

Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance



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[Write Your Local Newspaper about HOA Issues](#)



Contact us at:

www.coloradohoaforum.com or email us at coloradohoaforum@gmail.com

Join our effort by [signing up on our web site](#). The web site contains HOA 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.



Lark Bunting: State Bird



Colorado Mountain Goats In Action

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. A [State directed study on HOA home owner dispute resolution recommends this process](#). Colorado will use a similar out of court process to resolve complaints under the new HOA property manager licensing program: **if good enough for property manager complaints why not for HOA home owner complaints?** Please [read about this dispute resolution process on our web site](#) and [write your legislator](#) asking them to sponsor legislation to implement the recommendation in the State Study.

[Legislators Avoiding HOA Issues?](#)

[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](#)

[HOA Town Hall: Recall Elections](#)

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[New offering in our Newsletter: HOA books recommended by our readers page 5](#)

[Who or What is the Community Association Institute \(CAI\) and who do they represent?](#)



Columbine: State Flower



Big Horn Sheep, State Animal



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The HOA Property Manager (aka Community Association Manager (CAM)) Licensing law became effective Jan 1, 2015. However, enforcement of guidelines and rules will not be effective until July 1, 2015. Thus home owners can't file any CAM violations/complaints until July 1, 2015.

Our 2014—2015 Legislative Goals

Our [goals for legislative reform](#) are listed on our web site. We've added the following issue to protect both home owner and HOA on delinquent HOA dues with rental properties:

Delinquent HOA dues on HOA rental units will be paid directly to the HOA by the tenant/renter and such payments will be deducted from the renter's rental payment to the landlord. The rent will be considered paid fully when the landlord receives the net (normal rental amount less delinquent HOA dues payment) rental payment. The renter can't be evicted for delinquency when their net payment to the landlord and HOA are received on time.

If you support any of our goal (s) [please use our web site to write your State legislator](#) asking them to sponsor legislation to make it the law.

Our number one issue remains: [Out of court binding dispute resolution](#)

Florida Law Protects HOA and Renter on Delinquent HOA Dues

We've [added to our goals for HOA legislative reform](#) an item that will help both HOAs in collecting delinquent dues and preclude HOA renters from being evicted due to a landlord being delinquent on HOA dues. The renter will pay past due HOA fees out of their rental payment to the HOA and only owe the landlord a net payment: normal rental payment less HOA dues payment. The renter can't be evicted due to this requirement. [Florida has already implemented this into law.](#)

Service Animals vs Emotional Support Animals in No-pet HOAs



Federal law protects individuals from discrimination in housing settings. In regards to individuals with disabilities that live in community associations, the FHA and ADA ensure that disabled people are able to live in their homes as comfortably as their neighbors, and derive the same use and enjoyment from their communities as everyone else. [So if your HOA doesn't allow pets can you still have a service animal?](#)

For some disabled individuals, "assistance animals" may be medically necessary for them to use and enjoy their homes; thus, the FHA provides protection. The label "assistance animal" is

Service Animals vs Emotional Support Animals in No-pet HOAs (continued)

generally recognized to encompass all of the other terms we hear in the news these days (e.g., emotional support animal, therapy dog, service animal). One thing that isn't vague or uncertain in any way is that legitimate assistance animals are not "pets," and should not be treated as pets by associations. Note, a service animal is a dog (or in some cases a small horse) that has received some sort of training to provide a specific service or benefit to an individual with a disability.

The issue of an emotional support animal in a no-pet HOA is far more complex. These animals don't require training or certification. The need for the pet by the owner is less obvious. It is not uncommon for home owners to fraudulently profess the need for the emotional support animal. HOAs should consult with their attorney prior to barring emotional pets. [The full article on this issue.](#)

You think your HOA fees are high

[If you think your HOA fees are high take a look at some of the highest anywhere.](#) The real issue with HOA fees is value and delivery of services. The Colorado HOA Forum conducts HOA home owner seminars throughout the State of Colorado and a good part of these presentations includes a discussion on HOA dues, evaluating the value of those fees, and what you can or can't do when services expected are not delivered.

If you would like this free to the public seminar in your area or at your HOA [let us know.](#)

Credibility in CAM Licensing? [Continued p6](#)

Home owners await the issuance of the final rules and guidelines on [CAM \(Community Association Manager \(aka property manager\) licensing.](#) This is the first step in cleaning up this industry and determining if DORA is serious about accountability and credibility with licensing. General and ambiguous rules will ensure home owners are left with no basis to file complaint. Example, the HOA Transfer Fee. Last legislative session HB 14-1254 had specifics on the legal and justified use of this



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HOA Over Steps Authority on Parking Restrictions

An HOA can mostly do as it pleases concerning developing parking rules in a gated community. It can enforce that which is in the HOA declaration/governing document and make new rules to enhance existing parking rules. What an HOA can't do is make parking rules for the use of public roads. A non-gated HOA community whose Board decides it doesn't want home owners to park on public streets in the community, park for extended periods of time, or park RV's on the street can't enforce such a policy nor can it expect the local government to enforce the HOA policy. The HOA can work to change the city law on parking but still must rely on local authorities to enforce all parking laws. In [this article an HOA takes upon itself to begin booting cars](#) that violate their HOA parking policy and ended up in violation of the law.

HOA Community Painting Projects: tips and contractors requirements

There is more to contracting for painting services than receiving bids and beginning the paint job. [This article](#) provides a comprehensive guide to HOAs in planning and contracting for paint jobs in the community. A little bit of planning can save a lot of heartache and money.

"Improper planning can make an association's repainting project time consuming and costly. Avoid this frustrating process by becoming well-informed on the ins and outs of the painting process. Whether you're a board member or management company, every painting project begins with two questions: - [Full article](#)

Recap of Recent Colorado HOA Legislation

Note, we don't endorse the law firm that we reference to recap recent Colorado HOA legislation. [Visit this web site](#)

Please note in all HOA legislation there is a lack of enforcement provisions from the home owner's perspective other than our costly, time consuming, and litigious court system. Thus unless the home owner can participate in this pay-to-play legal system our HOA laws are mostly administrative in nature. Our HOA laws are very definitive and comprehensive but due to a lack of ability for home owners to get their complaints heard and decisions rendered the law is of little use to home owners.

To provide home owners with an affordable and effective dispute resolution process we need to have legislators sponsor a Bill to implement an out of court binding dispute resolution process. This has already been endorsed by a [State Study](#). This will save home owners and HOAs in legal costs and take these minor home owner complaints out of our court system to save money and relieve workload.

What are HOA Super Liens

If you've fallen behind on your condo or homeowner association (HOA) fees, this might be a shocker for you: Your HOA or condo association might have the right to foreclose on your property. The new wrinkle: A legal process called a "super lien," which got its beginnings in the 1980s and is now allowed in more than two dozen states (including Colorado) and under consideration by nearly a dozen more.

Super liens give homeowners associations the right to begin foreclosure proceedings against a property if the owner is seriously delinquent on HOA fees. And while mortgage lenders have traditionally had priority when it comes to getting their money back through foreclosure auctions or court judgments, super liens give HOAs the right to jump ahead of the lenders, and in some cases, even wipe out the lenders' rights completely. [Full Article](#)

HOAs Across the USA

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

[Dog Barking Can be Maddening and Neither HOA nor Local Government Will Help](#)

[What happens with HOA dues during short sale or bankruptcy?](#)



**Write Your Local Newspaper
about HOA Issues**



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Legislators Avoiding HOA Issues in 2015

Responses to our emails and telephone calls from State legislators range from non-responsive, a few truly concerned but to date not sponsoring legislative reform (except for construction defects legislation), to the most arrogant response of them all "[let them figure it \(their HOA problems\) out themselves](#)".

Our work with the Colorado legislature is a slow process and an uphill battle. Note, for decades their only source of HOA information was from an organization (CAI) that was promoting their self-benefit with little regard to home owner interests. The halls of the Capitol are filled with CAI and HOA lawyer lobbyist to keep HOA issues on their track and suppress home owner rights and enforcement of HOA laws.

Your participation in Town Hall Meetings, writing legislators and filing complaints with the State HOA Office have resulted in several legislative successes: the State HOA Office was created, a State Study on home owner dispute resolution was completed advocating out of court solutions, and property manager licensing was placed into law. Your efforts have also surfaced the need for HOA reform. We have found growing support in the legislature but must keep up our efforts.

We will continue to educate legislators and the media about HOA issues and also, very importantly, who the CAI is and isn't. We are now a recognized home owner's advocacy organization whose ideas are known and talked about at the Capitol and sought after by the media. We ask that you continue to participate. The more our legislators are contacted the more they understand HOA issues from the home owner's perspective and will begin to sponsor HOA legislative reform.

Guns in HOAs (Colorado)

We continue to get questions concerning HOAs banning guns in the club house, at Board Meetings, and in other HOA owned facilities. We [obtained a letter](#) from the State that indicates an HOA can prohibit firearms in/on HOA property since this is considered private property. We also wrote local law enforcement and their response supports the position of the State. It is good practice to post signs and otherwise apprise home owners of HOA rules concerning firearms policy.

Worth Repeating: 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 [has even petitioned the FHA](#) to allow transfer fees on FHA loans that otherwise will not approve the loan when such fees are present.

The Federal Housing Authority (FHA) is anticipated to issue new rules on further limiting or ending 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. FHA supports what we advocate. We urge our legislators to support our proposal to end/limit transfer fees and [vote for home owners and not property managers and lawyers with legislation](#).

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](#). Why wouldn't Realtors support those who pay support their livelihood?

When will 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 further 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 mid-2015.

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

The [Colorado State HOA Office](#) is a valuable source of information on HOA issues and law. The Office offers a complaint process to allow HOA home owners to document their problems that will be reflected in their annual [HOA Report](#). Your complaint and general comments to the State HOA Office are important and will help support our efforts for HOA legislative reform.



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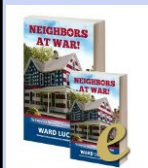
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An entertaining and informative book about HOAs and a Colorado HOA experience written by award winning journalist Ward Lucas. **



[Neighbors At War! The Creepy Case Against Your Homeowners Association](#)

**The Colorado HOA Forum receives no fees or income when featuring HOA books nor does it endorse the content of the book. Books are recommended by our members.

Misrepresenting who Represents HOAs and HOA Home Owners

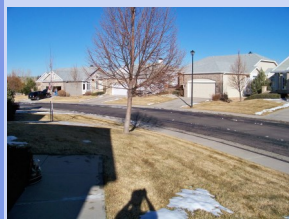
The latest misrepresentation of who represents HOA home owner's interests comes by way of Colorado Public Radio (CPR) and their article "[Could limiting defect lawsuits bring more condos to Denver?](#)". The article's point person for an opinion on what is best for HOAs and thus HOA home owners is no less than the [Community Association Institute \(CAI\)](#). The



problem is that this organization doesn't and never has represented HOA home owner's interests. Their members are property managers (PM) and lawyers not HOAs or home owners: let's get it right! The CAI spends time and money in State and Federal legislatures lobbying to ensure legislation promotes their interests and mostly at the expense of HOA home owners rights and wallets: against ending/limiting of the unjustified and illegally applied HOA home sale transfer fee costing HOA home owners millions each year (pocketed by CAI members not HOAs); oppose limits on fees, fines, and add-on charges on HOA home owner debt (a million dollar+ income supplement to property managers and HOA lawyers and not a dime to the HOA); blocking efforts to implement a recommendation in a Colorado State study that supports out of court dispute resolution for home owner complaints that would save HOAs and home owners in legal costs and not require lawyers to settle disputes; and opposing legislation that would require home owner approval prior to using HOA funds on costly litigation or major capital expenditures. [Complete article](#)

Snow Removal Gone Wild (and wasteful)

We often hear about the inefficient and inappropriate use of HOA funds and problems with HOA maintenance. Those of us in HOAs in Colorado in which our HOA completes snow removal know



this is a costly but appreciated service when completed effectively. This picture was taken on a day when snow plows and sanding trucks were in completing snow removal, REALLY! [The full look at a dysfunctional snow removal on our web site.](#)

HOA Home Owners: "figure it out yourself" says legislator

HOA home owners seeking solutions to ensure their home owner's rights should not look to some legislators for solutions if the response from one legislator is any indication. Our organization recently received a response from a State legislator in regards to our request to sponsor legislation to provide for an out of court binding dispute resolution process for home owner complaints (because court is too costly, litigious, and time consuming for ordinary folks). This legislator said "they (HOA homeowners) should figure out their problems themselves" and the government has no role in HOA issues. Really!

Well government caused the problem by allowing legislation to be mostly written by developers, lawyers, and the [Community Association Institute \(CAI\)](#) to ensure their financial interests were protected. Legislation was written with the absence of any viable means to enforce these laws or HOA governing documents from the home owner's perspective. If government broke the intended good of HOAs and the laws they created they should fix it.

We don't see this particular legislator (and others) directing businesses and interest groups to "figure it out for themselves". They provide subsidies to farmers, tax breaks for large corporations to promote employment and business, tax rebates and incentives to businesses, break down imposing tariffs and open barriers to promote trade, etc.: all to help "in figuring it out". This attitude about not legislatively helping HOA home owners from abusive practices and fees and basically unenforceable HOA laws is no less than dismissive of home owners and hypocritical (by some not all).

What HOA home owners are asking for, unlike the help provided to businesses and special interest groups, are remedies that don't cost taxpayers a nickel but save home owners, taxpayers, and HOAs millions each year in legal costs and ensure enforcement of property rights: out of court binding dispute resolution for home owner complaints. HOA home owners deserve more respect when asking for legislative support especially when they ask for so little.



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Credibility in CAM Licensing (continued from page 2)

fee but were removed by lobbyist when they morphed the Bill into an ineffective and [empty disclosure Bill](#). Interest groups wanted "disclosure" to a simple one liner statement but with no explanation of reasons why the fee was assessed, who determined the amount and pocketed the fee, the expenses that warranted the fee that were not paid for through HOA dues and were extraordinary on exclusive to the sale of a home, etc. All the details removed on disclosure thus ensuring no disclosure. Thus with no specifics or rules home owners can't challenge the fee and nothing would change.

The amount of disclosure will be determined by DORA in CAM licensing. The Bill implied DORA is to get specific and if they don't the CAM licensing will become another HOA administrative law providing the illusion of helping home owners.

The next step that will define the licensing program will occur when DORA begins processing complaints based on final licensing rules. This won't happen until July 2015.

The press has already but prematurely latched onto this issue "[Licensing law boosts credibility of HOA managers](#)". Final rules will determined if credibility comes to the CAM profession. The good news is that we are beginning to get a little more coverage on HOA issues so any reporting is better than the previous exclusive and industry biased reporting.

HOAs Across the USA

[HOA Property Manager Licensing: Fees Transparency is a License to Abuse](#)



Write Your Local Newspaper on HOA Issues

The Colorado HOA Forum is an advocacy group for HOA home owner'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 home owner dispute resolution process that is accessible, affordable, and fair for both the home owner and HOA: [out-of-court binding dispute resolution](#).

Can an HOA do this or that? Ask a different question



The questions too often asked as to whether an HOA can do something; "is that against the law"; "but State law indicates"; or "my HOA governing documents state I have the following rights but....". In most cases the questions reveal a violation of home owner's rights under the law. The question you should be asking is the one you really don't want the answer to.

You bought your home in the HOA with the understanding that you give up something (home owner's rights under the covenants, controls and restrictions) to get something (a neighborhood with stable home prices, aesthetically appealing, community amenities, etc.). You understand that an HOA is a local government of its' own managing the affairs of the community and can collect dues/fees and penalize non-compliance. This all seems acceptable as you are protected by a full set of home owner's rights to ensure abusive practices are mitigated, financial accountability is demanded, and governance is executed with open elections, meetings, and management practices.

Then one day you have a problem with the HOA being in non-compliance with your governing documents. This could be anything: your rights to records access; meetings and resulting minutes are not conducted according to the by-laws; the HOA reserve funds are depleted or maintenance of common areas is poor and you want answers; the HOA is taking on debt without home owner approval and you want specifics; election irregularities; your fence that was previously allowed and approved is now resulting in fines for covenant infractions; and on and on. You want answers and an ability to protest for your rights. You get no answers. The whole house of cards on HOA home owner's rights collapses and you ask "can they do that", "isn't that illegal".

[Full Article](#)

The HOA Property Manager (aka Community Association Manager (CAM)) Licensing law became effective Jan 1, 2015. However, enforcement of guidelines and rules will not be effective until July 1, 2015. Thus home owners can't file any CAM violations/complaints until July 1, 2015.