



Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance

HAPPY THANKSGIVING



Page 1 Aug—Oct 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@gmail.com

**PARTICIPATE, GET INVOLVED, VOICE YOUR CONCERNS
CONTACT YOUR STATE REPRESENTATIVE AND ASK THEM TO SPONSOR HOA LEGISLATION IN
SUPPORT OF OUR GOALS! HAVE THEM CONTACT US**

IN THIS ISSUE

[2013—2014 Legislative Goals](#) 2

[Home Businesses and HOAs](#) 2

[FHA Loans, Transfer Fees, CAI and CAR](#) 2

[HOA's and Solar Panels: Yes and Maybe No](#) 3

[Can a Homeowner Post HOA Documents on the Web](#) 3

[Recall Elections](#) 3

[Can a non-home owners serve as a Board Member](#) 3

[Your HOA Needs a Web Site](#) 3

[HOAs and Rental Restrictions](#) 3

[HOA Boards have authority to take out loans?](#) 3

[Can HOA require garage doors to be closed?](#) 4

[HOA Dues Increases and Special Assessments: Unlimited](#) 4

[HOA covenants and boats in yards: NO means NO](#) 4

[Is DORA Oversight of Property Managers Totally Independent](#) 4

[Can HOAs prohibit smoking of medical marijuana](#) 4

[HOA Foreclosures can result in homeowners and mortgage losing big time](#) 4

[Want to move to a non-HOA community, good luck](#) 5

[Homeowners taking maintenance in their own hands can regret actions](#) 5

[Can children be banned from Common Areas](#) 5

[Who Owes HOA fees and assessments after filing for bankruptcy](#) 5

**[WRITE YOUR STATE LEGISLATORS
LET THEM KNOW YOUR
SUGGESTIONS FOR HOA REFORM
AND ASK THEM TO
SPONSOR HOA LEGISLATION](#)**

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

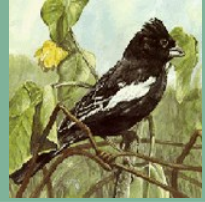
Join our effort by signing up on our web site. The web site contains articles, reference information, current events, and tools to help you **write your legislators**

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.** it's free.

- If your HOA is not registered they are precluded from imposing or enforcing a lien for assessments. Is your HOA Registered?**
- Property Manager Licensing FAQ's**
- Out of Court Binding Dispute Resolution (not Mediation) : Good Enough for Property Managers but Not Home Owners?**
- Home owners still burdened with HOA Transfer Fees**
- Americans With Disabilities Act Articles and Web site references on our web site**
- Pay HOA debt before your foreclosed upon**
- We're on City-data web site**
- Construction Defects Bill Controversy and our take on this issue**
- Know Your HOAs Controls, Covenants, and Restrictions Prior to Filing a Complaint with the State HOA Office or Going to Court**

The Community Association Institute (CAI) has served as the primary source of information on HOA issues for the media and legislators for decades in Colorado. Does the CAI represent home owners or is it promoting a self-serving agenda at the expense of home owner's rights? Get to know the CAI and who they really represent and why they are the most anti-home owner organization in Colorado and the nation.



Lark Bunting: State Bird



Columbine: State Flower



Video: [Big Horn Sheep, State Animal](#)



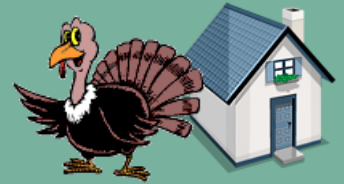
Colorado Mountain Goats In Action

A Colorado HOA case study that supports our contention that most Colorado HOA laws and HOA governing documents are basically unenforceable from the home owners perspective AND a need for an out of court binding dispute resolution process for HOA home owner complaints. Write your legislator asking them to sponsor legislation to make out of court binding dispute resolution the law.

HOA legislative reform is our process for improving upon HOA governance. Our number one goal is to implement a binding out of court dispute resolution process for use in resolving HOA complaints. Please read about this on our web site.

Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



Page 2

Aug —Oct 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@hotmail.com

IN THIS ISSUE (PAGE 1)

2013—2014 Legislative Goals	2
Home Businesses and HOAs	2
FHA Loans, Transfer Fees, CAI and CAR	2
HOA's and Solar Panels: Yes and Maybe No	3
Can a Homeowner Post HOA Documents on the Web	3
Recall Elections	3
Can a non-home owners serve as a Board Member	3
Your HOA Needs a Web Site	3
HOAs and Rental Restrictions	3
HOA Boards have authority to take out loans?	3
Can HOA require garage doors to be closed?	4
HOA Dues Increases and Special Assessments: Unlimited	4
HOA covenants and boats in yards: NO means NO	4
Is DORA Oversight of Property Managers Totally Independent	4
Can HOAs prohibit smoking of medical marijuana	4
HOA Foreclosures can result in homeowners and mortgage losing big time	4
Want to move to a non-HOA community, good luck	5
Homeowners taking maintenance in their own hands can regret actions	5
Can children be banned from Common Areas	5
Who Owes HOA fees and assessments after filing for bankruptcy	5
WRITE YOUR STATE LEGISLATORS LET THEM KNOW YOUR SUGGESTIONS FOR HOA REFORM AND ASK THEM TO SPONSOR HOA LEGISLATION	

Our 2014—2015 Legislative Goals

If you support a goal (s) [please take time, using our web site, to write your State legislator](#) asking them to sponsor legislation to make it the law.

1. Include an [out of court binding dispute resolution](#) process in all Colorado HOA laws (replace courts and mediation).

[Visit our web site](#) for all our legislative proposals.

Home Businesses and HOAs

If you live in a planned residential neighborhood or complex, your business activities may be restricted to your Homeowners' Association Covenants (HOA), Conditions, and Restrictions (CC&R) rules. CC&Rs are designed to protect the community's collective property value by prohibiting undesirable activities. Common CC&R rules enforce particular paint colors, landscaping arrangements, or ban the installation of satellite devices - but they can also have a serious impact on your [home-based business](#).

Quick facts about covenants, conditions, and restrictions

You may be wondering how it is legal to restrict activities within your own home. The legal basis for CC&Rs is founded on the idea that certain actions can interfere with neighboring properties and their owners' use. Residents voluntarily choose to live in a planned community, so the law requires that they are bound to any CC&R rules in place. Most CC&Rs don't outright ban home-based businesses, but they may address some of the issues associated with running a home office: customer parking, noise, [signage](#), traffic - activities that would have a perceived negative effect on your neighbors.

Zoning rules vary - know what applies to you ([click on this link for remainder of this article](#))

HOAs Across the USA

[Is that pig a pet or livestock?](#)

[Service Animals vs Emotional Support Animals](#)

FHA Loans, Transfer Fees, CAI and CAR

The Community Association Institute (CAI) continues to attack home owner's wallets in their defense of HOA transfer fees assessed on HOA home sales. If you recall it was the [CAI that led the effort to kill the Bill in Colorado that would have limited/ended transfer fees](#). That cost home owners over \$10 million a year and continues to fatten their constituent's bank accounts. The CAI, out of its' contempt for home owners and their bank accounts, [has even petitioned the FHA](#) to allow transfer fees on FHA loans but still have not provided any good reason other than greed to do so.

The Federal Housing Authority (FHA) will be issuing new rules to limit or end transfer fees assessed by third parties (property managers) on the sale of HOA homes. Basically, any home sale involved with assessing transfer fees will not be eligible for an FHA loan. This supports what we advocate. Maybe our legislators will listen to our proposal this time around and [vote for home owners and not property managers and lawyers with legislation limiting HOA transfer fee](#).

The [National Association of Realtors](#) (NAR) has come out to oppose transfer fees that developers assess home buyers to generate private revenue and profit. They still are not on board with prohibiting or limiting HOA transfer fees assessed by property managers that our group [has written extensively on and lobbied our legislators in Colorado](#).

When will NAR and the Colorado Association of Realtors (CAR) stand up to the CAI to end transfer fees and defend the folks who put bread on their plate: [home owners?](#) CAR in particular should listen to its' members who don't profit from or support this unwarranted fee on home owners. Ask CAR why they remain silent on this issue?

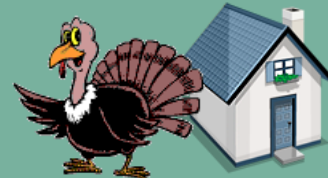
Email: communications@ColoradoREALTORS.com

If the new FHA guidelines limit or prohibit the assessment of transfer fees on their loans this would be a good first step and help in promoting legislation in Colorado to end this abusive and unjustified fee. The new rules will be published by year's end.

[Our article concerning CAR and Transfer Fees](#)

Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



Page 3

Aug—Oct 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@hotmail.com

IN THIS ISSUE (PAGE 1)

2013—2014 Legislative Goals	2
Home Businesses and HOAs	2
FHA Loans, Transfer Fees, CAI and CAR	2
HOA's and Solar Panels: Yes and Maybe No	3
Can a Homeowner Post HOA Documents on the Web	3
Recall Elections	3
Can a non-home owners serve as a Board Member	3
Your HOA Needs a Web Site	3
HOAs and Rental Restrictions	3
HOA Boards have authority to take out loans?	3
Can HOA require garage doors to be closed?	4
HOA Dues Increases and Special Assessments: Unlimited	4
HOA covenants and boats in yards: NO means NO	4
Is DORA Oversight of Property Managers Totally Independent	4
Can HOAs prohibit smoking of medical marijuana	4
HOA Foreclosures can result in homeowners and mortgage losing big time	4
Want to move to a non-HOA community, good luck	5
Homeowners taking maintenance in their own hands can regret actions	5
Can children be banned from Common Areas	5
Who Owes HOA fees and assessments after filing for bankruptcy	5

**WRITE YOUR STATE LEGISLATORS
LET THEM KNOW YOUR
SUGGESTIONS FOR HOA REFORM
AND ASK THEM TO
SPONSOR HOA LEGISLATION**

HOA's and Solar Panels: Yes and Maybe No

Your HOA can't ban solar panel installation but they can have a big say in where they are installed, what they look like, etc. Colorado law (C.R.S. 38-30-168) addresses the authority of HOAs to regulate the installation and use of "solar energy devices". We found this well [written article](#) on this topic. (please note we have no affiliation with this law firm or the author of this story)

Can a Home Owner Post HOA Governing

Here is a [brief article](#) concerning the right of an HOA home owner to post the HOAs governing documents on the web without Board approval. Please note that home owners should not post personal information including email addresses of home owners or their Board without their permission.

Recall Elections

First and foremost, read your HOA governing documents to guide you through the process of recalling Board members.

Recalling the board of directors of a homeowners association starts with calling a Special Meeting of members to recall the board of directors.

Special meetings of members for any lawful purpose, including a recall of the board of directors of an association may be called as specified in the bylaws of the corporation. In addition, Special Meetings of members may be called by 5% or more of the members

[Remainder of this article](#)

Can non-home owners serve on HOA Board

If your documents don't preclude non-members from being on the board, most likely you can't legally stop them from running and potentially getting elected. Of course you can campaign against and make sure other members know they are not an owner. [Article](#)

Reasons Your HOA Needs a Web site

Homeowner associations (HOA) have to provide a lot of information to residents of the community. Having a website for your HOA is a must because it makes providing information and processing fees simple. These four benefits show you exactly why you need an HOA website.

Post HOA Information on the Website



With a website, you can post any information you want residents to know, such as:

[Meeting minutes](#)
[Rules/updates to rules](#)
[HOA Newsletters](#)
[Complete article](#)

Please note, secure the access to any information you don't want to be made public and any personal information with user ID's and passwords or avoid posting such information on the web site.

We suggest all HOAs post their HOA governing documents and covenants, controls, and restrictions on the web for use by home owners, prospective home buyers, realtors, and property managers.

HOA Rental Restrictions are Legal

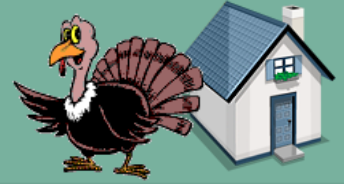
Yes, your HOA can restrict rental units. A [brief news story](#) by Denver's Channel 7 News covered this topic. The restrictions can be in the articles of incorporation or subsequently added to your HOA governing documents by a vote of the home owners.

HOA Boards have authority to take out loans?

Your Board has the authority to take out a loan unless such authority is limited by your HOA governing documents. [Article](#)

Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



Page 4

Aug—Oct 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@hotmail.com

IN THIS ISSUE (PAGE 1)

[2013—2014 Legislative Goals](#) 2

[Home Businesses and HOAs](#) 2

[FHA Loans, Transfer Fees, CAI and CAR](#) 2

[HOA's and Solar Panels: Yes and Maybe No](#) 3

[Can a Homeowner Post HOA Documents on the Web](#) 3

[Recall Elections](#) 3

[Can a non-home owners serve as a Board Member](#) 3

[Your HOA Needs a Web Site](#) 3

[HOAs and Rental Restrictions](#) 3

[HOA Boards have authority to take out loans?](#) 3

[Can HOA require garage doors to be closed?](#) 4

[HOA Dues Increases and Special Assessments: Unlimited](#) 4

[HOA covenants and boats in yards: NO means NO](#) 4

[Is DORA Oversight of Property Managers Totally Independent](#) 4

[Can HOAs prohibit smoking of medical marijuana](#) 4

[HOA Foreclosures can result in homeowners and mortgage losing big time](#) 4

[Want to move to a non-HOA community, good luck](#) 5

[Homeowners taking maintenance in their own hands can regret actions](#) 5

[Can children be banned from Common Areas](#) 5

[Who Owes HOA fees and assessments after filing for bankruptcy](#) 5

**WRITE YOUR STATE LEGISLATORS
LET THEM KNOW YOUR
SUGGESTIONS FOR HOA REFORM
AND ASK THEM TO
SPONSOR HOA LEGISLATION**

Can HOA require garage doors to be closed?

If the governing documents indicate this control then you lose the argument. If not, the HOA can easily find a reason to mandate garage doors be closed and not left open for extended periods of time when no one is using the garage. [This article](#) exemplifies how an HOA can mandate closing of garage doors for safety reasons:

HOA Dues Increases and Special Assessments are Unlimited and You Don't Have Much to Say About it

Always read your HOA governing documents for any restrictions imposed on the Board for dues increases and levying special assessments. Your HOA Board has the authority to increase HOA dues and make special assessments in unlimited amounts under current Colorado State HOA law. We are working to find legislative sponsors for a Bill to limit this Board authority on special assessments without home owner approval. [Write your legislator on this issue.](#)

HOA covenants and boats in yards: No means No

You know the covenants and restrictions, you are sent a warning letter and then fined and you still insist that the restriction on parking a boat on your property is no one's business. Wrong. No boat means no boat. [Here's an article](#) about a guy who simply wants to interpret the covenants to meet his needs. Like them or not when you know you are violating an HOA rule and break it, fines are appropriate.

Is DORA Oversight of Property Managers Totally Independent

The involvement of DORA in HOA governance will get more involved with the licensing of property managers. (1/1/2015) DORA's perceived link to the Community Association Institute (CAI) and influencing legislation is explored in two articles: [article 1](#) [article 2](#)

DORA will be issuing by year's end final guidelines for use in oversight and enforcement of the property management industry. The content will signal their independence or lack of seriousness in regulating this industry. More to come on this.



We present HOA Home Buying/Informational Seminars (from the home owner's perspective) for Prospective Home Buyers and Current Residents free of charge at your location

Can HOA Prohibit Smoking Medical Marijuana

[This article discusses the topic of whether an HOA can prohibit or limit the smoking of medical marijuana.](#)

Many states allow medical marijuana use. A few states even allow recreational use. With the rise in marijuana use, HOA attorneys are receiving more and more requests for legal council:

- What are the homeowners rights?
- What rights does the homeowners association have to restrict Marijuana use?
- Can homeowners smoke it?
- Can the HOA prohibit it?
-

The answers to these questions may surprise you. [Full article](#)

HOA Foreclosures can result in homeowners and mortgage losing big time

[Although this article refers to a Nevada law](#) it is mostly applicable to Colorado HOA foreclosures. There are predatory property buyers who purchase HOA foreclosed homes at greatly reduced prices from HOAs. The buyer is responsible for paying any liens on the property.

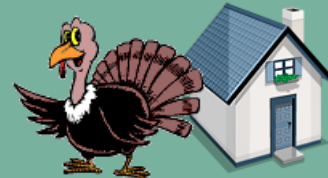
The court ruled that an HOA super-priority lien is a "true super-priority lien" and that a properly conducted foreclosure on the HOA lien extinguishes first deeds of trust. The case in question involved a \$6,000 lien that was foreclosed upon by SFR Investments, wiping out an \$880,000 first lien held by U.S. Bank. The bank lost all rights to the property and the homeowner was basically left with no proceeds after liens were paid to help pay off their loan. If you are involved in a foreclosure with your HOA work with your mortgage company to mitigate a "fire sale" on your home.

HOAs Across the USA

[HOAs and Flying the American Flag](#) and [final outcome on this story](#)

Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



Page 5

Aug—Oct 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@hotmail.com

IN THIS ISSUE (PAGE 1)

[2013—2014 Legislative Goals](#) 2

[Home Businesses and HOAs](#) 2

[FHA Loans, Transfer Fees, CAI and CAR](#) 2

[HOA's and Solar Panels: Yes and Maybe No](#) 3

[Can a Homeowner Post HOA Documents on the Web](#) 3

[Recall Elections](#) 3

[Can a non-home owners serve as a Board Member](#) 3

[Your HOA Needs a Web Site](#) 3

[HOAs and Rental Restrictions](#) 3

[HOA Boards have authority to take out loans?](#) 3

[Can HOA require garage doors to be closed?](#) 4

[HOA Dues Increases and Special Assessments: Unlimited](#) 4

[HOA covenants and boats in yards: NO means NO](#) 4

[Is DORA Oversight of Property Managers Totally Independent](#) 4

[Can HOAs prohibit smoking of medical marijuana](#) 4

[HOA Foreclosures can result in homeowners and mortgage losing big time](#) 4

[Want to move to a non-HOA community, good luck](#) 5

[Homeowners taking maintenance in their own hands can regret actions](#) 5

[Can children be banned from Common Areas](#) 5

[Who Owes HOA fees and assessments after filing for bankruptcy](#) 5

**WRITE YOUR STATE LEGISLATORS
LET THEM KNOW YOUR
SUGGESTIONS FOR HOA REFORM
AND ASK THEM TO
SPONSOR HOA LEGISLATION**

Want to move to a non-HOA community, good luck!

Our organization hears the complaint that it is almost impossible to buy a new home in a community development that is NOT under HOA governance. Well these folks are right. We can't find any statistics on this but then again we can't identify any new home communities in Colorado that are not under HOA governance. Understanding this situation, we work on HOA legislative to improve HOA governance and not the impossible task of attempting to rid the State of HOAs (that simply won't happen)

Homeowners who take maintenance in their own hands can regret actions

Proceed with caution if you take it upon yourself to order repairs and maintenance that are the responsibility of the HOA and expect the HOA to pay for them or reimburse you. You don't have the authority to do so: this is a Board responsibility and you will end up paying the bill. You can take the HOA to court to demand work be completed or reimbursement but that is a costly gamble that you most likely will lose. [Related article](#)

Can Children be Banned from Common Areas

This article discusses whether an HOA can ban children from playing in common areas and how, depending on how such a rule is implemented, may conflict with elements of the Fair Housing Act. In the end, if an HOA simply indicates no one can use the area for recreation then it appears they can indirectly preclude kids from playing in the common area.

Always read what your HOA governing documents say about this issue.

Who Owes HOA Dues and Fees After Declaring Bankruptcy?

Who is responsible for HOA dues, fees, and assessments levied on the home **after** bankruptcy has been declared and prior to title transfer to the new owner. Although it is a Florida lawyer responding to this question, it appears applicable to Colorado. The answer is the home owner declaring bankruptcy [The full article](#)

Know Your HOAs Governing Documents, Controls, Covenants, and Restrictions!

Before embarking on any complaint to your HOA Board or the Colorado State HOA Office or filing a legal case against the HOA you should thoroughly know what your HOA governing documents state including all covenants, controls, and restrictions. This will save you much time and help you better frame your complaint based on your HOAs legal documents. This can also save you the time and cost in a legal dispute especially when the HOA by-laws specifically don't support your complaint.

When filing a complaint with the State HOA Office always quote your HOA governing documents (and State HOA law) as applicable.

To quote Davy Crockett, the great frontiersman, soldier and politician, "first, be sure you're right then go ahead".



We present HOA Home Buying/ Informational Seminars (from the home owner's perspective) for Prospective Home Buyers and Current Residents free of charge at your location [Contact Us](#)