

## **HOA Bill of Rights: more show than substance**

The issue of legislators passing an HOA Home Owner's Bill of Rights continues to come up in our mail box. First, your rights as a home owner are already mostly defined in your HOA governing documents. These documents state the covenants, controls, and restrictions you agree to when moving into the HOA. The HOA's maintenance obligations are also in this document supplemented by other readily available HOA documents (or should be). Your governing documents also instruct about prior approval for erecting structures, painting a home, landscaping, etc. Further, the authority and control your HOA Board has in governing the community, making special assessments and fines, and spending your HOA dues are well stated in most governing documents.

Then there is State legislation/law that most every State has passed to supplement HOA by-laws. State laws usually specifically address home owner's rights concerning records access, elections, debt collection and a host of other HOA governance issues.

Thus, most questions home owners have about their rights already exist. The need to state these differently and in a more concise manner is mostly unneeded if the home owner reads their governing documents.

So what is it folks want to accomplish by declaring a Home Owner's Bill of Rights? Seems as though this is more feel good legislation than helping any home owner. Think about all the laws passed indicating home owner's rights: records access, debt collection, political signs and cable tv installation, fees disclosure. [All these laws](#), in Colorado, instill a sense of consumer protection and earned a big hooray for legislators.

Well, don't judge a book by its' cover and don't get too excited if the Bill of Rights is implemented. The one missing and most important component in each and every existing law and the Bill of Rights concept is an enforcement tool for home owners. In Colorado, all HOA legislation is missing any viable means of enforcement except "go to court". Most home owners can't afford or have the time or expertise to take on the unlimited legal resources of an HOA in court: a totally unlevelled playing field. Thus, from the home owner's perspective, the laws are a pay to play process making them mostly administrative and ornamental not substantive.

What is needed is an [out of court binding dispute resolution](#) process for home owner [complaint resolution](#). Read about how [this would work](#), [what it would cost](#), how it would save home owner and HOA in legal costs, and immediately make all HOA laws and HOA governing documents effective and hold violators accountable.

A home owner's Bill of Rights is a good rallying cry and motivator but without a legislated out of court binding dispute resolution process this type of effort provides no solution or help to home owners.