

REDLINE

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
COMMUNITY ASSOCIATION MANAGERS
4 CCR 725-7**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
July 30, 2019**

B RULES: CONTINUING EDUCATION

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Director of the Division of Real Estate ("Director") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules related to community association managers.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules Regarding Community Association Managers is Part 10 of Title 12, Article 61, Colorado Revised Statutes, as amended.

STATEMENT OF PURPOSE

Veto of House Bill 19-1212 repeals the authority of the Division of Real Estate ("Division") and the Division Director in the oversight and administration of the Community Association Managers Program. As a result, the existing rules need to be repealed to be in compliance with the veto of House Bill 19-1212.

SPECIFIC PURPOSE OF THIS RULEMAKING

The specific purpose of these rules is to repeal key terms and regulations pertaining to the Community Association Managers Program, pursuant to veto of House Bill 19-1212.

PROPOSED NEW, AMENDED AND REPEALED RULES

Deleted material is showed by ~~struck through~~; new material is indicated by underline. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at www.dora.colorado.gov/dre.

~~B RULES: CONTINUING EDUCATION~~

~~B-1) When continuing education is required.~~ Repealed (Effective September 30, 2019)

~~—The continuing education requirements for a licensed CAM will begin after issuance of the initial license. Individuals must complete continuing education requirements prior to applying to renew an active license, to activate an inactive license or to reinstate an expired license to active status. As prescribed in Rule A-3, completion of the pre-licensing credentials in the~~

~~same initial licensing period in which the license was approved will satisfy the continuing education requirements in that initial licensing period.~~

~~B-2) Methods of completing continuing education. [Repealed \(Effective September 30, 2019\)](#)~~

~~— A licensed CAM may satisfy the entire continuing education requirement through one of the following options:~~

- ~~1) Complete 8 hours of continuing education courses in approved subjects as prescribed in Rule B-3; or~~
- ~~2) Successfully pass the Colorado law portion of the CAM examination.~~

~~B-3) Approved continuing education subjects. [Repealed \(Effective September 30, 2019\)](#)~~

~~— All continuing education courses must contribute directly to the professional competence of a licensee. Credit for continuing education courses must be acquired through successful completion of instruction in one or more of the following subjects:~~

- ~~1) Legal documents of a common interest community;~~
- ~~2) Colorado Common Interest Ownership Act;~~
- ~~3) Colorado and Federal Fair Housing Law;~~
- ~~4) Colorado Non-Profit and Corporation Acts;~~
- ~~5) Roles and responsibilities of managers, owners, committees and the executive board of a common interest community;~~
- ~~6) Management ethics for professional community association managers;~~
- ~~7) Developing and enforcing common interest community rules;~~
- ~~8) Manager's role in organizing, assisting, and conducting board meetings;~~
- ~~9) Preparing budgets and funding reserves;~~
- ~~10) Assessment collection policies and procedures;~~
- ~~11) Remedies available for collecting delinquent payments from owners in a common interest community;~~
- ~~12) Overview of financial statements, reporting methods, and operations;~~
- ~~13) Effective risk management and insurance programs;~~
- ~~14) Implementing and evaluating maintenance programs;~~
- ~~15) How to prepare a bid request and key contract provisions;~~
- ~~16) Basic areas of employment addressed by federal, state, and local law; and~~
- ~~17) Any other subject matter as approved by the Director.~~

~~B-4) Distance learning permitted, defined. [Repealed \(Effective September 30, 2019\)](#)~~

~~— All continuing education courses may be offered and completed by distance learning. Distance learning means courses offered outside the traditional classroom setting in which the instructor and learner are separated by distance and/or time.~~

~~B-5) Courses excluded from continuing education credit. [Repealed \(Effective September 30, 2019\)](#)~~

~~— The following types of continuing education courses will not qualify for continuing education credit:~~

- ~~1) Sales or marketing meetings conducted in the general course of a manager's practice.~~
- ~~2) Orientation, personal growth, self-improvement, self-promotion or marketing sessions.~~
- ~~3) Motivational meetings or seminars.~~
- ~~4) Examination preparation or exam technique courses.~~

~~B-6) Courses automatically accepted for continuing education credit. Repealed (Effective September 30, 2019)~~

~~— The following continuing education courses may be accepted for continuing education credit without Director pre-approval so long as they comply with all provisions of this Rule B except Rule B-7.~~

- ~~1) Courses offered by accredited colleges, universities, community or junior colleges, public or parochial schools or government agencies.~~
- ~~2) Courses developed and offered by quasi-governmental agencies.~~
- ~~3) Courses approved by and taken in satisfaction of another occupational licensing authority's education requirements.~~
- ~~4) Courses in the subject matters listed in Rule B-3 offered by a provider approved by the Colorado Board of Continuing Legal and Judicial Education.~~

~~B-7) Courses requiring Director approval for continuing education credit. Repealed (Effective September 30, 2019)~~

~~— The following continuing education courses must receive Director approval prior to offering:~~

- ~~1) Courses offered by proprietary real estate schools approved by the Colorado Division of Private Occupational Schools.~~
- ~~2) Currently approved courses that are changed in any substantive way.~~
- ~~3) Courses offered by any provider proposing to offer course(s) on subjects not listed in Rule B-3.~~
- ~~4) Courses offered by proprietary real estate schools approved as out of state providers by the Colorado Department of Private Occupational Schools, and are not approved pursuant to Rule B-6.~~
- ~~5) Courses offered by a designated manager to their employed managers.~~
- ~~6) Courses offered by providers exempt under the provisions of § 12-59-104, C.R.S.~~
- ~~7) Courses offered by local, state or national community manager, homeowner or business associations.~~

~~B-8) Administrative rules for continuing education courses. Repealed (Effective September 30, 2019)~~

~~— The following course format and administrative requirements apply to all continuing education courses for a licensed CAM:~~

- ~~1) Courses must be at least 1 hour in length, containing at least 50 instructional minutes.~~
- ~~2) A maximum of 8 hours of credit may be earned per day.~~
- ~~3) No course may be repeated for credit in the same calendar year.~~
- ~~4) Instructors may receive credit for classroom teaching hours once per year, per course taught.~~
- ~~5) Hours in excess of 8 may not be carried forward to satisfy a subsequent year's education requirement.~~
- ~~6) No provider may waive, excuse completion of, or award partial credit for the full number of course hours.~~
- ~~7) No examination or other equivalency may substitute for the completion of the entire continuing education course.~~
- ~~8) No credit may be earned for remedial education completed as part of a disciplinary action, or alternative to disciplinary action.~~

~~9) No course offering by a provider will be accepted unless the provider has either been granted a certificate of approval by the Colorado Department of Higher Education, Division of Private Occupational Schools, or is exempt from such requirement pursuant to § 12-59-104, C.R.S.~~

~~10) Continuing education courses must maintain and improve a CAM's skill, knowledge, and competency in community association management practice.~~

~~B-9) Term of course approval. [Repealed \(Effective September 30, 2019\)](#)~~

~~Course approval certification will be for a period of 3 years, except that an annual or one-time seminar or conference offering may be approved for a specific date or dates.~~

~~B-10) Proof of course completion. [Repealed \(Effective September 30, 2019\)](#)~~

~~Each Colorado licensed CAM is responsible for securing evidence of course completion in the form of an affidavit, certificate or official transcript of the course. Said documentation must be in sufficient detail to show the name of the licensee, course subject, content, duration, date(s) and contain the authentication of the provider. Licensees must retain proof of continuing education completion for 4 years, and provide said proof to the Director upon request.~~

~~B-11) Provider must retain records. [Repealed \(Effective September 30, 2019\)](#)~~

~~Each approved provider must retain copies of course outlines or syllabi, complete records of attendance for a period of 4 years, and provide the records to the Director upon request.~~

~~B-12) Course approval application process. [Repealed \(Effective September 30, 2019\)](#)~~

~~Continuing education providers required to have Director course approval must, in accordance with all of the provisions of the B Rules, submit an application form prescribed by the Director, along with the following information at least 30 days prior to the proposed class dates:~~

- ~~1) Detailed course outline or syllabus, including the intended learning outcomes, the course objectives and the approximate time allocated for each topic.~~
- ~~2) A copy of the course exam(s) and instructor answer sheet if applicable. In the absence of an exam, the criteria used in evaluating a person's successful completion of the course objectives.~~
- ~~3) A copy of instructor teaching credentials. If none, a résumé showing education and experience which evidence mastery of the material to be presented.~~
- ~~4) A copy of advertising or promotional material used to announce the offering.~~
- ~~5) Upon Director request, a copy of any textbook(s), manual(s), audio(s), videotapes, or other instructional material.~~
- ~~6) For courses offered through distance learning, evidence, in a form prescribed by the Director, that the method of delivery and course structure is consistent with acceptable education standards, and that the desired learning objectives will be met. The Director will approve methods of delivery certified by the Association of Real Estate License Law Officials (ARELLO), or by a substantially equivalent authority and method.~~

~~B-13) Providers subject to statute, rule and course audit. [Repealed \(Effective September 30, 2019\)](#)~~

~~By offering community association manager continuing education in Colorado, each provider agrees to comply with all relevant statutes and the Director rules, and to permit the Director or his or her designee to audit said courses at any time and at no cost.~~

~~B-14) Licensee attests to compliance by submitting application.~~ [Repealed \(Effective September 30, 2019\)](#)

~~— The act of submitting an application for renewal, activation or reinstatement of a CAM license will mean that the licensee attests to compliance with all continuing education requirements found in the Director rules.~~

A hearing on the above subject matter will be held on July 30, 2019, at the Colorado Division of Real Estate, 1560 Broadway, Suite 100-A, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rules being considered are subject to further changes and modifications after public comment and formal hearing.