



Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



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May—July 2014

Web Site: www.coloradohoaforum.com

Email: coloradohoaforum@gmail.com

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**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

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.

****Property Manager Licensing FAQ's

[Banning Kids Playing in Common Areas](#)

[Out of Court Binding Dispute Resolution \(not Mediation\) : Good Enough for Property Managers but Not Home Owners?](#)

[CAI Again Opposes Home Owners Dispute Resolution Proposal: AGAIN!](#)

[HOAs and Compliance with the Americans with Disabilities Act](#)

[State HOA Office Services](#)

[Colorado Association of Realtors Lack of Support in Limiting Transfer Fees](#)



[HOAs Restricting the Number of Occupants/Children](#)

[HOA Entering Private Residence to Inspect for Violations](#)

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



Big Horn Sheep, State Animal



Colorado Mountain Goats In Action

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

Ask us about our free [HOA Home Buying and HOA Residents 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. 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).
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.

FHA Loans and Transfer Fees

The CAI is continues to attack home owner wallets in their defense of 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 fattened their constituent bank accounts.

The FHA will be issuing new rules to limit or end transfer fees assessed by third parties. Basically, any home sale involved with assessing buyers transfer fees will not be eligible for an FHA loan. This supports what we advocate and maybe our legislators will get it 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 has come out to oppose transfer fees that developers and others 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 the Colorado Association of Realtors (CAR) and our State representatives stand up to the lawyers and the CAI to end transfer fees and defend the folks who put bread on their plate: home owners? Ask CAR? 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 later this year.

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.



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](#)

HOAs Around the USA

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

[Service Animals vs Emotional Support Animals](#)



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HOAs Double Taxation on Local Services

An article on this topic: HOA home owners in communities (in particular gated communities) that complete their own snow removal, street cleaning, maintenance on roads, maintain their local common areas are double taxed. These home owners pay taxes and fees at the State and local level for these services but get no deliverables from government entity for these services: they pay for these services via HOA fee. Gated HOA are also provided with less police services such as patrolling neighborhoods and traffic control This arrangement relieves the local government of expenses for these services but short changes and costs HOA home owners. Should HOA home owners be given some type of tax credit or rebate for this double taxation? An article on this topic: Yes, you are double taxed!

No individual mail boxes standard in HOAs

If you live in or are considering moving into an HOA don't expect mail delivery to an individual home mail box. Mail service will be via a community key-accessed, mail drop box. The frequency and quality of mail service will not decline. HOA home owners shouldn't feel singled out as this will become the delivery system for just about all home owners in and out of HOAs. This arrangement is another attribute of the HOA living environment.

HOA Special Assessments and dues with No Deliverables and/or Accountability

We continue to get complaints from home owners concerning unexpected special assessments due to mismanagement and then when such assessments are completed the goods are not delivered. A home owner in Colorado Springs reported that all residents were assessed lump sums to repair roofs and then not all homes were repaired. The HOA said it ran out of money, underestimated the cost when making the assessment, and due to many not paying the assessment the work just stopped in mid-stream. Thus, those paying the fee ended up paying for roof repair on homes not paying the fee. It appears the HOA will now assess home owners again so all roofs can be repaired. Thus, the same paying before will pay again just to get what should have been delivered in the first place. The HOA must pursue very aggressive collection procedures to go after the non-payers.

Then there is the Westminster, Colorado story about home owners who wonder what happened to all the money they've been paying in dues for maintenance of the community. Each home owner may now be left with a \$15,000 special assessment to make repairs to the community and no one appears to be assigned accountability or penalty in the situation.

Yes, an HOA can levy a special assessment, for any amount and for just about any reason unless the HOA governing documents state otherwise and most don't. Full article on this story. This is a big problem and we need legislation to limit special assessments without the approval of home owners: the current system doesn't work.

Violence over Parking Dispute

Some HOAs have contracts with towing companies to enforce their own parking regulations: this is legal. Sometimes, you get an over zealous towing company that may even cruise the community for violations (and income) and begins towing without any communication with the violator or Board. Without defined and reasonable procedures under which a car can be towed the results can be unexpected, provide for no chance for corrective action, and even result in violence. When hiring a towing company to enforce HOA parking mandates it is important to define the granted authority under which towing can be performed and related approvals by a Board that allow both enforcement and a reasonable chance for the home owner to correct their violation. Here is article exemplifying what can happen when parking enforcement is over zealous.

HOA Dispute Resolution Study Awaits

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 Continued on page 6

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 summaryFlow Chart on Out of Court Binding Dispute Resolution



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Seniors, pets, HOAs and Cats

Senior citizens should consider the responsibilities of pet ownership prior to adopting a pet. Dogs require a lot of attention, walking, and cleaning up after. Cats mostly the opposite. In many HOAs residents don't have their own backyards for a dog to exercise and HOAs frown upon soiling common areas. Seniors in many cases are not physically capable of walking their dogs especially in the winter months. Cats can be total house pets and cleaning up after them is mostly the litter box and vacuuming. Cats can also be left alone for extended periods of time with little attention in the event one is hospitalized but the opposite is true for dogs. If this sounds like a commercial advocating cats as the more reasonable house pet for seniors, well it is.

Who or what is the Community Association Institute (CAI)?

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.**

CAM licensing provides for out of court dispute resolution, why not same for HOAs ?

We would like to see the Colorado Department of Regulatory Agencies (DORA) speak out in support of [our out of court binding dispute resolution proposal](#). Regardless of what they may claim, they do get involved on some level with legislation. This was exhibited when they tacitly endorsed an empty disclosure law to rein in HOA transfer fees vs a direct law to limit this abusive fee. They were quoted by legislators and the CAI as not endorsing a law to limit transfer fees. Furthermore, DORA has directly allowed interest groups to write their regulatory guidelines as is the case with property manager licensing with CAI input.

This Office completed a study on HOA complaint resolution in which our proposal for an out of court binding process was recommended. The proposal awaits a legislative sponsor and surely DORA's opinion will be sought. We hope DORA points out when questioned by legislators in the next legislative session that

they will be providing an out of court dispute resolution for property manager complaints. If it is good enough for property managers (and all others that DORA regulates) it is a valid process for HOA home owner complaints.

[Frequently Asked Questions Concerning property manager licensing](#)
[DORA web page for all property manager licensing information](#)

Get approval prior to completing home

Before you make home improvements, be they architectural or landscaping, get the approval of the HOA or you could be inviting problems. [Check out this article](#) where the home owner made not one but three improvements costing thousands of dollars only to be told he was out of compliance, would have to make modifications, and may eventually have to remove the home improvements or be fined.

Vote for HOA Advocates

Elections occur later this year and we encourage you to vote for State legislators who support HOA reform. HOA issues are not Liberal or Conservative or Democratic or Republican issues but home owner issues. HOA issues directly affect your and your families lives and living conditions. Let's hold legislative candidates accountable for how they vote on HOA matters. This past legislative session was a disappointment for home owners and a win for lawyers and the CAI. Call or email your legislative candidates asking them to support HOA legislative reform and ask if they support our goals and would sponsor legislation.

HOAs and Marijuana: can HOAs have their own restrictions?

Colorado and marijuana are most certainly in the news of late. How does this affect HOAs. Can an HOA restrict the use of or growing of marijuana? [This article gives some insight on how HOAs are getting involved with this issue.](#)



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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CAM (Community Association Manager) Licensing Requirements

The Colorado Department of Regulatory Agencies (DORA) has not finalized the rules, regulations, and guidelines under which CAMs (aka property managers) must operate. They have [posted on their web site](#) a list of FAQs (frequently asked questions) concerning this new requirement. We await DORAs response to inclusion of home owner input which will either make the licensing program a CAI crafted program or a consumer protection and industry setting standards program.

CAMs must be licensed by July 1, 2015. [DORA web site outlines the complaint process and defines educational and credentials requirements.](#) Note, DORA is pursuing options other than CAI courses for certification which should lead to lower costs for CAM educational requirement.

Let's also observe what DORA mandates CAMs must do in disclosing and justifying the HOA Transfer Fee they levied on HOA home sales.

You Shouldn't Need a Lawyer for 95% of HOA Disputes

[Virginia, Arizona](#) and [now California](#) are on board with the idea, that unlike Colorado, HOA home owner disputes don't require a lawyer(s) and going to court to resolve. Nevada and Florida have also gone in the direction of offering some type of out of court binding dispute resolution. [Our proposal](#) is a hybrid of what other states have done. The [Colorado State HOA Office in its' report has offered our proposal for dispute resolution as a viable option for improving HOA governance.](#) An out of court dispute resolution process will be made available by DORA for property manager complaints under the law in 2015:(why not for HOA home owners complaints? We will once again be asking our legislators to sponsor an out of court binding dispute resolution process for most HOA home owner complaints in the next legislative session. Enforcing home owner rights should not be through our "pay to play" court system.

HOAs Across the USA: Disabled Residents

[Americans with Disabilities Act and HOAs](#)



CAI again opposes out of court dispute resolution in California

Here they go again. The Community Association Institute (CAI) has come out against a California Bill that would support an out of court binding dispute resolution for HOA home owner complaints.: [AB 1738 \(Chau\) – Common Interest Developments: Dispute Resolution](#) We ask you educate your fellow home owners and inform your State legislators about the CAI who has been and in many cases still is their only source of HOA information. [Our web site tells the CAI story.](#)



Posting CAM violations and other information on the DORA web site.

We have asked DORA to consider posting on their web site as part of the property manager licensing program: violations for each CAM (Community Association Manager); the CAM for each registered HOA and the expiration date of license; cost comparison of educational classes from various sources; and email address of CAMs and HOAs.

HOAs Across the USA

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



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

[Aurora Sentinel, Colorado Article on HOAs and Pot Smoking/Smell](#)

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

[Ten Things You Can Do that Can Result in HOA vs Home Owner Disputes](#)

[Can my HOA require my Satellite Dish be installed on the roof as opposed to my less windy](#)



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Colorado Association of Realtors (CAR) Faulted for Not Supporting Ending/Limiting Transfer Fees

The Colorado Association of Realtors (CAR) has been sadly **silent on the issue of HOA Transfer Fees that would benefit the folks that pay their salary: home sellers and buyers. These folks forgot who puts bread on their tables.** When interviewed by the Denver Post they evaded addressing the question about the use, misuse, and amount of this fee. We have many members who are realtors and none have expressed a favorable opinion on transfer fees. CAR is out of touch or spineless against the CAI in standing up for their customers. CAR is also complicit in advocating this abusive fee as they remain silent at home closing to imply the fee is mandatory and justified for services performed. CAR appears to never have been involved in attempting to get the CAI to justify this fee, limit the fee, and ensure the proper use of the fee. Who do they represent? Does this organization have so little respect for home buyers/sellers as to go along with this abusive fee? Their silence on this issue is simply unacceptable.

We will be approaching CAR for their support in the upcoming legislative session to support a Bill to end or limit HOA Transfer Fees.

We ask our member Realtors to ask CAR to work with us in ending this abusive fee.

Write your State Representatives Requesting they Sponsor Legislation

We ask all members to write their State legislators asking them to work with us on sponsoring one or more of our goals on HOA legislative reform. [Use our web site](#) to do this, it's easy, quick, just a few sentences, and it really does help. Silence solves nothing.



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](#)

HOAs and Compliance with the Americans with Disabilities Act

What are the responsibilities of HOAs towards home owners with disabilities? Is your HOA ADA compliant? These articles gives an overview on HOA compliance with the ADA Act. [Article 1](#) [Article 2](#). [Ask your questions on this topic](#)

Here is [another article](#) concerning the ADA Act and

HOAs Across the USA

[DNA testing used to uncover dog owners who don't scoop](#)
[Pay HOA fees to avoid foreclosure](#)

[HOAs Issuing Speeding Tickets](#)
[Another mention of who or what is the CAI?](#)

[Marijuana and HOA's](#)
[Selective Enforcement of HOA Rule](#)



Property Manager Licensing
Frequently Asked Questions

DORA

DORA, Colorado Department of Regulatory Agencies, has posted on their web site a list of [frequently asked question concerning property manager licensing](#). Final guidelines, professional standards, and educational sources for certification are not completed. [DORA web site with complete information on property manager \(Community Association Manager, CAM\)\) licensing](#)

HOA Dispute Resolution Study Awaits Legislative Sponsors (continued from p. 3)

Our of court binding dispute resolution for HOA complaints would be the most important 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. (mediation doesn't do this!) DORA provides this process for property manager complaints, WHY NOT FOR HOME OWNER?