

HOA HB 20-1200: no purpose, costly, violates state law

By: [ColoradoHoAforum.com](http://coloradohoaforum.com)

HB 20-1200 resulted from a mandated State Sunset Review that evaluated whether the State HOA Office should continue. The Review team proposed a Bill to the House indicating the Office should continue justifying its existence with an increased involvement in HOA complaint resolution. Two other State reports affirmed the role of the HOA Office needed to be expanded: a 2019 Governor's report on HOA reform and a 2013 State Report on HOAs. HB 20-1200 was signed into law but to continue as is with no expanded mission?

The Bill was presented to a House Committee and passed. The Bill clearly included in its Title, summary and text the recommendation to create a dispute resolution process within the State HOA Office to process homeowner complaints with HOAs. Other reforms from the studies were also included. It was to become the first HOA law in 25 years addressing the lack of an ability on the part of homeowners to pursue their rights under HOA law in an affordable and accessible out-of-court venue. Note: Millions of dollars are spent each year by homeowners and HOAs on litigation that should not require a court case.

Then, with the influence of lobbyists, "unsurprisingly" things happened: 1) the purpose of the original Bill as described in the Title and Summary (whether to continue the HOA Office, why and how) and upon which the Bill was accepted by Committee were no longer reflected in the content/text of the Bill (gone); 2) the Sunset Review recommendations to justify the continuation of the Office (the sole purpose of this Bill) were removed; and 3) an erroneous/unrelated mandate was entered into the Bill having nothing to do with the purpose and continuation of the HOA Office (to allow religious signs on HOA homeowners' doors), violating the State's "single subject and original purpose" mandates for passing a Bill into law.

These irregularities were all ignored and the Bill was passed into law. Thus, the Office was voted to continue without any reasons to justify continuation as required under the law but to continue only "because it should". The Office will continue to be funded with taxpayer dollars and with over \$300,000 in HOA registration fees with no benefit to HOAs, homeowners or businesses.

Then we witnessed how legislators can't even follow the legal process of writing, considering and voting on a Bill. [HB 20-1200 clearly violated the State Constitution](#) concerning the passage of a Bill that must have a single subject requirement. This is highly important to the public and legislators in understanding what a proposed law is to accomplish. This requirement is meant to preclude proposing a Bill for one purpose and subsequently changing the text of a Bill to accomplish something else and slipping in unrelated issues to gain votes for approval. This Bill violated both issues.

Briefly, Colorado law indicates: "No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its **original purpose**". ... The [Colorado Constitution mandates](#) that each "bill contain **one subject** and that the **single subject** be clearly expressed in the **bill title**." The original Bill proposed and voted upon from the Sunset Review stated: "A Bill for an act concerning the continuation of the HOA Information and Resource Center, and, in connection therewith, implementing the recommendations contained in the 2019 Sunset Review Report by the Department of Regulatory Agencies." The summary clearly stated, "Take complaints, conduct investigations, make determinations, impose penalties, and participate in administrative dispute resolutions when there are alleged violations of the act or the program."

Thus, two violations of State law are evident: 1) the Bill's Title clearly states the Sunset Review recommendations be implemented but were removed; and 2) the Bill was amended with an issue (religious signs) not related to the original Bill's Title, purpose or intent and violates the one subject with a single purpose provision of the law.

HB 20-1200 will continue a State Office, funded by taxpayers and HOA homeowners, with no productive mission, ignoring HOA reform recommendations in three State reports. The Office will continue to exist because it does. The Bill also illustrates that the State legislature can ignore and pass into law a Bill that is clearly in violation of our State Constitution.

Seems as though our legislators are good at passing laws and rules but can't follow their own rules of conduct. HOA homeowners lose again to special interests. It's just politics!