



Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



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Mar—April 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@gmail.com

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GET INVOLVED, WRITE YOUR STATE REPRESENTATIVES AND THE MEDIA ABOUT YOUR HOA CONCERNS. GET YOUR NEIGHBORS TO JOIN OUR EFFORT, VOTE FOR THOSE WHO SUPPORT HOA ISSUES

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

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.** it's free.

State HOA Office's Year End Study

HOA Disclosure Law Ensures Details will be Hidden

HB 13-1254, DORA has a chance to break ties with the CAI on CAM licensing.

2014-2015 HOA Legislative Strategy and Our Goals for HOA Reform

Colorado Association of Realtors (CAR) Silent on Transfer Fees?

HOA Disclosure Laws Provide False Sense of Accomplishment

HOA Study on Dispute Resolution Includes Colorado HOA Forum's Recommendation: Study, page 10

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



Big Horn Sheep, State Animal

HOA Problems are Avoidable **Before you move into an HOA** get informed on the covenants, controls, and restrictions!

[Ask us about our free HOA Home Buyers \(Resident\) Seminars](#)

HOA legislative reform is our main method 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.](#)



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Our 2014—2015 Legislative Goals

The Colorado HOA Forum's legislative Goals and Objectives for 2014-2015:

1. Include an [out of court binding dispute resolution](#) process in all Colorado HOA laws (replace courts and mediation).
2. Improve upon Colorado legislation that licenses HOA property managers
3. Limit fees and administrative assessments on HOA debt.
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 with the following information and certify they received and read them: a copy of the HOA's governing documents; information on insurance coverage provided via the HOA; any HOA homeowner debt or HOA liens associated with the home; a current HOA financial statement; the amount of HOA dues; any current and/or planned special assessments; status of the HOA reserve fund; the number of rentals and foreclosures in the HOA; rental restrictions and other items identified in our HOA Home Buyers Guide.
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.
9. Limit the amount of special assessments an HOA Board can levy without approval of home owners.
10. Require HOA Boards to gain home owner approval prior to entering into law suits using HOA funds.

Legislative bust for HOA home owners 2014

Thank the lobbying efforts of the Community Association Institute (CAI) for blocking any hope of HOA legislative reform in the 2014 legislative session. They personally took the initiative to block limiting HOA home sale transfer fees. As of the writing of this newsletter they are on a campaign to ensure the [HOA construction defects Bills id defeated, SB 14-220](#). This Bill would require home approval to use HOA funds for costly construction defects law suits and to move litigation from the costly court room to arbitration. Currently HOA Boards can independently and without the knowledge of home owners embark on law suits. The results can be financially devastating to home owners and result in special assessments. There is a case in Denver, Colorado where the Board entered into a law suit without the knowledge or approval of home owners resulting in a \$1.3 million dollar Bill to the HOA. Home owners were individually assessed \$15,000. If you ever wondered how the CAI represents home owners you need only ask [why they object to this Bill \(SB 14-220\)](#). This will most likely not become law as time will run out in the legislative session: to allow for a House vote. The wallets of the CAI and lawyers win this one this year but we'll be back in the Capitol next year.

[HB 14-1125 HOA Membership Directory Publication Bill](#). This Bill passed but is benign in HOA governance. It permits an association to publish email addresses and telephone numbers of members and residents of the association if those members or residents first provide written consent to their association to publish this information. Owners and residents may withdraw this written consent, but such withdrawal of consent does not require their association to go back and "change, retrieve or destroy" previously published telephone numbers or email addresses. Also, the bill permits owners and residents to electronically provide or withdraw their consent to their associations.



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

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HOAs Around the USA

[Homeowners say HOA forcing them to make thousands of dollars in unnecessary repairs](#)

[HOA Horror Stories](#)

[Residents Warned to Remove Cancer Fundraising Signs](#)



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Why HOA Legislative Reform Eludes legislative, media, and public interest

The only explanation for the continued lack of exposure of HOA problems and ability of our legislature to pass effective HOA laws seems to be that the issue simply is not "sexy" enough for the media and/or an inability by politicians to turn HOA matters into voter motivation. Our organization, Colorado HOA Forum, considers HOA issues a sleeping giant based on the growing numbers of citizens living under HOA governance and the increasing number of complaints received by the State's HOA Office and our representatives. Those politicians realizing the importance and potential voting block of HOA residents can only benefit from the unquestioned metrics of this citizen interest group. [Full article](#)

Transfer Fees on Home Appraisals?

Our organization has received information concerning a new and abusive practice concerning "transfer fees" assessed by home appraisers. **More to come on this story.** [View flow chart of this practice.](#)

Who or What is the CAI? This is the most anti-home owner organization in Colorado and in the Nation

For decades the sole source for Homeowners Association (HOA) information for the media and State Legislature has been the Community Association Institute (CAI). Why not? Their name implies they represent the concerns of community associations and home owners: aka HOAs. They have been the main/only source sought and invited to the table for input and wisdom on HOA matters by Government Agencies, DORA, legislators, and the media. This group is so well "respected" it has been asked to write or participate in writing HOA legislation ensuring knowledgeable and "unbiased" authoritative sources. Government regulatory agencies invite this group to write industry rules that are mostly adopted without challenge. The media goes directly to the CAI whenever an HOA problem surfaces to get their "unbiased" opinion. [\(full article\)](#)

HOA legislative Bills result in this organization's

lobbying machine swarming and being welcomed at the Capitol to ensure the "right" and "workable" legislation is crafted.

Visit this organization's web site and read their literature. Unless you do so carefully you would think they altruistically represent home owners vs being the trade group that represents HOA property manager interests. This group is often invited to Legislator's Town Hall Meetings (without the same courtesy extended to home owner groups) and represented as the expert and protector of home owner's rights. [Continue with full article](#)

[More information on the CAI on our web site](#)

HOA Dispute Resolution Study Awaits Legislative Sponsors

The [Colorado State HOA Office completed its' study on HOA dispute resolution.](#) One of the recommendations: "[Implementing a binding arbitration program would be a cost-effective and expeditious means by which many of the disputes between homeowners and HOAs can be resolved](#)". This would be the single most important and effective piece of HOA legislation passed in decades. Cost savings to HOA's and home owners would be millions of dollars a year in legal costs. The proposal can level the legal playing field that currently pits the limited funds of a home owner against the unlimited funds and legal resources of the HOA. The program would resolve problems [based upon HOA law and HOA governing documents vs. legal proceedings and manipulation.](#) Complaints would be resolved in a timely manner before compounding. HOA complaints would begin and end out of court through an initial inexpensive filing fee and ending with a binding decision rendered by a trained HOA arbiter. [Continued on page 7](#)

HOAs Around the USA

[Debate Grows Over Concealed Weapons - Chicago Tribune](#)

[Clash Over Wheelchair Access to HOA Meetings](#)

We could fill this whole newsletter with articles on missing and stolen HOA funds. Here is an example: [Money missing from Murfreesboro](#)

[Woman Attacks HOA President Over Neighborhood Watch Issue](#)

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HB 13-1254, DORA has a chance to break ties with the CAI on CAM licensing.

[HB 13-1254](#), the Bill that was intended to rein in transfer fee abuse but morphed into a weak HOA fee disclosure Bill, will provide the Dept. of Regulatory Agencies (DORA) a chance to surface its' independence from any private organization. The Bill requires Community Association Managers (CAMs) to disclose fees charged to home owners. Of course the problem with this watered down Bill is that disclosure can be a one liner such as "Transfer Fee" or detailed to involve something meaningful such as the documented amount of fee supported by line entries on specific work performed, hourly rate, number of hours to complete and any supplies costs. Such charges by CAM's to home sellers would have to explain why these charges are extraordinary, only occur due the sale of a home, and are not paid for through a CAM's contract with the HOA.

DORA will be developing CAM licensing rules. The rules provide DORA with an opportunity to wrap in the requirement of disclosure on fees from HB 13-1254 into rules licensing for CAMs. Remember, the CAI, legislators, and DORA supported a solution to reining in transfer fee abuse by disclosing the fee to home sellers. Of course this was really the directed solution of the CAI and an overt attempt to have a Bill passed that would not limit or require justifying the fee and ensuring nothing changed. However, with proper and full disclosure in the home closing process and a comprehensive rule defining proper charges and disclosure, DORA could actually begin the process of reining in this fee. Yes, it can do this. DORA can't limit the dollar value of the fee nor prevent it from being charged but it can provide guidelines as to what a fee should be and what disclosure means. Specifically, a rule should state that a CAM can't double charge HOAs or home sellers for services provided. That transfer fee billings must be extraordinary and non-routine and unreimbursed expenses and only be incurred with the sale of a home. The fee is for services not compensated for in the CAM contract with the HOA. The fee must be documented in detail as to item or work task completed justifying the transfer fee, hourly rates and hours worked, and total line item. Even when the amount of the fee is in the contract with the HOA such detailed disclosure is required.

Also in support of disclosure, a rule should state that CAM contracts with the HOA should state what outside sources of income are derived by the CAM with its sole relationship with the HOA and that such income is generated to recover expenses not compensated through the contract. Amounts to be charged for transfer fees must also be disclosed in CAM contracts.

Will DORA require actual or token disclosure?

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Long running HOA radio show invites Colorado HOA Forum: [On the Commons](#)

[The HOA home owner advocacy radio show, On the Commons](#), invited the Colorado HOA Forum to its' show. The discussion focused on HOA Transfer Fees.

On The Commons is broadcast every Saturday from 2-3 PM ET on Radio Fairfax. In the Northern Virginia area, On The Commons can be heard on Cox Cable, Channel 37 and Verizon Channel 37. On Comcast channel 27 in Reston in addition to several more cable channels all across Northern Virginia. To listen LIVE globally on the internet, go to <http://www.radiofairfax.com> and click on "Stream Radio Fairfax" and if you are on the go, on your mobile devices, <http://tunein.com/radio/Radio-Fairfax-s24818> The show will be available on <http://onthecommons.us/> shortly afterwards. Please also visit our archives at <http://onthecommons.net>.

Mediation: know what it is and isn't

The Colorado State HOA Office completed a [report that addressed dispute resolution for HOA homeowners](#). One of the suggestions supported our proposal for an out of court binding dispute resolution process. This process is affordable, accessible, doesn't require lawyers, and is completed in a timely manner with a guaranteed decision. Another option in the report advocates some type of mediation. Mediation has been the suggested dispute resolution process for over 20 years in Colorado State Law and it simply doesn't work well for home owners. Lawyers and mediators like the process and it mostly continues to generate court cases and legal fees. It is a process that guarantees no decision but adds time and process to dispute resolution. Furthermore, mediators are not trained in HOA law or have any other professional requirements. The lawn service guys or your mechanic can be the mediator in an HOA dispute. [To learn more about the deficiencies and problems with mediation vs our advocated out of court binding dispute resolution process please visit our web site.](#)

Colorado HOA Forum Joins Homeownership Opportunity Alliance

To expand our outreach on HOA home owner issues and legislative reform we will be pursuing joining organizations with a mutual interest. The [Homeownership Opportunity Alliance](#) extended an invitation to join and we gladly accepted.



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CAI "Again" Anti-Home Owner in Construction Defects Bill

Pending final version of the Bill we offer the following for your consideration:

An HOA construction defects Bill is anticipated to be introduced to the Colorado legislature. It would allow home owners to litigate construction defects damages in an out of court venue and to limit the powers of HOA Boards in using HOA funds in construction defects litigation. [Guess who objects to this Bill, Read Denver Post?](#)

Denver Post article, "HOAs vow to fight change to defects law", April 23. The content was from interviewing CAI spokespersons who vehemently oppose the Bill. Where do begin? First, HOAs are not opposing this Bill. There is no identified HOA organization opposing this Bill nor does one exist. The CAI surely doesn't represent the interests of HOAs or HOA home owners. Next, the CAI claims home owners would be denied their legal rights to a jury trial in construction defects cases. Interpretation: the CAI wants to force home owners in construction defects cases and in the most minor HOA complaints (such as a records access complaint) to take their disputes to court. Court is too litigious, costly, and time consuming for home owners. Thus, the current system requiring court makes pursuing one's legal rights not feasible. The Bill doesn't strip any home owner of their right to sue for damages. The Bill will allow for an affordable and accessible (out of court) venue via arbitration for home owners to litigate damages using their private funds. Next, the CAI objects to a provision in this law that would require home owners to approve any construction defects class action suit that would use HOA funds. This clause in the Bill is intended to protect and empower home owners from HOA Boards that could otherwise independently and without home owner awareness pursue high cost legal cases without their approval. HOA legal cases often result in material financial loss to HOAs and subsequent special assessments to replenish HOA reserve funds all without home owner involvement. This provision empowers home owners. Then the CAI indicated that out of court arbitration costs would not save home owners or HOAs in legal costs. The CAI makes things up as they go along. An individual's court case on construction defects can easily run \$20 – 30,000 or more

Continued: CAI "Again"and if you lose add the contractor's legal costs. If the HOA takes on the case using HOA funds in a class action suit the costs can easily run in the hundreds of thousands of dollars. What would it cost to compensate one or a few arbiters for a day or two of work? Again, the CAI has proven to be the most anti-homeowner organization in the State and throughout the nation. This Bill can provide home owners with a previously inaccessible and affordable out of court venue for dispute resolution (arbitration), save home owners and HOAs on legal costs, and empower home owners by having a say in how their HOA funds are spent. The final version of this Bill is yet to be known but you can bet when the CAI comes out against a Bill it surely is not in the interests of home owners. [CAI Articles](#)

Dogs and HOAs: Know the Rules, Pet Policy

Pets and HOAs don't always mix and it isn't always the HOAs fault. Many folks move into HOAs to get away from a neighborhood of barking dogs, dog droppings, and dogs on the loose. The HOA living environment can get these problems under control. HOA covenants, controls, and restrictions (CCRs) can ensure your HOA avoids pet problems. HOAs can restrict the number and types of dogs, fine those who don't clean up after the animal, restrict walking in some common areas, not tolerate barking, restrict leaving dogs unattended to bark, and enforce leash laws. Unlike the bureaucracy of local governments that is understaffed to address these problems, HOAs can directly correct the issue with fines.

Many home buyers moving from a home with a private backyard into an HOA with no private backyards may be inviting problems (unless their habits change). This is particularly so when the HOA doesn't allow fences and the backyards belong to the HOA as a common area. Pet owners must change to community standards and not the HOA to their previous pet ownership behavior. Non-compliance brings fines. It is the responsibility of prospective and current HOA residents to understand and abide by pet rules and restrictions. If you don't like the HOA rules it may be that you and fido may not be a good fit for an HOA but don't blame the HOA.

[Article on HOA's and Dogs: Dog Waste, an Environmental and Community Health Concern](#)

[Pet Policy for HOA's](#)

Order our free business cards for distribution at your next HOA Meeting or to your friends.

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HOA Bits and Pieces

Attend a State HOA Office Outreach Meeting

The Colorado State HOA Information Office and Resource Center (aka State HOA Office) conducts community outreach programs to educate homeowners on HOA issues. The Office 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 as. [The schedule is posted on their web site.](#)

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 on the Home Page of our web site.](#)

[Is Your HOA Registered? Check Here](#)

HOA Transfer Fee Reform Effort Offers Lesson in Civics (worth repeating)

A Bill to rein in the use and abuse of HOA Transfer Fees (a fee assessed by property managers on home sellers simply because they can) offers an ugly lesson in civics. The Bill started out with legislative support and enthusiasm. Legislators from both parties were shocked and in disbelief about how the fee had no restrictions on amount, that the amount charged, ranging from \$50 to over \$1,000, had nothing to do with work perform, the use of the fee was in conflict with the law, and if home sellers didn't pay it they couldn't sell their home. The Bill was on track for wide support. Then lobbyist from Colorado and Virginia who stood to lose millions if the abusive fee was contained worked the halls of our legislature and DORA (a government agency) to get the Bill rewritten and watered down. [Full article on Denver Post YourHub](#)

Community Association Institute (CAI): the most anti-home owner organization in the U.S.

[Tennessee: CAI Interference with legislation that would help home owners on fees, foreclosure, etc. Read the CAI letter](#)

[Democrat, tea party hammer homeowner-condo bill](#)

[Maryland Attempts \(but fails\) to Limit HOA Transfer Fees](#)

[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.](#)

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GET INVOLVED, [WRITE YOUR STATE REPRESENTATIVES](#) AND THE MEDIA ABOUT YOUR HOA CONCERNS,. GET YOUR NEIGHBORS TO [JOIN OUR EFFORT](#), VOTE FOR THOSE WHO SUPPORT HOA ISSUES

Dispute Resolution Study: Continued from p. 3

Home owners could still choose to go to court vs using this process thus no legal rights are forfeited. The process is not complicated, doesn't require lawyers, will not cost taxpayers, and is easy to implement. We will work on getting legislative sponsors to implement the out of court binding dispute resolution process recommended in the State HOA Office's Study.

[Read the Study](#) [Our Web site summary](#)

[Flow Chart on Out of Court Binding Dispute Resolution](#)

HOA's Around the USA

[Marijuana and HOA's: Yes an HOA can Restrict Pot Smoking](#)

[Can homeowners groups ban people from growing, using pot?](#)

[Homeowners say HOA forcing them to make thousands of dollars in unnecessary repairs](#)

2014 Legislative Update: CAI Chalks Up Wins in HOA Reform Off Wallets of Home Owners

The defeat of [SB 14-220, Construction Defects](#), joins [HB 14-1254, the HOA Transfer Fees Limitation Bill](#) that morphed into a token and ineffective "Disclosure" Bill, delivers a double blow to HOA home owners. SB 14-220 would have saved home owners millions of dollars by moving litigation from the court room to out of binding arbitration and protected home owners from HOA lawyers raiding reserve funds with frivolous law suits and pursuing costly court cases without home owner approval. HB 14-1254 was addressing the \$15 million a year in unjustified and non-contestable fees on HOA home sales. It was changed to a Bill to require that home owners be notified of the fee without any specific details on charges, the fee amount (ranging from \$50- to \$1,150) was left to be determined without question by the property management company and let stand the practice that if the fee wasn't paid the home couldn't be sold. Both Bills were heavily lobbied for change/defeat by the Community Association Institute (CAI) whose members and the legal industry stood to lose tens of millions of dollars in fees income off the backs of HOA home owners. The success of the CAI in stifling any meaningful HOA legislative reform and controlling information and votes in the legislature must change or home owners will lose.

[Send us your suggestions for a story.](#) Write your [State Representatives](#) and the [State HOA Office](#) about your HOA concerns.

[Visit the State HOA Office's web site, it's a comprehensive source for HOA information](#)

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