

Our comments at Committee hearing on SB 23-213, Land Use

Colorado HOA Forum, we represent HOA homeowners

This Bill will lead to the inability of HOAs and their homeowners in deciding what type of community they live in or want to live in. The Bill will effectively eliminate the concept of local governance under an HOA whereby homeowners decide upon what they want and don't want in their community. The State will thus determine what folks want.

The cost of housing in HOAs is generally more costly than non-HOA neighborhoods. The appeal of HOA housing and related amenities makes such developments economically out of reach to lower income home buyers. This Bill will not change that.

HOAs have successfully managed their communities and housing units for many decades and we don't want SB 213 to interfere with that success.

This Bill could also lead to the State directing HOAs on how to use community common areas and that is not acceptable. It could also lead to the end of senior communities and their restrictions and development plans that cater to seniors. SB 213 could override such restrictions. We suggest excluding HOAs and senior communities from this Bill.

Note, when someone buys a home in an HOA they sign a contract between themselves and the HOA that includes agreeing to local governance and covenants. SB 213 can illegally override this contract. This is not acceptable.

The Colorado HOA Forum represents homeowners and this Bill imposes mandates upon HOAs to no productive outcome. It threatens HOA homeowner's rights and their expectations of local governance, the ambiance of their community and planned services to the community. It interferes with an HOAs ability to govern as authorized. We ask for HOAs and senior communities to be excluded from SB 213.

Finally, HOAs simply don't materially impact the supply of affordable housing other than through their success in maintaining high property

values that makes them not affordable to many. SB 213 will not change the quantity of affordable housing in HOAs. We ask that HOAs and senior communities be excluded from SB 213. Any inclusion of HOAs should grandfather in exclusion of HOAs created prior to enacting this Bill and new HOAs subject to SB 213 not preclude from enforcing the covenants, controls and restrictions and the HOA Declaration defined in the development plan.