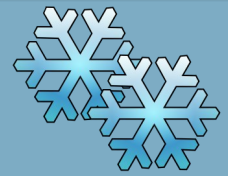




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Did you know just about all HOA home owner complaints can be filed as a CAM Complaint. See our Guide and if you still have questions write us

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.

HOA Transfer Fees Must End or be Limited with a Detailed Invoice

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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?

Understanding HOA Insurance

Organize an HOA Town Hall Meeting: we will attend! Contact us

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

If you think your HOA is violating ADA and/or the Fair Housing Act, file a property manager complaint with DORA. Need help, contact us./use or Guide



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**IS YOUR PROPERTY MANAGER LICENSED?
LOOK THEM UP, IF NOT FILE A COMPLAINT**



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HOA Legislation 2016: Four Bills, three admitted to be basically unenforceable

A summary of HOA Bills Proposed for 2016 Legislative Consideration

SB 16-1217 Directs DORA (Dept of Regulatory Agencies) to post on its' web site a list of mediators and arbiters involved with HOA dispute resolution BUT doesn't vett these folks, requires no credentials or proof of knowledge of Colorado HOA law, and in the law indicates DORA does not stand behind their work nor recommends them. This is exactly the current situation except home owners can now go to DORA's unapproved list on their web site. Does not include any enforcement provisions.

SB 16-082 HOA Whistleblower and Intimidation Protections: Bill indicates it is illegal for a Board to retaliate against a home owner when they pursue a complaint. There is no means of enforcement in this Bill other than to go to court and most can't afford thus making this Bill similar to all other HOA law with no viable means of enforcement.

HB 16-1149 Requires all HOAs to comply with the budget ratification process in the State law (CCIOA): publish the budget, hold a meeting to present the budget, and unless a majority disapproves the budget it is ratified. HOAs declared prior to 1992 are exempt from this requirement. Simply standardizes process, will impact few if any.

HB 16-1133 (this is big and the only Bill that would affect home owners and was vetoed in Committee in Feb) Defines HOA property

manager fees disclosure requirements including requirement to provide a detailed receipt of work performed. Additionally, in the case of HOA Transfer Fees on the sale of a home, 1) the billing can't include billing for work already paid for with HOA dues 2) confirmation that all amounts billed are in compliance with SB 11-234 that indicates only unreimbursed costs related caused by the sale of a home can be billed in a Transfer Fee 3) the Transfer Fee is not applicable to an FHA/HUD loan that precludes such fees. It also provides relief to the smallest HOA property managers in licensing fees and educational requirements that currently can equal the total year's income. Also, requires a property manager to apprise a Board when they are observed breaking the law, recommend corrective action, and if not complied with must report to DORA.

Note, this Bill originally had financial and requirements relief for the smallest HOA CAM's, was opposed by the CAI and taken out. The Bill also had more defined CAM enforcement and accountability and also opposed by the CAI and removed.

HB 16-1005, the Rain Barrel Law: permits rain water to be collected from residential rooftops by the use of no more than two rain barrels with a combined storage capacity of 110 gallons or less, where barrels can be place, etc. We can't get a dispute resolution Bill for HOA complaints but collecting rain water?

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HB 16-1133 Defeated: Fee Without Receipts/Invoices Endorsed by Legislature

HOA Home Owners to Continue to Pay Fees with no Justification or Receipt

HB 16-1133 was defeated in Committee, February 22, 2016. This Bill was simple, no burden on businesses or taxpayers, and **only required HOA property managers (PM), also known as Community Association Managers, to provide a detailed receipt to home owners when fees are paid.** The Bill did not preclude any fees from being charged or limit amounts: just provide a detailed receipt of work completed. The Bill was intended to mitigate the practice of HOA PM's duplicate and triplicate billing for services already paid for via HOA dues or HOA Transfer Fees and/or Title Companies: happens all the time. It also was intended to reveal the practice of excessive billing whereby PM fees for the same services ranged from \$50 to \$1000 and home owners were required to pay without a receipt or a lien could be placed on their property or stop their home sale. Finally, a receipt was to be required to justify that the HOA PM Transfer Fee only represented expenses unique and incurred in the sale of a home which otherwise would make them illegally assessed as defined under State and Federal law. This all proved to much help for home owners in the eyes of the legislators. [Full Article](#)

Duplicate and Triplicate Fees Paid by Home Owners through HOA Transfer Fees

Not that one needs another reason to dislike Homeowner's Associations (HOAs), but try this one: paying for the same services three times. The abusive and illegal practice of charging HOA Transfer Fees on the sale of a home in an HOA is well known to our legislators, the press, Title Companies, Realtors, property managers, and home owners. Except for home owners all others ("tacit enablers") turn a blind eye to this deceptive practice that costs home owners upwards of \$10 million a year in Colorado. Here's how it works and why it is also illegal:

a) HOA home owners pay monthly dues. The dues cover such community expenses as snow removal, landscaping, and expenses for maintenance of common areas. They also pay for administrative costs such as the HOA directory, billings and collections, covenant enforcement, [Full Article](#)

Associa, CAI and Crooked HOA Transfer Fees: Colorado not alone in attempting to surface abuse with the HOA Transfer Fee

Transfer fees are among the biggest scams in the housing business. North Carolina residents tried to get them outlawed. Colorado is trying. New Mexico is trying. Transfer fees are a 'little' item on your paperwork that pops up when you try to sell your home. If you live in a Homeowners Association of any kind you're [Full Article 1](#) [New Mexico Article](#)

Before you file any complaint with DORA concerning a Community Association Manager (CAM), also referred to as an HOA Property Manager, or go to court concerning a dispute with your HOA Board read your HOA's governing documents. If you are in non-compliance with these documents, in most cases, you are wrong. Save your time and money.



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Americans with Disabilities Act and Fair Housing Act: HOA Issues



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HOA Transfer Fees Admitted in Legislative Hearings to be Undefined and Contract Rig-

The public hearing on HB 16-1133, simply requiring HOA property managers (PM) to provide the home owner with a detailed receipt for fees, surfaced the bogus and abusive practices in the HOA property manager (PM) industry with the HOA home sale Transfer Fee. The Bill was killed in Committee.

The Bill would've ended the practice, not allowed in any other business in Colorado, of forcing home owners to pay a bill without a detailed receipt of charges. The would've ended this practice with the HOA home sale Transfer Fee that costs home owners upwards of \$10 million a year in undocumented, unjustified, and mostly illegal fees. Note, if you don't pay this undocumented fee you end up with a lien on your home and can't sell your home!

The public Committee Hearing on this Bill that resulting in killing the Bill revealed the whole scam of HOA Transfer Fees and **you had to be there to believe it.**

Lobbyist: "We find it impossible to identify what work was done to earn the Transfer Fee so we can't provide the home owner a detailed receipt" (but PMs find it easy to charge the home owner the HOA home sale Transfer Fee). [Full Article](#)

Before you file any complaint with DORA concerning a Community Association Manager (CAM), also referred to as an HOA Property Manager, or go to court concerning a dispute with your HOA Board read your HOA's governing documents. If you are in non-compliance with these documents, in most cases, you are wrong. Save your time and money.



HB 16-1217, a deception in resolving HOA problem resolution

Here we go again, HOUSE BILL 16-1217 is another HOA Bill introduced this session that sounds good, feels good, but will have zero effect on resolving any HOA home owner's issue. This will make it three administrative, un-impacting HOA Bills this session. Two other HOA Bills, HB SB 16-1217 and SB 16-082 (see below) will have little to no impact or support enforcement of HOA laws for home owners. This Bill will provide: 1) optional rate structures for HOA registration fees and 2) requires the State HOA Office to develop a list of mediators and arbiters who are available to hear complaints concerning elections and other HOA home owner issues. The impact of this Bill on home owners follows: [Full Article](#)



Small CAMs snubbed in DORA Licensing Program

Small HOA CAMs were again snubbed in the CAM Licensing Law. HB 16-1133 included language to give the smallest HOA CAMs (Community Association Manager) financial and requirements relief in licensing. Those managing less than a total of 30 units would have reduced licensing fees (similar to reduced HOA registration fees for smaller HOAs). This was removed from HB 16-1133.

[Full Article](#)

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Legislators Continue to be misinformed and accept incorrect information on HOA Issues

Knowledge of home owner's association (HOA) issues acquired by State legislators continues to be dominated by special interest influence. HOA laws, recent modifications to such laws, and attempts to legislatively improve upon HOA governance have been primarily written by or killed by special interest groups such as the [Community Association Institute \(CAI\)](#), large property management firms, and/or HOA lawyer groups for decades in Colorado. None of these groups represents home owner's interests or has any particularly measurable membership from home owners or HOAs. Thus, the misunderstanding and misinformation on HOA issues in our legislature is problem number one from the home owner's perspective.

Recent HOA issues exemplify the misinformation in our legislature making HOA reform a difficult task. 1) Implementing an [out of court binding dispute resolution process](#) for HOA complaints to provide an accessible and affordable venue to resolve most HOA disputes. This process has been [endorsed in a State study](#), would relieve our court system of case loads, instantly make our State HOA laws effective, and not require costly litigation for very simple HOA problems. The "big lie" promoted is that the system would cost too much to implement and deny home owners the right to a court case, WRONG. The process is mostly in place (and paid for) in the State's HOA Office, staffing and related costs would be paid for with HOA registration fees amounting to no more than pennies a "year" per home owner, complaint filing fees would also contribute to cost recovery, and home owners could choose either a court case or the State pro-

cess. Our court system would reduce case load and thus taxpayer costs and home owners and HOAs would save on legal costs far exceeding any minor increase in HOA registration fees. A similar system has been implement for HOA Property Manager (PM) complaints. 2) [HOA Transfer Fees](#) cost home owners millions of dollars each year and are not only [applied illegally based on State law](#) and FHA/HUD rules but represent duplicate and triplicate charges to home owners and Title companies for services already paid for with HOA dues. The "big lie" and defense of this fee: kill any effort or open discussion to limit or end the fee without defending it. 3) The [HOA PM manager licensing Bill](#) was to address full disclosure

[\(continue to full article\)](#)



State HOA Office Requires Exposure and Enforcement Authority

Colorado has a State HOA Office but you would never know it. The Office was created over two years ago with little fanfare and notice to the public. The original efforts in creating the Office were to provide oversight of HOA communities, some enforcement of HOA laws, and to provide a comprehensive repository of State HOA information.

[Full Article](#)

New Mexico and HOA Transfer Fees



Americans with Disabilities Act and Fair Housing Act: HOA Issues

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Sunrise proposal to be completed for out of court binding dispute resolution. Submitted in for 2017 legislative session

We will be working on a Sunrise proposal to support the regulation and oversight of HOAs by DORA. This is a first or pre-step to regulating/licensing HOAs after which an out of court dispute resolution process can be developed within DORA similar to CAM complaints. The question will most likely be asked from any sponsor and opponents such as the Community Association Institute (CAI) if this study was completed and if not, although not a must, will be used to kill any legislative effort.

The study/proposal will use as justification for an out of court binding dispute resolution process the thousands of complaints received by the State HOA Office, a State Study recommending this action, similar processes in other state, that current HOA laws have no viable means of enforcement thus placing home owners in jeopardy, and news media coverage of HOA stories.

The dispute resolution process to be advocated is not mediation ([see our web site for a discussion on that topic](#)). This process will render enforceable decisions, based on the law, involve cases of non-compliance with HOA State law and HOA governing documents, complaint filing fees will be zero or a small fee and subsidized with HOA registration fees to cost no more than 35-50 cents per household per year, will not the need for lawyers, and will not require taxpayer dollars to implement. In summary it is the CAM complaint resolution process for HOA complaints with their HOA Boards.

We expect an army of CAI lobbyists to oppose this bill as displaces lawyers from the dispute resolution process. They have not supported this in the past.

We hope to have this done prior to the elections in November and solicit support from legislators and make their positions known.

Have an HOA or CAM Complaint, both can be filed using the CAM Complaint Process

[First, use our CAM Complaint Guide to file a CAM Complaint.](#) Most HOA related complaints concerning an HOA Board or Community Association Manager (CAM, aka HOA Property Manager) can be filed as CAM complaints. The CAM complaint process involves a no cost complaint filing system to gain a decision. There is no similar "HOA Board vs home owner" complaint filing process: your only option is to go to court and most can't afford. If you have a complaint against a Board or a CAM related to violating your governing documents or State law [file a CAM Complaint](#) with the following process. 1) All CAMs are required to be knowledgeable of State law and an HOA's governing documents and **obey them** 2) If a Board is in non-compliance and your CAM is aware of or participating in the violation this is both a Board and CAM violation 3) email your Board and CAM about the violation, this documents that both have been apprised of the violation and now exposes the CAM to being in violation 4) file a CAM complaint if the violation is not corrected.

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HOAs Across the USA

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- [Condos turning into animal farms over abuse of law](#)
- [Golf course cannot survive without HOA to pay for it](#)
- [Family gets home back from HOA foreclosure](#)

Let's Discuss HOA Issues at Your Legislator's Town Hall Meeting

Ask your State legislator to designate one of their Town Hall Meetings to HOA issues. We have participated in many of these meetings and it educates and informs State legislators about HOA homeowner's concerns. This is also an opportunity to ask them to support efforts in HOA reform by sponsoring a Bill. They are well aware of our organization through our personal contact and email. We can also offer a 30 HOA home buying/maintenance/responsibilities seminar at the meeting.

They can contact us via [our web site](#).

HOAs Across the USA

- [Hansell's water bill passes Senate](#)
- [Can a Florida HOA Ban Political Yard Signs?](#)
- [Can my HOA do That?](#)
- [HOA Foreclosure Abuse](#)
- [Shouldn't My HOA Have to Pay for My Wheel-chair Ramp?](#)
- [HOA Billing Practices Compared](#)
- [Home owner battles HOA over green light bulb](#)
- [Abuse with Emotional Support Animals](#)

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