

**Proposal on HOA Maintenance and Financial Responsibilities Provision in CCIOA
and in an HOA's Governing Documents**
Provided by the Colorado HOA Forum www.coloradohoaforum.com

This proposal recommends CCIOA have a defined statement concerning HOA responsibilities to homeowners in maintaining the community.

1. The Declaration and other HOA governing documents indicate the HOA's responsibilities in maintaining the community and financial management.
2. A homeowner can file a complaint in Small Claims Court (or in the State HOA Office upon the implementation of dispute resolution authority) concerning a violation of an HOA's fiduciary responsibilities in the maintenance of the community.
3. The Court can invoke injunctive relief to command the HOA to comply with its responsibilities stated in the HOA Declaration for community maintenance.
4. If the complaint is found to be valid and supported by the HOA's governing documents injunctive relief will involve requiring the HOA Board to submit to the Court within 10 days after a judgement a maintenance plan for the community identifying needed and/or immediate repairs and maintenance, how it will raise the necessary funds to complete the initial repairs and future maintenance of the community, how it will fund the HOA's reserve account and plans on ensuring the reserves are adequate, and reporting to the court after two months the current status of community maintenance.
5. Non-compliance or insufficient response to a court order can involve non-monetary penalties to the HOA including removal of a Board member(s), placing the HOA into receivership and/or the inability for an HOA to foreclose on a home, place liens or impose fines.
6. An HOA can't defend its non-compliance with responsibilities by placing fault with the HOA property management company.