

COMSTOCK VILLAGE HOMEOWNERS' ASSOCIATION (CVHA) POLICY
ON RECORDS REQUESTS

To comply with Federal and Colorado law, including CRS 38-33.3-317, the Comstock Village Homeowners' Association adopts the following rules governing records requests.

1. Definitions:

a. **Board of Directors.** The Association is governed by an all-volunteer Board of Directors and supported by one paid administrator. The duly elected governing body of the Comstock Village Homeowners' Association, acting collectively, and vested with the authority to manage the affairs of the Association, adopt and enforce rules, conduct meetings, and exercise all powers granted under the Association's governing documents and applicable Federal law, Colorado law, and ordinances adopted by El Paso County and the City of Colorado Springs.

b. **Owner.** Shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

c. **Books and Records.** Records required by CRS 38-33.3-317 shall be maintained, made available for inspection within thirty (30) days of creation or receipt, and retained in accordance with law and the Association's record retention policy. The Association maintains the following records, as required or permitted by law. These records may include but are not limited to:

(1) **Governing Documents:** Declaration (CC&Rs), Articles of Incorporation, Bylaws, rules, regulations, written policies, and amendments to governing documents.

(2) **Board Records:** Board resolutions; minutes, notices, and agendas of Board and member meetings; actions taken by written consent.

(3) **Financial Records:** Detailed records of receipts and expenditures affecting the operation and administration of the Association; Adopted annual budgets (minimum three (3) years retained); reserve studies; balance sheets; income and expense statements; general ledgers; bank statements; canceled checks and deposit records; accounts receivable and delinquency reports; invoices; contracts; receipts; federal and state tax returns (minimum 7 years); audit or review reports.

(4) **Voting Records:** Ballots, proxies, and related records, retained for at least one (1) year following the vote, as required by law.

(5) **Owner Information:** A current list of owners, including names and mailing addresses, as required by law (email addresses, telephone numbers, and other personal identifying information redacted or withheld as permitted by law).

(6) **Assessments and Payments:** Assessment schedules and payment histories.

(7) **Insurance and Contracts:** Insurance policies and non-privileged claim-related records, excluding confidential, privileged, or legally protected claim materials; and contracts with vendors, managers, and professionals.

(8) **Correspondence and Administrative Records:** Formal correspondence related to Association business (excluding attorney-client privileged communications and executive session materials); architectural review applications and approvals; and records of covenant enforcement, including violation notices and fines.

d. **Excluded Records.** The Association may withhold records as permitted by CRS 38-33.3-317(3), including but not limited to: attorney-client privileged communications; records prepared for or discussed in executive session; personnel, salary, or medical records relating to specific individuals; personal identification and account information of owners; individual owner account information and specific delinquency details, except that summary information regarding the status of assessments or delinquency totals shall be provided as required by law; and any records otherwise protected from disclosure by state or federal law.

e. **Records Not in Existence.** The Association is not required to create, compile, summarize, interpret, reorganize, or otherwise prepare records in response to a request. The Association is only required to produce records that exist at the time the request is received and that are maintained in the ordinary course of business. The Association has no obligation to reconstruct records, create new documents, generate reports, extract data from multiple sources, or convert records into a different format in order to satisfy a records request.

f. **Abusive or Unreasonable Requests.** The Association may deny a records request only as permitted by CRS 38-33.3-317, including if the request is not made in good faith, is made for a commercial purpose, or is unrelated to the requester's interest as a unit owner or otherwise constitutes an abuse of the statutory inspection right. Any denial shall be provided in writing within the time period required for records production and shall state the specific legal basis for the denial.

g. **Serial Requests.** The response period shall begin upon receipt of a complete written request that reasonably describes the records sought and is submitted to the Association's designated records custodian. A request is considered complete

when it reasonably identifies the records sought and any required consolidation or clarification has been provided. If multiple requests from the same owner involve overlapping, related, or continuing subject matter, the Association may treat such requests as a single consolidated request to ensure efficient processing and may require submission of a single, complete list of the records requested. If an owner submits additional, revised, or supplemental requests before the Association has completed processing a prior request, the Association may treat the additional submissions as a modification or expansion of the pending request. In such cases, the response period shall begin upon receipt of the most recent consolidated or complete request. The Association may also prioritize, sequence, or consolidate multiple pending requests from the same owner as reasonably necessary to manage administrative workload and to process requests efficiently and in good faith. The Association may suspend processing, upon written notice (including email) to the owner, until the owner provides the required consolidated or clarified request.

2. Records Request Procedure. Requests must be submitted in writing to the Association's administrator or designated records custodian. Requests submitted to individual Board members are not considered received until delivered to the custodian. All record requests must be submitted in writing and must describe the records sought with reasonable particularity, including relevant time periods if applicable. Requests for records already publicly available (e.g., on the Association website) may be provided by directing owners to the appropriate location. Records shall be made available for inspection at the Association's principal office or at another reasonable location designated by the Association or provided electronically where available. Records shall be available for inspection during regular business hours or at a mutually convenient time as required by CRS 38-33.3-317. **All records are maintained subject to applicable privacy, confidentiality, and legal limitations. Retention periods for specific records follow statutory requirements and generally accepted business practices.**

a. Frequency and Scope. Requests must be reasonable in scope and made in good faith. The Association is not required to repeatedly produce identical records within a short period of time unless the records have materially changed or the owner demonstrates a reasonable need for additional or updated records. Serial or consolidated requests shall be handled as provided in Section 1(g), and the Association may require clarification to reduce administrative burden. The Association may reasonably limit or manage responses to requests that are duplicative, excessive, that reasonably appear intended to harass or that would unreasonably burden the Association, or that otherwise constitute an abuse of the statutory inspection right, as permitted by CRS 38-33.3-317. The Association may prioritize or sequence responses when multiple requests are pending in order to ensure efficient and equitable processing.

b. Response Time. The response period shall begin upon receipt of a complete request as defined in Section 1(g). Requests that are incomplete, unclear, or require consolidation under Section 1(g) shall not be considered complete for purposes of the response period. The Association shall make the requested records available for inspection or copying within ten (10) calendar days of receipt of a written request, as required by CRS 38-33.3-317. If the requested records are not reasonably available within ten (10) calendar days, the Association may extend the production period for an additional reasonable time not to exceed thirty (30) calendar days total and shall notify the requesting owner in writing of the reason for the delay and the expected date of availability. In the event extraordinary circumstances beyond the Association's reasonable control prevent production within thirty (30) calendar days, the Association shall provide written notice describing the circumstances, the efforts being made to obtain the records, and a specific anticipated date for production. The Association shall continue to act in good faith to produce the records as soon as reasonably available. Written notice under this section may be provided by email to the owner's email address on file with the Association, or by other written delivery method. The Association's obligations under this section are governed by a standard of good faith and reasonableness as required by CRS 38-33.3-317.

c. Fees. The Association may charge the actual, reasonable costs of copying, scanning, or reproducing records, including the cost of materials and labor directly associated with reproduction, as permitted by CRS 38-33.3-317. The Association may require advance payment of estimated copying costs before releasing records. If records are maintained in electronic format, the Association may provide electronic copies in lieu of paper copies where practicable.

3. Enforcement. The CVHA Board of Directors shall enforce these rules consistently and in compliance with CRS 38-33.3-317. Any deviation from standard procedures must be based solely on objective legal requirements, documented administrative necessity, or compliance with applicable law, and shall not restrict an owner's statutory inspection rights. Nothing in these rules shall be interpreted or applied in a manner that limits or conflicts with an owner's rights under CRS 38-33.3-317. If any provision of this policy conflicts with CRS 38-33.3-317, the statute shall control and the policy shall be interpreted to maximize owner inspection rights.

4. Amendments. These rules may be amended from time to time by the Board of Directors.