

Right-Wrong: Pay the Fine or Else (Your Options are Limited)

Your HOA directs you to take down the bird feeders, slaps you with a \$50 fine, no warning and not a violation of governing documents. HOA directs you to modify landscaping on common property but you object as it is their property and violation has been there for years, you were not notified of the problem when you purchased your home: \$400 fine. Awning on your patio, HOA directs you to take down, has been up for six years and previously approved by the HOA: \$100 fine. You've heard about this happening to others but it could be you. If you want to fight the HOA you must go to court: money, time, lawyers, your limited resources, the HOA's unlimited legal and financial resources. Oh yes, you could hire a mediator if all parties agreed to TRY and work out a solution, that will cost \$300-500+. If no agreement you just wasted a good deal of money. Further, even if you reach agreement one party can simply disobey or delay (and delay again) implementing the plan and you land back in court costing you more money. Then again one party can appeal through the court system with more delays and money. Now the real kicker, did you know mediators are not regulated, anyone can end up being your mediator with NO knowledge of HOA law. States that require/suggest mediators do NO vetting of mediators, they post names and business addresses but do no background checks nor do they have the funds to certify mediator competency.

Supporting the argument that home owner's forego their rights under their HOA governing documents and State HOA laws is a study by the [Coalition for Community Housing Policy in the Public Interest](#) indicating 60% of home owner complaints go unresolved. Unresolved meaning the home owner can't afford to pursue in court so their complaint is not pursued and their rights can't be enforced. In Fort Collins Colorado it is reported that upwards of 80% of home owners contacting city housing resources about HOA/housing complaints and the use of mediation/out of court solutions never reach an enforceable decision. Furthermore, the State's HOAs Office has received thousands of complaints in its' brief history about violations of governing documents indicating these home owners had no where else to litigate as they couldn't afford to go against the HOA's unlimited financial and legal resources.

The solution to dispute resolution for home owners is an out of court binding dispute resolution process as recommended in a [Colorado 2019 Study](#). Home owners can file a complaint, have it reviewed/investigated, and a decision rendered all within the [State's HOA Office for low to no cost. Simple to implement](#) as the State already completes this task for regulated professions and the State HOA Office already exists with office space, staff, computer systems, complaint filing system; no requirement for taxpayer funds; cost to home owners pennies (yes pennies) per year to manage; no lawyers involved; reduces court system costs by taking out these simple cases from the court's caseload into an out of court accessible and affordable venue; and saves HOAs and home owners millions a years in legal and court costs. All that is needed is a Bill introduced to the legislature and the will of our legislators to NOT back down to special interests who would rather have court cases, legal costs and the status quo that drains home owners bank accounts and fills the pockets of the legal industry.