

IN THIS ISSUE

[2013—2014 Legislative Goals](#) 2

[Licensing & Regulatory Oversight of CAM's: Advisory Committees to Begin Work](#) 2

[HOA Home Buying Tips](#) 2

[2013 HOA Legislation will affect homeowners](#) 3

[Legislative Sponsors Needed for HOA Reform](#) 3

[So You Think Your Home Can't Be Foreclosed for Delinquent HOA Dues](#) 3

[Commerce Business Daily Recognizes Colo HOA Forum](#) 3

[HOA Over Reach into Private Lives of Homeowners](#) 4

[Your Right to use a Clothesline](#) 4

[Colorado HOA's Need to Respond to Legal Marijuana Laws](#) 4

[Pet Limitations in HOA's](#) 4

[Educational Classes for HOA Board Members: it's the law in Florida](#) 5

[Vote for those State Legislators that Support HOA Issues](#) 5

[What is that HOA Super Lien and a Stunning Story](#) 5

[HOA Bits and Pieces](#) 6



Colorado State Flower: Columbine

CONTACT YOUR STATE REPRESENTATIVE AND ASK THEM TO SPONSOR HOA LEGISLATION IN SUPPORT OF OUR GOALS! HAVE THEM CONTACT US

Contact us at: www.coloradohoaforum.com or email us at coloradohoaforum@hotmail.com

Join our effort by signing up on our web site. The web site contains articles, reference information, current events, and tools to help you [write your legislators and State offices](#).

Write the [Colorado Information Office and Resource Center](#) about your concerns with HOA governance and homeowner's rights. **THIS DOES HELP!!**

Request our business cards through our web site for distribution to your neighbors or at an HOA meeting. Ask your friends and neighbors to join our movement through, it's all free.

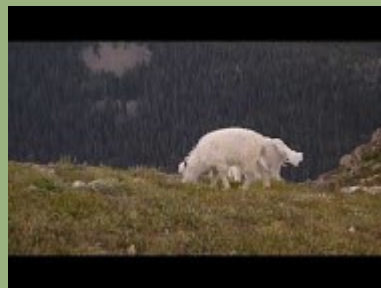
Our mission statement is on the last page of each newsletter.

We are making progress, more to come!

The 2013 legislative session was a success for Colorado HOA homeowners. Four Bills were passed into law that laid the groundwork for future improvements in HOA governance. Visit our web site to access the [full copies of each Bill, a summary of each Bill](#), and to view our [2014 legislative goals and objectives](#). Your participation in our email and telephone campaigns and attendance at HOA meetings were definite factors in getting these Bills passed. You are urged to check out how your legislator voted on these Bills and if they voted against them ask them why? HOA issues are not partisan issues but homeowner issues! We ask for your continued support in our efforts to reform Colorado HOA law.



French Pass, Colorado 12,000 Ft. Elevation



[Stunning Video of Mountain Goats](#)

Byers Peak Colorado

Photographer: Jason Hrinkevich

HOA Legislative reform is our main method for improving upon HOA governance. Our goals for the coming 2013—2014 legislative session are [posted on the home page of our web site](#).

Our number goal is to implement a binding out of court dispute resolution process for use in resolving HOA complaints. This is a far superior, workable, efficient, and cost effective dispute resolution process than using our court systems or mandating a mediation process (that only adds time, cost, process, and no guarantee of bringing any dispute to closure). [Please read about this process on our web site](#).

Have an HOA Problem: let us know and write the [State HOA Office](#). Link to complaint form also on the [Home Page of our web site](#).



HOA Homeowner Advocates

IN THIS ISSUE

2013—2014 Legislative Goals 2

Licensing & Regulatory Oversight of CAM's: Advisory Committees to Begin Work 2

HOA Home Buying Tips 2

2013 HOA Legislation will affect homeowners 3

Legislative Sponsors Needed for HOA Reform 3

So You Think Your Home Can't Be Foreclosed for Delinquent HOA Dues 3

Commerce Business Daily Recognizes Colo HOA Forum 3

HOA Over Reach into Private Lives of Homeowners 4

Your Right to use a Clothesline 4

Colorado HOA's Need to Respond to Legal Marijuana Laws 4

Pet Limitations in HOA's 4

Educational Classes for HOA Board Members: it's the law in Florida 5

Vote for those State Legislators that Support HOA Issues 5

What is that HOA Super Lien and a Stunning Story 5

HOA Bits and Pieces 6

Our 2013—2014 HOA Legislative Goals

The Colorado HOA Forum will be focusing on the following legislative initiatives in the upcoming session.

1. Include an out of court binding dispute resolution process in all Colorado HOA laws
2. Improve upon Colorado legislation that licenses HOA property managers
3. Limit fees and administrative costs on HOA debt during repayment periods and on computation of amounts owed.
4. Increase the roles, responsibilities, authority, and enforcement capabilities of the Colorado HOA Information Office and Resource Center including involvement in administering an out of court binding dispute resolution process
5. Restrict/limit transfer fees; in the sale of HOA homes
6. Require realtors and HOA home buyers to be provided a copy of the HOA's governing documents and information on insurance coverage provided via the HOA, any HOA homeowner debt associated with the home the new owner inherits, a current HOA financial statement, the amount of HOA dues, any current and/or planned special assessments, and certify they read them prior to closing on the purchase of the home.
7. Term limits on HOA Board members when others are willing to serve.
8. Include as part of the HOA registration process a certification that HOA Board members read their own HOA governing documents and applicable information posted on the State's HOA Office's web site concerning State HOA law. In addition, require each HOA to provide the State's HOA Office a copy of their governing documents, the amount of HOA dues, the CAM (property management company) hired to manage the HOA, and any special assessments that are current and/or proposed. This information posted on the State's HOA Office's web site. The

HOA is required to update this information when changes occur and review the information annually.

If you have an issue you would like added to this list let us know.

Licensing & Regulatory Oversight of CAM Advisory Committees to Begin Work

In early 2014 Colorado Department of Regulatory Agencies (DORA) will assemble a citizen's advisory committee to define the educational requirements and regulations/rules under which licensed Community Association Managers (CAM's), (formerly known as HOA property managers) will operate.

HB 13-1277 was passed into law to license CAM's. DORA will be accepting input from community representatives that will be used to implement the law. We ask you submit your suggestions to our web site for consideration in our work with these committees.

HOA Home Buying Tips

We've provided HOA home buying tips in the past and here are a few more:

Ensure the HOA has accumulated adequate reserve funds by obtaining their financial statement and asking the HOA Board if the HOA is fully funded. You don't want to move into an HOA that is not maintaining their reserve funds for future capital improvements and maintenance. You could end up with an unexpected special assessment to make up for under funding the reserve fund.

If you are moving into a newer housing development ask if the HOA management and governance has been turned over to the homeowners or is still under the developers control. If turnover has not occurred get the details of when it will and understand that most financial and covenant decisions will not be made by homeowners until turnover occurs.

ASK YOUR STATE REPRESENTATIVE TO SPONSOR HOA LEGISLATION, HAVE THEM CALL US. OUR PROPOSALS FOR LEGISLIVE REFORM LISTED TO THE RIGHT





HOA Homeowner Advocates

IN THIS ISSUE

- [2013—2014 Legislative Goals](#) 2
- [Licensing & Regulatory Oversight of CAM's: Advisory Committees to Begin Work](#) 2
- [HOA Home Buying Tips](#) 2
- [2013 HOA Legislation will affect homeowners](#) 3
- [Legislative Sponsors Needed for HOA Reform](#) 3
- [So You Think Your Home Can't Be Foreclosed for Delinquent HOA Dues](#) 3
- [Commerce Business Daily Recognizes Colo HOA Forum](#) 3
- [HOA Over Reach into Private Lives of Homeowners](#) 4
- [Your Right to use a Clothesline](#) 4
- [Colorado HOA's Need to Respond to Legal Marijuana Laws](#) 4
- [Pet Limitations in HOA's](#) 4
- [Educational Classes for HOA Board Members: it's the law in Florida](#) 5
- [Vote for those State Legislators that Support HOA Issues](#) 5
- [What is that HOA Super Lien and a Stunning Story](#) 5
- [HOA Bits and Pieces](#) 6

Ask about the number of rentals and foreclosures in the development. Too many can have negative effects.

Ask about the number of homeowners delinquent on their HOA dues. Too many means that those paying are not only subsidizing those that are not but your dues may have to be increased to make up for shortfalls in HOA income.

Ask about term limits of Board members. If term limits don't exist ask about the tenure of existing Board members. Long serving Board members can, not always, be problematic and lead to less open governance.

Drive through the HOA neighborhood and take note of the maintenance on roofs, paint on homes, sidewalks, and driveways as well as the maintenance of common areas such as the pool and clubhouse. Poor maintenance of homes and common areas may signal that the HOA has financial problems.

2013 HOA Legislation will affect homeowners

Reprinted from previous issue.

[Summary of Legislation](#) These Bills do provide HOA homeowners with expanded rights and improved governance. In particular, property managers will be licensed and regulated, a study will be completed by the State's HOA Office to determine a complaint resolution process (that is directed to an out of court venue), xeriscaping guidelines, and protections for homeowners against abusive collection practices that can lead to foreclosure. [Read the law.](#)

Legislative Sponsors Needed for HOA Reform

We ask you to contact your State representative and request they sponsor a Bill that leads to HOA reform. You can look up your State representative through [our web site](#). We are available to talk to your representative to explain our mission and suggested legislative action. Please take a few minutes to get involved by contacting your State representative as this is the only way we be successful in improving HOA governance.

So you think your home can't be foreclosed for delinquent dues.

Even Federal representatives are not above the law when it comes to having their home foreclosed upon due to delinquent HOA fees. [Check out this article.](#) We certainly advocate homeowners pay their dues on time and when delinquent (and with provisions of [new Colorado HOA debt collection law](#), HB 1276) you should approach the HOA Board to work out a payment plan. Yes, your home can be foreclosed upon for non-payment of HOA dues or other HOA debt.

Another [foreclosure article](#) that raises the red flag concerning HOA debt and foreclosure.

Commerce Business Daily recognizes the Colorado HOA Forum

We are receiving national press with a [recent article in the Commerce Business Daily](#): (scroll down page) a nationally recognized financial periodical. Those who think HOA issues are local and not a national problem OR that no legislative reform is necessary simply are out of touch (CAI take note).



French Pass, Colorado Elevation 12,000 Ft.
Photographer: Jason Hrinkevich

[Ask your neighbors and others to join our effort through our web site.](#)



HOA Homeowner Advocates

IN THIS ISSUE

<u>2013—2014 Legislative Goals</u>	2
<u>Licensing & Regulatory Oversight of CAM's: Advisory Committees to Begin Work</u>	2
<u>HOA Home Buying Tips</u>	2
<u>2013 HOA Legislation will affect homeowners</u>	3
<u>Legislative Sponsors Needed for HOA Reform</u>	3
<u>So You Think Your Home Can't Be Foreclosed for Delinquent HOA Dues</u>	3
<u>Commerce Business Daily Recognizes Colo HOA Forum</u>	3
<u>HOA Over Reach into Private Lives of Homeowners</u>	4
<u>Your Right to use a Clothesline</u>	4
<u>Colorado HOA's Need to Respond to Legal Marijuana Laws</u>	4
<u>Pet Limitations in HOA's</u>	4
<u>Educational Classes for HOA Board Members: it's the law in Florida</u>	5
<u>Vote for those State Legislators that Support HOA Issues</u>	5
<u>What is that HOA Super Lien and a Stunning Story</u>	5
<u>HOA Bits and Pieces</u>	6

HOA Over Reaching into Private Lives

An over zealous condominium association took it into their own hands [to bar gay and unmarried couples from living in its' community](#). Needless to say this is an over reach of the responsibilities of an HOA Board. This type of incident gives HOA Boards a bad name but also illustrates what some dysfunctional Boards do. Protests ensued and the Board backed off its' intrusive request for covenant change.

Your Right to Use a Clothesline in an HOA

The [right to install a clotheslines in an HOA](#) in Colorado and several other states is apparently guaranteed. [See this article](#). We know of no law suits concerning this issue but I wouldn't be too quick to install that clothesline. For example, if you try to install a clotheslines in a common area this most likely is prohibited. You need to get the approval of the architectural committee and that could become problematic or unreachable. So unless you have your own backyard and the clotheslines is not offensive to community standards your wish for that clothesline may go unfulfilled.

Colorado HOA's Need to Respond to Legal Marijuana Laws

This is a reprint from a previous issue. "Weed" is now legal in Colorado and HOA's need to begin to formulate policy to settle homeowner disputes.

HOA's can't ban the use of pot in one's own dwelling as it is a legal substance and the practice is conducted within private property. However, similar to HOA's setting rules for what color a home can be painted, how big and where an American flag is hung, developing non-smoking areas, or how, when, and where political

signs are displayed an HOA can similarly make and enforce rules to mitigate the problems with marijuana smoke and odor.

An HOA can prohibit smoking in lobbies of buildings or by the swimming pool area, ban glass/alcohol in the pool areas, or prohibit washing cars in certain areas. These are all restrictions on legal activities but don't prohibit the activities in a personal dwelling. So, an HOA could prohibit smoking weed in common use areas such as hallways and building lobbies and entranceways. Furthermore, rules can be implemented to prevent/mitigate pot smoke from being emitted from a condo into the hallways. The HOA can direct the resident homeowner to seal the door to stop leakage into the hallways and/or vent the living unit (open the patio door for example) during marijuana use. This can all be done by claiming that the practice by the homeowner is a nuisance and/or health problem to other residents which under most HOA governing documents allows the HOA to warn and/or penalize the homeowner if the infraction continues.

HOA's should utilize existing governing documents and implied authority to address this problem as mentioned above. HOA's can also modify existing governing documents/by-laws to implement restrictions and controls that allow both users and non-users of marijuana to co-exist in harmony.

No doubt the odor and smoke from marijuana can be a problem in condominiums and high rise buildings. "Pot" is here to stay in Colorado and addressing usage problems in shared areas and condominium complexes during the initial legalization stage can mitigate problems. HOA Boards and residents can take the lead in ensuring "pot" usage neither infringes upon the quality of life of others nor

[Pet Limitations: HOA can make rules](#)

[Your HOA can limit the number and size of pets regardless of local city limits](#). In some cases when homes in the development only have common areas, allow no fences or dog runs it makes sense for the HOA to limit the number of dogs in a home or place restrictions on the type of pets. Our organiza-



HOA Homeowner Advocates

IN THIS ISSUE

- [2013—2014 Legislative Goals](#) 2
- [Licensing & Regulatory Oversight of CAM's: Advisory Committees to Begin Work](#) 2
- [HOA Home Buying Tips](#) 2
- [2013 HOA Legislation will affect homeowners](#) 3
- [Legislative Sponsors Needed for HOA Reform](#) 3
- [So You Think Your Home Can't Be Foreclosed for Delinquent HOA Dues](#) 3
- [Commerce Business Daily Recognizes Colo HOA Forum](#) 3
- [HOA Over Reach into Private Lives of Homeowners](#) 4
- [Your Right to use a Clothesline](#) 4
- [Colorado HOA's Need to Respond to Legal Marijuana Laws](#) 4
- [Pet Limitations in HOA's](#) 4
- [Educational Classes for HOA Board Members: it's the law in Florida](#) 5
- [Vote for those State Legislators that Support HOA Issues](#) 5
- [What is that HOA Super Lien and a Stunning Story](#) 5
- [HOA Bits and Pieces](#) 6

tion receives too many complaints about dogs in HOA's (barking, cleaning up after the pet, etc.) and problems of enforcement. Dog owners buying into an HOA with no private backyard or fences allowed should reconsider their purchase to avoid problems with other neighbors: it's just not a good fit. Think in terms of an indoor cat!

Educational classes for HOA Board Members: it's the law in Florida

Should HOA Board members be required to be educated on HOA law and governance? It appears in the [State of Florida a law was recently passed to mandate such a requirement](#). We advocate that all HOA Board members, as a minimum, be required to certify that they read their own governing documents and read information on the [State's HOA Office's web site](#) concerning HOA governance. We want this to be part of the HOA registration process with the State. This is a good beginning to ensuring more competent HOA Board members without HOA's incurring additional costs. There are some interests groups such as the CAI and legal firms that offer such training but an unbiased approach to providing this information via the State appears workable, accessible, and cost effective. Too often these types of classes provided by interest groups are used as income producing streams for organizations and promoting costly legal and advisory services from companies.

Vote for those State Legislators that support HOA Issues

If you want additional HOA homeowner's rights you should vote for those who represent the homeowner and not the special interests that thwart HOA legislative reform. What issue can be more important to a voter than protecting their homeowner rights and protecting against by HOA Boards and property management companies. [You can check out how your State representative voted on HOA legislation via our web site](#). Ask your representative why they vot-

ed against any of these recently approved HOA laws and thank those who voted for the new laws.

Your vote in supporting those legislators that support our goals is important.

What is that HOA Super Lien and a Stunning Story ([see article](#))

If you don't pay the fees and special assessments imposed by your homeowners' association, in most cases, a lien will usually automatically attach to your property. In Colorado, homeowners' association liens are given "super lien" status (first priority to be paid when the property is sold). Actually good for the HOA maybe not too good for other lien holders, homeowners, and banks.

Homeowners' associations, or HOA's have the right to record a lien against a property associated with unpaid HOA fees. About 20 states (including Colorado) use a "super lien" law. Normally, an HOA lien would be junior to a first mortgage lien -- meaning the mortgage lender receives payment first in the event of foreclosure (sale). The super lien legislation gives the HOA lien priority over a first mortgage. In Colorado, HOAs have a super lien that has priority over a first deed of trust (mortgage) to the extent of six months worth of delinquent assessments. If there is no foul play by speculators and opportunist, this law can work well for HOA's.

[See article](#)

There have been rare instances of first mortgage liens being completely wiped out in an HOA super lien foreclosure when the mortgage company neglects to pay off the super lien to halt the HOA foreclosure. In such cases the sale price of the property, believe it or not, can be equal to the amount of HOA debt. [See article](#) This is rare but can happen leaving the mortgage holder (homeowner) responsible for the total outstanding loan amount after sale because there are no proceeds from the home sale (if sold for only the amount of HOA debt) to be applied to the outstanding loan after settling the super lien were zero.



IN THIS ISSUE

- [2013—2014 Legislative Goals](#) 2
- [Licensing & Regulatory Oversight of CAM's: Advisory Committees to Begin Work](#) 2
- [HOA Home Buying Tips](#) 2
- [2013 HOA Legislation will affect homeowners](#) 3
- [Legislative Sponsors Needed for HOA Reform](#) 3
- [So You Think Your Home Can't Be Foreclosed for Delinquent HOA Dues](#) 3
- [Commerce Business Daily Recognizes Colo HOA Forum](#) 3
- [HOA Over Reach into Private Lives of Homeowners](#) 4
- [Your Right to use a Clothesline](#) 4
- [Colorado HOA's Need to Respond to Legal Marijuana Laws](#) 4
- [Pet Limitations in HOA's](#) 4
- [Educational Classes for HOA Board Members: it's the law in Florida](#) 5
- [Vote for those State Legislators that Support HOA Issues](#) 5
- [What is that HOA Super Lien and a Stunning Story](#) 5
- [HOA Bits and Pieces](#) 6

HOA Bits and Pieces

Attend a State HOA Office Outreach Meeting

The Colorado State HOA Information Office and Resource Center conducts community outreach programs to educate homeowners on HOA issues. [The schedule is posted on their web site.](#) and our home page: www.coloradohoaforum.com

State HOA Office a one-stop-shopping web site for HOA information

The Colorado HOA Information Office and Resource Center has improved its [web site](#) and is close to becoming a one-stop shopping HOA information web site/portal. You can obtain general advice on how to handle HOA disputes, buying a home in an HOA, how to file an HOA complaint with the State, copies of HOA law, how to register your HOA, how to conduct HOA meetings, copies of the State's annual HOA report, and more. We hope this office expands its authority and responsibilities in the future through legislation but for now it is a valuable resource for all HOA homeowners. [Web site](#)

Have an HOA Problem: let us know and write the [State HOA Office](#). Link to complaint form also on the [Home Page of our web site](#).

The Colorado HOA Forum

Our organization advocates workable laws for HOA homeowners to ensure their rights, as indicated in their governing documents and State law, can be enforced. We work to improve and promote open governance for HOA's. We complete our goals through HOA legislative reform.

HOA law and governing documents are very weak on enforcement from the homeowner's perspective. The actual law provides only the courts as a venue for dispute resolution. This only works for lawyers and Boards with mostly unlimited funds. [This can be corrected through an out of court binding dispute resolution process.](#)

HOA Town Meeting Anticipated in October 2013

Last year the HOA Town Hall Meeting hosted by several State representatives was an overwhelming success and contributed towards the passage of HOA legislation. We will be supporting this effort again. The date, time, and place is yet to be determined but we will keep everyone apprised on the specifics of the event and ask for your help to publicize this most important activity.

[Previous Issues of Our Newsletters](#)

MISSION STATEMENT

The Colorado HOA Forum is an advocacy group for HOA homeowner's rights. We recognize the need for HOA legislative reform to ensure effective and fair HOA governance. We identify areas of concern and offer solutions that don't interfere with or distract from the benefits and expectations of living in an HOA. Our efforts don't hinder volunteers from serving on an HOA Board and ensure such service will be the altruistic and giving experience intended. Our efforts are directed at ensuring HOA Boards and property management companies abide by their own governing documents and State HOA laws. We are strong advocates of making changes to current HOA law to include a homeowner dispute resolution process that is accessible, affordable, and fair for both the homeowner and HOA: [out-of-court binding dispute resolution](#).