

Comments to DORA from the Colorado HOA Forum, (see below)
www.coloradohoaforum.com Email: coloradohoaforum@gmail.com

Email DORA your comments concerning their HOA property manager licensing stakeholders review: [dora division realestate@state.co.us](mailto:dora_division_realestate@state.co.us) with
Subject Line: Comments on HOA Property Manager Licensing

HOA Property Manager (PM) Licensing Law Stakeholder Review

The current law is weak on consumer protections and strong on ambiguity and industry input. We suggest the following changes at no cost to either the taxpayer, HOA or businesses. Our suggestions are targeted to mitigate abusive practices and promote the competency of the profession, provide a venue for resolving disputes between home owners property management companies, provide relief for small companies in gaining licensure; improve the DORA web site, and improve and expand PM rules so they are not ambiguous, better define accountability, and are written to be understood by home owners.

Recommend the below to the fullest degree possible be directly in legislation to ensure it is implemented and not left to a rule making process by DORA that is responsible for much of the lack of consumer protections and ambiguities in the law.

- a. Full disclosure of all fees assessed home owners including the [HOA Home Sale Transfer Fee](#) that includes a detailed receipt of what work was performed, when, and a line item cost. A statement on the receipt that indicates “no charges have been previously paid for with HOA dues such as charges for HOA documentation, administrative tasks related to changing community directories and name based information system, issuance of security cards/keys, establishing electronic funds transfer between the HOA and home owner, and other such CAM tasks that are not extraordinary and unique to the sale of a home. and a copy of the home sellers final billing that indicates all financial obligations of the home seller to the HOA”. An additional statement will be included on any HOA Home Sale Transfer Fee that “charges are assessed to home sellers for extraordinary and unique expenses incurred by the management in meeting requirements of the home sale”.
- b. Included in the property manager’s contract with the HOA a statement that all HOA data, information, and/or records will be released to HOA authorized third party service providers that complete HOA transfer fee and Condominium Questionnaire type services and to Title companies
- c. Included in the property manager’s contract with the HOA that the property management company is not permitted to profit by providing access and/or use of HOA data, information, and/or records to third parties

nor permitted to contract with or have third party services complete tasks that are resold to home owners and others for other than at a reasonable profit.

- d. Property managers must be limited to the number of homes for which they are responsible.
- e. Smaller property management companies servicing a total of 25 or less homes will be provided with reduced fees to gain a license including less costly educational courses tailored to and proportionate with the limited services provided but not relieving them of compliance with licensing rules, HOA governing documents, and State HOA law.
- f. Property managers will be required to specifically implement financial internal control procedures over HOA finances with direct mention of what this entails.
- g. All add-on or supervisory oversight charges added to HOA contracts with vendors by the property management company must be justified by indicating only a person with specific credentials and experience with the subject matter of the contract will provide such services and that such services are not already provided via the contract with the HOA.
- h. All property manager company contracts with the HOA will include the requirements of item "a" above.
- i. A specific rule in the law that indicates it is a violation of the licensing law for any property manager to participate in or be aware of any violation of State HOA law or the HOA's governing documents
- j. A property manager is required to apprise the HOA Board of any violations of the HOA's governing documents, to apprise of corrective action and to inform DORA if such violation is not corrected.
- k. Improving the user friendliness of the DORA web site to allow easier complaint filing and status tracking of complaints and providing on-demand reports on property manager violations.
- l. All non-legally-required fees for services be identified as optional in the property manager's contract with the HOA.
- m. Property managers must post the most current version of all HOA governing documents on the HOA web site or otherwise make readily accessible upon request.

HOA governing documents access and unnecessary property manager fees in providing such documents to home owners

A requirement in property manager licensing establishes a rule that all HOA documentation be posted in their most current form on the HOA web site or otherwise be accessible to home owners at low or no cost: no costs should be involved (other than reproduction and mailing) to any requesting party including Title Companies as this service is already paid for with HOA. No charging for documentation and a final billing, statement indicating the home owner's financial status with the HOA, in the home closing process. (also see above discussion on fees). Also supporting this demand is SB 11-234 that only allows charging home sales transfer fees for unreimbursed costs incurred by the PM that are unique and extraordinary to the sale of a home. Any fee assessed a home owner to provide HOA documentation must be accompanied by a receipt with line item cost and a statement that such charges are related to special processing requests such as special delivery and/or reproduction costs and have not previously been paid for with HOA dues.

Authorization to provide third party vendors HOA data

CAMs are authorized access to HOA data in order to complete services related to ensuring such data/information is current and complete such as the governing documents of the community, meeting meetings, election results, financial statements, reserve fund studies, banking information, and billing and collection information. The use of this data is restricted to completing HOA business and is not for sharing

to any third party vendors unless authorized by the HOA and requires the defined purpose of such information sharing and any cost benefit to the CAM.

Expand licensing to Time Share Properties

The HOA Property Manager Licensing Law (CAM licensing) excluded time-share properties. This was no small exclusion and made without justification and forfeited home owner protections. Property management contract and fees assessments can easily be estimated at several hundred millions of dollars each year with no oversight and providing no venue for dispute resolution (other than court) as was case under HOA property manager licensing. The liability to the public is every bit as great with time shares and the potential for problems is even greater with the profile of owners of units (weeks) consisting of many out of state and temporary people relying on the integrity of the management companies and not being able to challenge excessive fees and assessments due to geographic and time constraints when living outside the state. There seems to be an encyclopedia of fraudulent activities and financial losses experienced by time share owners and with no oversight of the large industry consumers will continue to be harmed. This exclusion should end.

Inform the public concerning the existence of the Licensing Program, its' purpose, and how to file complaints and concerns

If it was not for the existence of our organization and informing our members (and asking them to talk to others) on the existence of the licensing program it would be more or less unknown to home owners. Of course, property managers are aware of the law but the law was written for consumer protections and that can't happen without knowledge of the existence of the law, how it functions, and how it can provide consumer protections. We find that folks don't understand the limits nor do they understand how to use the law to pursue their rights. The existence of a DORA web site in and of itself notifies no one. The misinformation concerning this law in the media, by legislators, by Realtors, government officials and others is widespread. Suggest funds collected in licensing fees be used to advertise the existence of this Office and its' purpose.

DORA Web Site

The DORA property manger licensing web site is difficult to use. Filing a complaint in convoluted with no ability to confirm and track the status of a complaint. The site should provide an option to enter a CAM name and identify all penalties, fines, and revocation of licenses with the name. A report on all penalties, fines, and license revocations for all active and inactive CAMs should be available upon request.

Navigation of the system in general needs to be improved to minimize steps in identifying the desired function to be performed and repetitive items from one page filled in on the next.

Penalties, fines, license revocation

Punitive action authority should be expanded to direct a CAM to complete a task to correct a violation. For example, if a CAM was denying a request for access to HOA records by an HOA Board or home owner DORA could direct the release. This can be particularly important when changing CAMs and records transfers to the new CAM are delayed or denied.

Improve Upon the Communication between DORA and Home Owners

Home owners complain about the curt, abrupt, and long response times in communicating with DORA: this needs to be improved.

Educational Courses Approved by DORA

Any mention in the licensing law of any educational course offering should be removed other than referring the reader to visit the DORA web site for a list of available courses to fulfill educational requirements. The DORA web site should list the cost of each course and if such price requires a membership or other commitment to receive the listed price.

All courses listed must be reviewed each year to ensure the most current legislation and other laws are included in the content and no course receiving a review approval will be listed on the web site.

Comments Concerning the Governor's Veto

The Governor's veto of a Bill to continuing the licensing program was based in good part of his recognizing the law didn't provide adequate consumer protections to justify licensing, the cost of licensing and educational requirements might hinder a person from entering the profession and there were unnecessary added costs to HOAs, home owners and businesses. Note, the above comments address the Governor's concerns: more defined and comprehensive accountability, relief for small business, addressing practices that cost consumers such as excessive and unjustified fees and assessments with explicit requirements to justify and document fees and preclude the duplication of billing for services already paid for via HOA dues and including processes, procedures to address many of the major consumer complaints received by the State HOA Office and DORA such as records requests and unjustified and excessive fees related to gaining such records, and noting in any Stakeholder Report to the Governor/legislature that there is no basis for contending that any HOA, business or home owner will experience any additional cost (or any impacting cost) as a good number of CAMs are already fulfilling educational and background checks and the cost of any licensing requirements are but a small, nearly immeasurable cost to complete CAM contracts and duties. There is also no evidence that licensing, except in the case of very small CAMs as addressed above, has chased employers away from the profession.