>Impacts on Residential Values https://www.larimer.gov/assessor/impacts</p>	<p>ARTICLE VI. Architectural Control. Section 6: Review of Plans and Specifications. The Architectural Control committee shall consider and act upon any and all requests submitted for its approval. The Architectural Control Committee shall approve plans and specifications submitted to it only if it determines that the construction, alteration, and additions contemplated thereby, and in the location as indicated, will comply with this Declaration, will serve to preserve and enhance the values of Lots within the Property, and will maintain a harmonious relationship among structures, vegetation, topography, and the overall development of the Property.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuildi</p>	<p>Would require affected residents to be proactive, cordial, and neighborly to work out potential solutions.</p>
<p>Can we limit one ADU per Lot?</p>	L	N	<p>Per the county we are limited to one ADU per lot and it has to be within 300 ft of the primary residence if it is detached.</p> <p>Numbers and Size & Site Standards Section https://www.larimer.gov/building/accessory_livin</p>	n/a	

<p>If I were to build a separate building, rent it to a 10 person family, who would stop me and how?</p>	L	N	<p>The number of persons occupying each dwelling unit shall not exceed the maximum permitted by the applicable adopted building code or safety code, or by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit. County enforcement.</p> <p>HB24-1007 Guidance Land Use & Development Code Amendment Examples https://docs.google.com/document/d/1-DvbltFe/</p>	n/a	
<p>What is to stop a renter from asking the post office for a separate address?</p> <p>Would the new ADU get a USPS address?</p>	L	N	<p>Every residential home, including ADUs, receives its own address. All detached ADUs receive a unique address above or below the address of the main property, depending on the order emergency services will be looking for the home. The county STRONGLY requests reflective 911 plaques indicating multiple addresses at the mouth of the driveway with multiple residences. This will make it easier in an emergency or a disaster to reach the residence.</p> <p>Mailbox Naming Standards – Larimer Cty https://drive.google.com/file/d/1jGiTDxybrGGQd</p> <p>Elissa Robb, IT, Larimer Addressing</p>	n/a	
<p>What is to stop an owner from separating out utility usage from a main house?</p>	L	N	<p>The County has no concerns if an owner chooses to install separate utilities for an ADU instead of sharing utilities with the primary residence. During review of an ADU building permit application, our role (regarding utilities) is simply to verify that the ADU has a safe and legal water supply and sewage disposal system.</p> <p>Source: Larimer County Community Development Department, Jacy McNulty</p>	n/a	

Can HOA covenants prevent a home from being rented when it has an ADU?	L	N	<p>No. One family may rent the primary home including basement, one may rent the ADU, the owner must have permits for both rentals.</p> <p>A maximum of two long-term residential rental licenses (lease terms greater than 30 days) maybe issued to a property owner for the rental of an accessory dwelling unit and single-family dwelling unit, with a separate business license required for each rental.”</p> <p>Section Occupancy on Lots with ADUs https://dlg.colorado.gov/accessory-dwelling-units</p>	n/a	n/a
Who can live in an ADU? Can a lot owner rent their main single-family residence and ADU, together, to all-unrelated renters and not, themselves, reside on the property?	L	N	<p>CRS 20-35-402 Owner occupancy on lots with ADUs, Summarized from C.R.S 29-35-403(2b) prohibits local laws from requiring the ADU be occupied by the owner. Short term rental activity may be banned by an HOA. A maximum of two long-term residential rental licenses (lease terms greater than 30 days) maybe issued to a property owner for the rental of an accessory dwelling unit and single-family dwelling unit, with a separate business license required for each rental. <i>A family is defined as a group of people sharing a kitchen.</i></p> <p>HB24-1007 Guidance Land Use & Development Code Amendment Examples https://docs.google.com/document/d/1-DvbltFeA</p>	n/a	n/a

With respect to the State ADU law and Larimer County ordinances, how many long-term renters are allowed to occupy an ADU and a primary residence on a property, whether the renters are family-related or not?	L	N	<p>The number of persons occupying each dwelling unit shall not exceed the maximum permitted by the applicable adopted building code or safety code, or by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit.</p> <p>The international rental standard is being considered; The number of persons occupying each dwelling unit shall not exceed one person for a dwelling unit with between 150 and 250 square feet of habitable space, plus one additional person for each additional 100 square feet of habitable space above 250 square feet, or the maximum permitted by any applicable state or federal law or by affordable housing guidelines applicable to the dwelling unit. (8 people in 1000 sq ft)</p> <p>HB24-1007 Guidance Land Use & Development Code Amendment Examples https://docs.google.com/document/d/1-DvbltFeA</p>	n/a	n/a
As the Westridge Covenants prohibit an ADU now, on what authority then, specifically, does the ADU submitter rely	L	N	State law trumps our covenant exclusion of other than single family homes.	<p>Article VI – Architectural Control Section 10: Use Restrictions and Building Type. No building or other structure shall be erected, altered, placed, or permitted to remain on any Lot other than one (1) single-family Residence per Lot, with attached or detached garage, and other appurtenant structures.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuildi</p>	
What is the remediation when the law is stricken	L	N	n/a	Current covenants would be reinstated.	n/a

Would the new ADU be expected to pay dues as a separate HOA member	L	N		No. Article IV - Assessment for Common Expenses Section 1: Personal Obligation of Owners for Common Expenses. The Declarant, for each Lot owned, hereby covenants, and each Owner of any Lot by acceptance of a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay all Assessments imposed by the Association to meet the estimated Common Expenses. 1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/	
Will an ADU ultimately be assessed a separate county property tax?	L	N	The ADU would not have a separate property tax. The new tax rate would be based on the sq footage – Per County Assessor's Office		
May properties be subdivided?	L	N	County approval would be required. Pending Legislation HB-1308 will allow subdivision of ADU by splitting lots. The smaller lot could not be less than 30% of the size of the original lot. If passed this new law would go into affect Dec 31, 2027.	<i>Article VI – Architectural Control Section 33: Resubdivision. No Lot may be further subdivided without the approval of the Architectural Control Committee. This provision shall not be construed to prohibit or prevent the dedication or conveyance of any portion of a Lot as an easement for public utilities.</i> 1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/	
What about existing ADUs which were not approved by the ACC?	L	N	Supporting Homeowners to Bring Pre-existing ADUs into Compliance https://dlg.colorado.gov/supporting-homeowners Recommend develop programs to bring pre-existing ADUs into compliance	n/a	n/a
Does the ACC require 3 people to make an approval?	L	N	n/a	No. Article VI ACC – Section 1 (c) Decisions. All decisions of the Architectural Control Committee shall be by a majority vote of those members of the Committee present at a meeting at which a quorum is present. A majority of the members of the Architectural Control Committee shall constitute a quorum. 1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/	n/a

How many votes will a home with an ADU have in the HOA?	L	N	n/a	<p>Article II, Section 2: Voting. Each Owner shall have one (1) vote for each Lot owned. When more than one person or entity holds a beneficial interest in a Lot as a joint tenant, tenant in common, or otherwise, all such persons shall be Members of the Association, but shall be considered as only one (1) Owner for voting purposes.</p> <p>1989 Covenants Westridge Estates https://westridgeestateshoa.managebuilding.com/</p>	n/a
Can homeowners challenge HOA restrictions on long-term rentals in Colorado?	L	N	<p>Common restrictions imposed by HOAs on long-term rentals in Colorado may include limits on the number of rental properties allowed in the community, requirements for tenants to be approved by the HOA, and specific rules regarding property maintenance and appearance. These restrictions are typically outlined in the HOA's governing documents, such as the bylaws and covenants.</p> <p>Legal Considerations</p> <p>State Laws: Colorado law allows HOAs to regulate land use, including rentals, but these regulations must be reasonable and clearly defined.</p> <p>Potential Challenges: Homeowners may challenge overly restrictive rental regulations, especially if they were not in place when they purchased their property.</p> <p>In summary, while HOAs in Colorado can ban long-term rentals, they must do so in accordance with their governing documents and state laws.</p> <p>https://www.cedarmanagementgroup.com/hoa-r</p>	n/a	n/a

Do we want to ban short term rentals?	L	N	<p>Lodging Facilities, as defined in §20.2.4.C, Lodging Facilities, are prohibited within an accessory living area. The accessory living area shall not be rented for 30 days or less as a short-term rental unit as regulated by §3.3.5.B, Short-Term Rental.</p> <p>Occupancy https://www.larimer.gov/building/accessory_livin</p>	n/a	n/a
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