

HOA dispute resolution will remain elusive

Looks like more proposed HOA legislation will be watered down, filled with bias and influence, and enacted into law in 2013. All with the most important issue to homeowners still missing: ENFORCEMENT.

It's not that several lawmakers didn't make an effort to advocate better enforcement provisions and move cases out of the courtroom and into an out-of-court binding dispute resolution process. They did, but even such a reasonable, not extreme, and workable offering is vehemently opposed.

On one side are the homeowners who understand most HOA complaints don't belong in court. They also understand our court system is a pay to play process and too costly, litigious, and time consuming to utilize.

The opposition to an accessible and affordable out of court enforcement process wants things to stay the way they are: lopsided. Lawyers involved with HOAs have no intention on allowing change to a system that perpetuates lawsuits and consulting services that wouldn't be needed if the courts were not the only place to pursue and settle HOA complaints.

Then there is the mediation industry that could provide the resources of trained HOA mediator-arbiters (mediators with decision making authority for simple HOA cases, and most are). They have yet to get on board with binding mediation but prefer mandatory mediation in dispute resolution. This adds time, process, and cost for the homeowner without achieving the assurance of settlement.

Seems they don't understand that homeowners don't have endless time and money to jump through hoops to get complaints settled. The idea is to shorten the litigation process not add another layer through mandating mediation with the good possibility of no outcome except more emptying of their wallets.

HOA homeowners deserve, at a minimum, a dispute resolution process that is affordable, accessible, prompt, and provides closure to a complaint. Out-of-court binding dispute resolution is the answer. Until then, HOA living will continue to be at the epicenter of consumer complaints and be vilified