

HOAs: Daycare coming to your neighborhood soon!
opinion provided by the Colorado HOA Forum
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Here we go again with the legislature interfering with HOA local governance and attempting to resolve social problems through HOA communities. These are the same folks that will not stand up for enforcing home owner's rights and protections against abusive fees for the past 20 years. Enter SB 126 LICENSED FAMILY CHILD CARE NOT PROHIBITED IN HOA COMMUNITIES. It forces HOAs to allow businesses in HOAs and in this case child care businesses (not hardly a benign, quiet and non-impacting entity). Forget your HOA governing documents, SB 126 rules. These legislators seem to want to blame HOAs for many things and now for the lack of child care facilities and want you to be the solution right in your neighborhood. They are determined to have you sacrifice that for which you chose your community to meet a societal need. We are not against accessible and affordable child care but think about the following which these legislators pushing the Bill did not:

Your condominium building will be accommodating (with child care right next to you) more people coming and going, parking here and there, many more kids in the unit, more wear and tear in the building, etc. Of course, no extra HOA dues/fees for the business. Thanks SB 126

People buy into an HOA to avoid having businesses run next door to them that bring increased noise and traffic throughout the early morning hours until the early evening.

People move into a community to avoid traffic morning, noon and early evening so their children can play safely, and yes they wander into the streets, and this Bill would end that with a child care business(es)

Have a child daycare center next to you and if you want to sleep through the morning or wake late due to your job or other reason that will end

Many in HOAs want to avoid fences (and eventually unmaintained fences in their neighborhood and this Bill forces HOAs to allow/force fences to be built (along with all the playground equipment in the front and back of the home, any type and any size!).

The HOA will be burdened with complaints about traffic, parking, noise and maintenance of the child care business in their residential community and a good chance of legal costs.

You can bet these day care center operators will want to have the kids to be able to use the HOA paid for amenities.

The Bill doesn't state limits on the number of children in one child care center or the ability of an HOA to limit the number of centers in a block or in the community, doesn't address any problems or requirements imposed on the HOA community or center to accommodate disabled kids and who would pay for this, how would gated communities and their security be impacted, doesn't allow the HOA to limit hours of operation or other business and community concerns, could handcuff the HOA in enforcing parking restrictions in governing documents, and on and on.

So, another Bill that doesn't seem to be able to shoot straight in resolving the day care problem and unfortunately the target this time is HOAs. We in HOAs are already double taxed as we pay government taxes and our HOA dues to maintain our communities, common areas, amenities, and/or roads and now are asked make our communities a tool to resolve /subsidize the day care issue. Some HOAs already have day care facilities for their residents and they are self-financed so stop the claim these centers are not allowed in HOAs. If an HOA wants a business in the community they can state so in their governing documents and not have our State impose their will on the understood rights of HOA home owners.