HB23-1105
HOA Homeowners' Rights Task Force

Final Report

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COLORADO
Department of Regulatory Agencies
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Executive Summary

On May 24, 2023, Governor Polis signed HB23-1105, Concerning The Creation Of Task Forces To Examine Issues Affecting Certain Homeowners' Rights, And, In Connection Therewith, Creating The Hoa Homeowners' Rights Task Force And The Metropolitan District Homeowners' Rights Task Force, And Making An Appropriation. HB23-1105 created the HOA Homeowners' Rights Task Force to examine issues confronting communities that are governed by the executive board of an association. Specifically, the HOA Homeowners' Rights Task Force ("Task Force") was directed to examine issues confronting HOA homeowners' rights, including the following authority and practices of associations:

- Fining authority and practices;
- Foreclosure practices;
- Communications with HOA homeowners regarding association processes and HOA homeowners' rights and responsibilities; and
- For each association in a representative sample of associations, the availability of and method of making available to HOA homeowners in the association various governing documents.[1]

HB 23-1105 also required the Task Force to review HOA homeowners' complaints, as reported to the HOA Information and Resource Center or to homeowners' advocacy groups in the state. The Task Force was also charged with identifying areas of focus for legislative recommendations for the 2024 legislative session.

The Task Force held a total of eight meetings. Several of the meetings included informational presentations from industry representatives regarding such topics as reserve studies, financial assistance for homebuyers facing foreclosure, and HOA provisions in Real Estate Commission approved Contract to Buy and Sell. Additionally, one meeting was dedicated to public comment, where all members of the public were invited to sign up to provide testimony regarding their experiences with HOAs. The Division of Real Estate also compiled data from several sources regarding homeowner complaints and presented the data to the Task Force for their consideration. The Task Force engaged in discussion about what is working well, what is not working well, and recommendations for improvement regarding the topics mandated by HB23-1105 and other HOA related topics.

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[1] The full text of the documents to be examined, pursuant to § 12-10-226.3, C.R.S., are as follows: the declaration; covenants; bylaws; articles of incorporation if the association is a corporation or other organizational documents if the association is another type of entity; rules and regulations; responsible governance policies adopted pursuant to § 38-33.3-209.5; any other policies that the executive board of the HOA adopts; financial statements as described in § 7-136-106; the most recent reserve study, if the association has conducted a reserve study; and records of the executive board's actions related to collections activity or legal action taken against a unit owner.

The Task Force discussed a wide array of topics related to homeowners' associations. The prevailing concepts identified were that the Colorado Common Interest Ownership Act needs to be reformed, including modernizing portions of the act that would ultimately result in efficiencies and cost savings. An Alternative Dispute Resolution Program would provide homeowners with a cost effective and expedited process in which to resolve conflicts with the HOA. Education for homebuyers, homeowners, and real estate professionals about HOAs is critical. Homeowner engagement in the HOA is important to the health and sustainability of the community. Regulation of community association professionals is necessary to protect the safety and soundness of the communities, and to ensure that the professionals are qualified and competent to perform their duties on behalf of the HOA.

This document, the HB23-1105 Homeowners' Rights Task Force Final Report ("the Report"), provides an overview of the Task Force's considerations and recommendations. It is anticipated that this report will assist the General Assembly in developing policy about common interest communities in future legislative sessions.

HOA Homeowners' Rights Task Force Background

Appointments to the HOA Homeowners' Rights Task Force (the "Task Force") were as follows:

Governor Appointments:

- Lee Freedman – An attorney licensed in the state who specializes in common interest community law
- Richard Brown - A representative of a developer registered pursuant to section 12-10-503(1), C.R.S.
- Lallis Jackson – An accredited community association manager

Speaker of the House of Representatives Appointments:

- Representative Naquetta Ricks
- Senator Rhonda Fields
- Joyce Akhahenda - A homeowner who resides in a common interest community located in a disproportionately impacted community
- Peter Siegel – A homeowner who resides in a common interest community and who serves on the executive board of the HOA Homeowner's HOA
- Connie Van Dorn – A representative of an organization that advocates for HOA Homeowners in Colorado
- Jesse Loper – An attorney licensed in the state that advocates for HOA Homeowners in Colorado

Ex Officio Members:

- Marcia Waters - Director of the Division of Real Estate
- Jose Trujillo - Designee of Alison George, Director of the Division of Housing in the Department of Local Affairs
- Nick Altmann – HOA Information Officer

With the goal of facilitating fully informed discussion during the Task Force meetings, the Division of Real Estate ("Division") collected numerous sources of data and legal resources for task force members to review. Some of the materials provided to Task Force members include:

- The Division, on behalf of the Task Force, requested the governing documents from thirty-nine homeowner associations ("HOAs"). Seventeen HOAs responded to the request by providing their governing documents for the Task Force members to review.
- Complaint data from the Colorado HOA Homeowner Advocates and the Colorado HOA Forum.
- Complaint data from the HOA Information and Resource Center.
- The Division, through a platform established by the Department of Regulatory Agencies, managed an online engagement platform (https://engagedora.org/hoa-task-force) that provided consumers with an opportunity to share their experiences regarding HOAs. The data collected from this platform was also shared with the Task Force members.
- Current copies of the Colorado Common Interest Ownership Act ("CCIOA"), the Uniform Common Interest Ownership Act of 2021, the Condominium Ownership Act, the Nonprofit Corporation Act, and the Public Right of Way Act.
- The Governor's Roadmap to Colorado's Future: 2026 and the report released pursuant to Executive Order D 2019 006.

Due to the timing of the appointments, the first meeting of the Task Force was convened on October 24, 2023. As required by HB23-1105, at its first meeting, the Task Force identified the following considerations for possible legislation:

- Explore the creation of an alternative dispute resolution process to address homeowner disputes;
- Consider revising HB22-1137 to address special assessments and emergency fund availability;
- Consider revising HB22-1139 to address impact on the public right of way;
- Explore the creation of a reserve bill that protects home values in communities and enables HOAs to have a funding source for emergencies;
- Consider the licensure of community association managers, and possibly homeowner associations; and
- Explore the creation of a voter reform bill to increase homeowner participation in the HOA budget approval process.

These considerations were transmitted to Governor Jared Polis, Senator Sonya Jaquez Lewis, Chairperson of the Senate Committee on Local Government and Housing, and Representative Meg Froelich, Chairperson of the House Committee on Transportation, Housing and Local Government on December 8, 2023.

HOA Homeowners’ Rights Task Force Mandate

HB23-1105 required the Task Force to examine issues confronting HOA Homeowners’ Rights, including the following authority and practices of associations:

1. Fining authority and practices;
2. Foreclosure practices;
3. Communications with HOA homeowners regarding association processes and HOA homeowners’ rights and responsibilities; and
4. For each association in a representative sample of associations in the state that the Task Force selects, the availability of and method of making available to HOA homeowners in the association: the declaration; covenants; bylaws; articles of incorporation if the association is a corporation or other organizational documents if the association is another type of entity; rules and regulations; responsible governance policies adopted pursuant to section 38-33.3-209.5; any other policies that the executive board of the HOA adopts; financial statements as described in section 7-136-106; the most recent reserve study, if the association has conducted a reserve study; and records of the executive board’s actions related to collections activity or legal action taken against a unit owner.

In addition to the mandate to examine the four authorities and practices outline above, HB 23-1105 also required the Task Force to review HOA homeowners’ complaints, as reported to the HOA Information and Resource Center or to homeowners’ advocacy groups in the state.

The Task Force met eight times to accomplish the directives of HB23-1105. The meetings were conducted through Zoom webinars and streamed on YouTube. All the meetings were recorded. The recordings of all the Task Force meetings can be found at: https://engagedora.org/hoa-task-force/widgets/74833/videos. Aside from the January 2, 2024 meeting, which was dedicated to public comment, the meetings consisted of focused discussions among the Task Force members about their experiences and observations regarding HOAs. In addition to examining the four authorities and practices and HOA complaints as mandated by HB23-1105, the Task Force also discussed several other related topics affecting common interest communities. The Task Force’s discussions centered on what is working well and what could be improved regarding these topics. Summaries of the key points of the Task Force discussions are detailed below.

Fining Authority and Practices

The Task Force discussed fining authority and practices of HOAs at the November 21, 2023 and January 16, 2024 meetings. The recording of the meetings can be found at: https://www.youtube.com/watch?v=Cw8w1dgaZTo&t=6s and https://www.youtube.com/watch?v=hyDa3Rh0J4U&t=3s

In June 2022, Governor Polis signed HB22-1137 into law. This new Act amended CCIOA and made several changes limiting the conduct of an HOA in collecting unpaid assessments, fees, and fines.

As a result of HB22-1137, HOAs are now prohibited from imposing daily late fees or fines and are required to provide a unit owner a period to cure a violation of any HOA governing documents before the HOA may fine the unit owner. Pursuant to HB22-1137, there are two categories of violations: those that pose a threat to public health or safety, and those that do not. If an HOA reasonably determines that the violation poses a threat to public health and safety, the HOA shall provide the unit owner written notice of the violation informing the unit owner that they have 72 hours to cure the violation.[2] If the matter is not resolved within 72 hours, the HOA can fine the homeowner every other day and may take legal action against the unit owner for the violation.[3] If the HOA reasonably determines that the owner committed a violation that does not pose a threat to public health or safety, the association shall, through certified mail, return receipt requested, provide the unit owner with written notice of the violation.[4] The owner must be given two consecutive 30-day periods to cure the violation. Pursuant to section 38-33.3-209.5(1.7)(b)(III)(A), C.R.S., the association can fine the owner after the first 30-day period and under section 38-33.3-209.5(1.7)(b)(III)(B), C.R.S., may commence legal action if the violation is not cured following the second 30-day period. The total amount of fines imposed for the violation may not exceed five hundred dollars.[5]

The foundation of the Task Force discussion regarding fining authority and practices was the examination of the true purpose of fines. Task force members agreed that the purpose of HOA fining authority is to serve a deterrent effect against future violations, and therefore fining authority should never be used to generate revenue and budgets should not include fines as a revenue item.

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[2] § 38-33.3-209.5(1.7)(b)(II)(A), C.R.S.

[3] § 38-33.3-209.5(1.7)(b)(II)(B), C.R.S.

[4] § 38-33.3-209.5(1.7)(b)(III)(A), C.R.S.

[5] § 38-33.3-209.5(1.7)(b)(III)(A), C.R.S.

Task Force members highlighted what they believe is working well regarding fining authority and practices:

- The fact that there is fining authority. The ability to impose fines has a positive deterrent effect.
- It is felt that HOA foreclosures have been reduced because of HB22-1137 protections.
    - It was noted that many foreclosure processes were stayed because of the Covid pandemic; this factor may have contributed to the decrease in the number of foreclosures.
- HB22-1137 notice requirements are aligned with other foreclosure practices.
- The Department of Local Affairs' Emergency Mortgage Assistance Program dovetailed with HB22-1137 so that homeowners at risk of foreclosure had the documentation in hand that enabled them to apply for emergency assistance, saving another 158 homeowners from foreclosure, according to a Task Force member.
- Some associations have figured out how to incorporate courtesy notices into the front end of any delinquent assessment process (saving postage and administrative costs).
- Diversity of language has been incorporated into the statute and recognizes that homeowners may speak a variety of languages.
- Daily fines have been eliminated.
- Interest rates on unpaid assessments, fines, or fees have been capped at 8%.
- "Cure" timeframes have been established (no fining after a violation is cured).
- "Cure" definition tells the homeowner what must be done to cure a violation.
- A written payment plan must be offered to the homeowner in advance of any foreclosure procedure.
- Boards are required to vote on legal actions taken against a homeowner (cannot claim ignorance that the management company acted on their behalf).
- Recoverable attorney fees must now be considered "reasonable" and are determined by the Court, not the attorney.
- If the association has violated any foreclosure laws against a homeowner, the homeowner, within five years, may file a civil suit against the association and seek damages up to $25,000, plus costs and attorney fees.
- Most associations have updated the three required governance policies which are required by section 38-33.3-209.5: procedures for collection of unpaid assessments, procedures for covenant and rule enforcements, and conduct of meetings (related to fining authority and practices).
- A structured payment plan has benefitted some homeowners.
- Multiple communications avenues, including email and text have been incorporated into the process.
- Small claims court jurisdiction has been expanded.
- Posting on the door has been effective in getting the attention of owners to pay their assessments.
- Non-urgent foreclosures being prohibited is a good thing.

- The designated contact for communication has been a positive development; new conversations about how to address community issues amicably and inexpensively have taken place.
- A shared goal was articulated, i.e., finding a balance where people can come back into compliance while the needs of the neighbors are honored for the most part in the majority of disputes.
- HB22-1137's collection practices eliminated predatory industry "insider" purchases of HOA foreclosures.
- Associations may no longer foreclose based on fines and fees alone.

Task Force members highlighted what they believe is not working well regarding fining authority and practices:

- HB22-1137 does not address repeat violations. A specific area of concern regarding this is the statutory limitation that "the total amount of fines imposed for the violation may not exceed five hundred dollars." There is ambiguity in this language regarding whether each repeat violation can be fined at five hundred dollars, or if the association is limited to imposing a total penalty of five hundred dollars for any and all violations of the same covenant.
    - For example, the statute does not address what happens when someone cures a violation within the first thirty days, but then within 5 days commits the same violation again.
- HB22-1137's cap of fines at $500 is unreasonable and removes some of the deterrent effect of fines. A $500 fine may be a good deterrent for some violations, such as leaving a trash can out overnight. However, in other situations, this cap makes the fining authority an insufficient deterrent. For example, incurring a $500 fine for parking an RV on the street is often less of a burden than paying for RV storage. Accordingly, a $500 cap is attractive to truly bad actors.
- In relation to the cap of $500 on fines, of particular concern to several Task Force members is the situation where the limit on fines encourages people to break covenants to make a profit. For example, in response to the affordable housing crisis in the mountain areas, many properties are deed-restricted to be required to provide employee housing. A bad actor who chooses to break that covenant and use the property for short term rentals can easily make enough profit in a short amount of time to cover a $500 fine. Similarly, a resident could choose to run a business out of their home in violation of the covenants but make enough money that the limited fine does not deter them from continuing the violation.
- Current fining practices fail to address a number of common violations that are non-curable because the damage or harm has already occurred. Examples of this are a noise violation or a resident allowing their dog to bark all night. Is this violation to be considered cured just because it comes to an end? And what happens when it occurs again a week later? Because of the ephemeral nature of the violation, there is not an opportunity for a thirty plus thirty-day cure period, is the association never allowed to fine or pursue legal action?
- HB22-1137 does not provide an association the right to seek a restraining order or injunctive relief to enforce covenant violations that cause harm. This leaves

associations without an option to adequately address health and safety concerns, violations which cause or threaten to cause harm, and repeat violations.

- HB22-1137’s provisions addressing fines and timeframes to cure public health and safety violations do not address the need for the immediate cure of some violations. Most of the health and safety violations that are given a 72-hour cure period are really in need of an immediate cure. For example, in a community with shared spaces, such as a condominium building, construction materials left out in front of a shared elevator are a risk to resident safety that should not be allowed to persist for 72 hours. If such dangers are not removed immediately, an association needs to have the ability to step in and cure the violation and then pass the cost to cure the violation on to the homeowner.
- HB22-1137 does not define what constitutes a public health and safety violation, but rather leaves this decision to the reasonable determination of a board of directors.
- HB22-1137’s requirement to physically post a copy of the notice of delinquency at the unit owner’s unit are problematic in multiple ways, including:
  - Board members and community managers must risk their own safety to post notices on homes, often having to face threats and entering onto properties that are posted as “no trespassing.”
  - Unit owner privacy rights are violated: if a tenant lives on the property, they do not have the right to know of violations committed by the owner. In such situations, the posting of delinquency notices discloses confidential financial information about the owner to a 3rd party, namely the tenant. It was noted that this is potentially a violation of the Fair Debt Collections Practice Act. It also could be considered a form of public shaming.
- The notice requirements of HB22-1137 have led to increased expenses for associations. For example, associations are having to use process servers or sheriffs to post notices on homes. These extra expenses for community associations end up being passed on to all homeowners through general assessments, not just the ones engaging in violations. This is problematic because when assessments increase, the risk of more homeowners being unable to pay increases as well.
- Some Boards were afraid to foreclose on an owner (and cited situations where owner payments had not been made in several years by owners who seemed intent on never paying).
- The prohibition on foreclosing based on fines alone created a conundrum for associations where owners who refused to maintain their homes for years could not be foreclosed upon despite the potential adverse impact on nearby homeowners’ home value.
- There is not a neutral appeal process available to homeowners to challenge fines without incurring significant legal costs.
- The inclusion of special assessments in payment plans is problematic. Associations must adopt special assessments because of emergency or unexpected expenses. However, HB22-1137 currently requires HOAs to offer a homeowner an 18-month repayment plan for the payment of special assessments if requested. The extended period of this payment plan is contrary to the need to obtain emergency

funds and to be able to utilize those funds to obtain contractors to perform work in an expedited manner.

- HB22-1137's one size fits all approach to fines is problematic. A comparison of fines in low-income communities to those in wealthier communities would reveal a difference in the threshold for a deterrent effect.
- The addition of attorney fees to the fine collection process often increases the cure amount to an unreasonable amount.

Task Force members identified potential solutions to concerns with fining authority and practices:

- Incorporate into CCIOA an explicit declaration that any fines collected by associations cannot be considered as revenue for budgetary purposes.
- Clarify CCIOA language to include a definition of what constitutes a public health and safety issue.
- Revise the payment plan language of CCIOA to include the following changes:
  - The 18-month repayment plan be reduced to 12 months, and the minimum amount of payment included in a payment plan be defined as twelve equal installments, of at least $25 each.
  - Special assessments are explicitly excluded from being eligible to be placed on a payment plan.
- Revise CCIOA language to explicitly provide for the ability to fine for repeat violations. Consider implementing an escalating fining system to address repeat violations.
- Revise CCIOA language to explicitly provide associations the right to seek a restraining order or injunctive relief to enforce covenant violations that cause, or threaten to cause, harm.
- Revise CCIOA language to eliminate the requirement to physically post a copy of the notice of delinquency at the unit owner's unit. Consider allowing such notices to be sent via email or through first-class mail.
  - Some Task Force members are opposed to this change, as they feel that this requirement is helping to reduce the number of foreclosures.
- Expand the categories of covenant violations from only those that do and do not threaten the public health and safety to four categories of violations:
  - those that impact the health and safety of the unit owners and require immediate cure;
  - repeat violations- those which occur, are cured, and then reoccur;
  - those that are committed for profit; and
  - all other violations.

Foreclosure Practices

At its February 2, 2024 meeting, the Task Force discussed the foreclosure practices of HOAs. The recording of the meeting can be found at: https://www.youtube.com/watch?v=LmUoZGeW2n4

Under section 38.33.3-316 of CCIOA, HOAs have the authority to place a lien on a unit owner's property if that owner's account becomes delinquent for failure to pay assessments. Unless the association's declaration provides otherwise, fees, charges, late charges, attorney fees, and interest charged pursuant to CCIOA are enforceable as assessments. Pursuant to HB22-1137, an HOA cannot foreclose an assessment lien if the debt consists of one or both of: (1) fines, or (2) collection costs or attorney fees incurred that are only associated with assessed fines.

Pursuant to section 38-33.3-209.5(1.7)(a)(I), C.R.S., with regard to a homeowner's delinquency in paying assessments, fines, or fees, an HOA is first required to notify a homeowner of their debt by sending a notice of delinquency to the unit owner by certified mail and by posting a copy of the notice on the unit owner's property, as well as contacting the unit owner by at least one other method of communication, including first-class mail, an email, or a text message.

An association is not permitted to commence a legal action to initiate a foreclosure proceeding based on a unit owner's delinquency in paying assessments unless it has (1) complied with sections 38-33.3-209.5 and 38-33.3-316.3, C.R.S., and (2) provided the homeowner with a written offer to enter into a repayment plan that authorizes the homeowner to repay the debt in monthly installments over 18-months, with a payment of at least $25.00 per month. A HOA can proceed with foreclosing on a property if the homeowner either declines the payment plan, or after agreeing to a plan, fails to make at least three-monthly payments within 15 days after the installments were due.[6]

Furthermore, an association may only foreclose on a lien if: 1) the balance of the assessment and charges secured by its lien equals or exceeds six months of common expense assessments based on a periodic budget adopted by the association; and 2) the executive board has formally resolved, by a recorded vote, to authorize the filing of a legal action against the specific unit on an individual basis.[7]

The HOA lien takes priority over most other debt on a home, including a mortgage. A judge may rule that a home can be sold through the public foreclosure process to recover the unpaid debt owed to the HOA. In addition to the delinquent amount owed, the association is entitled to costs and reasonable attorney fees that the association incurs in the foreclosure process. At auction, bidding starts at the amount of debt a homeowner owes to the HOA, rather than the market value of the home.

To help inform their discussions regarding foreclosure practices, the Task Force received a presentation from Task Force member Jose Trujillo regarding the Emergency Mortgage Assistance Program (EMAP) administered by the Department of Local Affairs. The Task Force also received a presentation by Jason Colunga, the Director of Housing Counseling and Education at Housing Resources of Western

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[6] § 38-33.3-209.5(7)(a)(I), (II), and (III), C.R.S.

[7] § 38-33.3-316(11)(a)(I) and (II), C.R.S.

Colorado. Both presentations provided overviews of resources available to homeowners facing foreclosure.

Task Force members highlighted what they believe is working well with regards to association foreclosure practices:

- According to one of the Task Force members, post HB22-1137, in 2022, EMAP distributed approximately $475,000 in funds that contributed to saving 136 HOA homeowners from foreclosure and in 2023 EMAP contributed $947,026.66 towards rescuing 291 HOA homeowners from possible foreclosure.
- The number of HOA foreclosures dropped after HB22-1137 was enacted.
- Foreclosure is an equitable remedy and therefore judges have the discretion to determine if foreclosure is appropriate, and if so, whether to add fees and attorney fees- associations are not allowed to make these decisions themselves.
- The judicial foreclosure process works well- while association foreclosures are rare, the process goes smoothly because it is the same process that is used for a public trustee foreclosure.
- The requirements for notification and the number of methods of notification available.
- The prohibition against foreclosure based solely on unpaid fines for violations of the association governing documents.

Task Force members highlighted what they believe is not working well with association foreclosure practices:

- Task force members have seen a number of cases where the cure amount was significantly more than the original assessments.
- Some attorney fees pile up very quickly and exceed the amount of the original assessment. This results in situations where the homeowner may have been able to repay the amount of the original assessment, but the addition of attorney fees increases the amount owed to an amount they can no longer afford.
- When homes are foreclosed upon, homeowners can lose all the equity that they have built up in their homes, even if the amount owed is a relatively small amount.
- There is not a neutral appeal process available to homeowners to dispute the amount owed without incurring significant legal costs.
- There has been research conducted that indicates that there may be a pattern that points to focused predatory HOA foreclosures by “bad actor” attorneys.

Task Force members identified potential solutions to concerns with foreclosure practices:

- Require any lender who escrows taxes or insurance to offer an option to escrow HOA fees. This will ensure that the money is available, and payments are made on time.
  - There was debate among task force members as to whether this is a viable solution because individual lenders could not decide to do this; it would have to be an industry wide change with the major players such as FHA/HUD/VA on board. Perhaps appropriate influencers in state level government could call out the need for this change.
- Take legislative action to create and fund a statewide program to provide assistance funds to homeowners.
  - The short-term nature of much of the available assistance funds provides a stop gap system but does not create a long-term solution for providing help to homeowners. For example, when the funds are depleted and the EMAP ends, there may be a spike in homeowners at risk of foreclosure.
- Create the requirement that homeowner equity is protected in any HOA foreclosure by changing CCIOA language to require that homes subject to HOA related foreclosures be sold at market value.
- Consider mechanisms by which to require homeowner education prior to any home purchase in a common interest community. Many homeowners are unaware of the rights and responsibilities of homeownership in a common interest community; educating them prior to the purchase would allow them to make an informed decision as to whether they want to take on these responsibilities. For example, many first-time homebuyer programs that offer down payment assistance require such education.
- The formation of a work team of disparate interest key stakeholder groups who earnestly agree to work together to find common ground to review the HOA foreclosure process from top to bottom, and to produce win/win options.
- Change CCIOA to mandate mediation prior to the initiation of foreclosure proceedings, with each party to bear their own attorney fees.
- Change CCIOA to impose a cap on attorney fees or include some other measure to ensure that attorney fees are not allowed to rise to a level that is disproportionate to the original amount in dispute.
  - There were strong differences of opinion on the topic of attorney fees. Some task force members feel that there are “bad actor” attorneys who display a pattern of focused predatory HOA foreclosures and that such attorneys need to be disincentivized from exploiting foreclosure profit opportunities. Other task force members felt that there are already safeguards in place to address any such “bad actor” attorneys, as attorneys owe fiduciary duties to their clients and are bound by rules of professional conduct.
- Change the language of section 38-33.3-316(7)(a)(I), C.R.S., which states that the association “is” entitled to costs and reasonable attorney fees that the association incurs in any foreclosure action, to provide that associations “may be” entitled to such costs and attorney fees. Some Task Force members believe that this change would encourage negotiation and resolution over litigation.

- Change CCIOA to require the use of a one-page common interest community disclosure for every home sale in a common interest community. This disclosure, provided to homeowners when entering a purchase contract, would contain a clear statement regarding the rights and responsibilities of living in an HOA. Such a disclosure would be updated annually to reflect any legislative changes. It is suggested that providing this disclosure would provide homeowners with much needed information and education prior to them making the decision to purchase in a common interest community; a fully educated homeowner who has had the opportunity to assess their ability to fulfill their obligations is less likely to end up in a position to be foreclosed upon. A sample disclosure that was provided by a Task Force member is included in this report as Appendix C.
- Change CCIOA notice requirements to require that a notice of violation is sent separate from the monthly statement. It is believed that this will help auto-payees who do not pay attention to the monthly statement because their assessments are auto-paid.

Communications with HOA Homeowners Regarding Association Processes and HOA Homeowners' Rights and Responsibilities

This topic was discussed at the February 2, 2024 meeting of the Task Force. The recording of the meeting can be found at
https://www.youtube.com/watch?v=LmUoZGeW2n4

Senate Bill 2006-089 mandated that on and after January 1, 2007, every contract for purchase and sale of residential real property in a common interest community must contain a bold-faced type disclosure statement. The Real Estate Commission-approved Contract to Buy and Sell Real Estate (Residential) ("the contract") contains this disclosure in section 7.1:

> 7.1. Common Interest Community Disclosure. THE PROPERTY IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION FOR THE COMMUNITY. THE OWNER OF THE PROPERTY WILL BE REQUIRED TO BE A MEMBER OF THE OWNERS' ASSOCIATION FOR THE COMMUNITY AND WILL BE SUBJECT TO THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION. THE DECLARATION, BYLAWS AND RULES AND REGULATIONS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE PROPERTY, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS OF THE ASSOCIATION. IF THE OWNER DOES NOT PAY THESE ASSESSMENTS, THE ASSOCIATION COULD PLACE A LIEN ON THE PROPERTY AND POSSIBLY SELL IT TO PAY THE DEBT. THE DECLARATION, BYLAWS AND RULES AND REGULATIONS OF THE COMMUNITY MAY PROHIBIT THE OWNER FROM MAKING CHANGES TO THE PROPERTY WITHOUT AN ARCHITECTURAL REVIEW BY THE ASSOCIATION (OR A COMMITTEE OF THE ASSOCIATION) AND THE APPROVAL OF THE ASSOCIATION. PURCHASERS OF PROPERTY WITHIN

> THE COMMON INTEREST COMMUNITY SHOULD INVESTIGATE THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION. PURCHASERS SHOULD CAREFULLY READ THE DECLARATION FOR THE COMMUNITY AND THE BYLAWS AND RULES AND REGULATIONS OF THE ASSOCIATION.

The contract language obligates the seller to provide the buyer with certain documents, at the seller's expense, on or before the "Association Documents Deadline". According to the contract, the association documents consist of:

1. All association declarations, articles of incorporation, bylaws, articles of organization, operating agreements, rules and regulations, party wall agreements and the association's responsible governance policies adopted under § 38-33.3-209.5, C.R.S.;
2. Minutes of: (1) the annual owners' or members' meeting and (2) any executive boards' or managers' meetings; such minutes include those provided under the most current annual disclosure required under § 38-33.3-209.4, C.R.S. (Annual Disclosure) and minutes of meetings, if any, subsequent to the minutes disclosed in the Annual Disclosure. If none of the preceding minutes exist, then the most recent minutes, if any (§§ 7.3.1. and 7.3.2., collectively, Governing Documents);
3. List of all Association insurance policies as provided in the Association's last Annual Disclosure, including, but not limited to, property, general liability, association director and officer professional liability and fidelity policies. The list must include the company names, policy limits, policy deductibles, additional named insureds and expiration dates of the policies listed (Association Insurance Documents);
4. A list by unit type of the Association's assessments, including both regular and special assessments as disclosed in the Association's last Annual Disclosure;
5. The Association's most recent financial documents which consist of: (1) the Association's operating budget for the current fiscal year, (2) the Association's most recent annual financial statements, including any amounts held in reserve for the fiscal year immediately preceding the Association's last Annual Disclosure, (3) the results of the Association's most recent available financial audit or review, (4) list of the fees and charges (regardless of name or title of such fees or charges) that the Association's community association manager or Association will charge in connection with the Closing including, but not limited to, any fee incident to the issuance of the Association's statement of assessments (Status Letter), any rush or update fee charged for the Status Letter, any record change fee or ownership record transfer fees (Record Change Fee), fees to access documents, (5) list of all assessments required to be paid in advance, reserves or working capital due at Closing and (6) reserve study, if any (§§ 7.3.4. and 7.3.5., collectively, Financial Documents); and
6. Any written notice from the Association to Seller of a "construction defect action" under § 38-33.3-303.5, C.R.S. within the past six months and the result of whether the Association approved or disapproved such action (Construction Defect Documents). Nothing in this Section limits the Seller's obligation to disclose adverse material facts as required under § 10.2. (Disclosure of Adverse

Material Facts; Subsequent Disclosure; Present Condition) including any problems or defects in the common elements or limited common elements of the Association property.

Under the terms of the contract, the buyer has a right to review the association documents and terminate the contract, on or before the Association Documents Termination Deadline, based on any unsatisfactory provision in any of the association documents. Unsatisfactory provisions are at the sole subjective decision of the buyer. The contract language also addresses the buyer's termination rights if the association documents are received late, or not at all.

Other types of communication about HOA processes and homeowner rights and responsibilities are related to association meetings. There are two different types of HOA meetings that can be held: (1) Board Meetings (including Special Board meetings), and (2) Owner Meetings (also called Annual Meetings) and notice requirements differ for the different types of meetings.

CCIOA does not require associations to provide notice of Board meetings but does require that agendas for Board meetings be made "reasonably available" prior to a Board meeting. However, an association's governing documents may require notice of Board meetings even though CCIOA does not.

Section 38-33.3-308(1) of CCIOA requires that unit owner meetings be held at least once per year. It is at this meeting that many HOAs will plan their budget ratification, and some may also schedule any elections for open board member roles. Not less than ten (10) nor more than fifty (50) days in advance of any meeting of the unit owners, the secretary or other officer specified in the bylaws shall cause notice to be hand delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner.[8] The notice must also be physically posted in a conspicuous place, to the extent that such posting is feasible and practicable, in addition to any electronic posting or electronic mail notices. The notice must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes, and any proposal to remove an officer or member of the executive board.[9]

Under CCIOA, the association is encouraged to provide all required notices and agendas in electronic form, by posting on a website or otherwise, in addition to printed form. If such electronic means are available, the association shall provide notice of all regular and special meetings of unit owners by electronic mail to all unit owners who so request and who furnish the association with their electronic mail addresses.[10]

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[8] § 38-33.3-308, C.R.S.

[9] § 38-33.3-308, C.R.S.

[10] § 38-33.3-308(2)(b)(I), C.R.S.

Task Force members highlighted what they believe is working well regarding communication with HOA homeowners:

- In some cases, in some HOAs, particularly when property management company owners are paying attention, when Community Association Managers (“CAMs”) are CAI (Community Associations Institute) credentialled, when board members have obtained the “CAI Homeowner Leader Board Development Certificate” of learning or completed the equivalent HOA Office training webinars – in those conditions, communication in those three areas worked particularly well.
- In most associations, communication is working well. Task Force members expressed that the Task Force heard very few examples, and the annual reports from the HOA Information and Resource Center only mention a small percentage, of complaints against associations that are about communication issues. It was felt that, while a percentage of those complaints can be fairly high, when one examines the complaining individuals and the duplication of complaining individuals on an annual basis, it is a very low number.
- People have become extremely digital. Through portals (as a community association manager), mass amounts of information can be provided to every single homeowner in every single location. 95% of the (professionally) managed associations have portals, with a central online location, where every homeowner can go. It has improved communication so much that it is the main way of communication. Legal notices and notification requirements are still followed.
- A Task Force member who is a community association manager expressed that she has the emails of 93% of her homeowners. 7% don’t have emails. We can communicate far more effectively than we used to. Communications are uniform. The 7% get everything mailed to them. We now have Zoom, and other platforms like Teams, which has enabled homeowners to participate far more conveniently and regularly than they used to. (Technology) has only increased the communications sent to homeowners.
- Communication has increased and there are more methods of communication.
- Associations are required to post notices about their board meetings and member meetings. The law does provide the types of notices to give owners the information that they are seeking.
- If foreclosures declined because the notice requirements are too costly, that is great - it is having the effect desired which is to stop people from losing their homes and contributing to the housing crisis.
- A Task Force member who is a resident of Green Valley Ranch, feels that the notices have been beneficial, and her neighbors would agree. People wanted more information and communication from the HOA.

Task Force members highlighted what can be improved regarding communication with HOA homeowners:

µ A majority of associations in Colorado are not facing communication issues because they do run well and it’s merely a handful of associations where there’s a concern. Trying to address the issues by increasing the expenses for communication such as posting on doors, putting association board members at risk, especially in self-managed communities, putting communication association managers at risk by having to do postings is a much greater expense than the benefit that owners get by having to have their association incur those expenses.

µ HB22-1137 didn’t increase communication. HOAs, and their agents, have always sent notices. HOAs, and their agents, have always made homeowners aware of their violations and collection status. HB22-1137 just added more cost to that process – it requires posting notices on doors and creates a safety issue. That’s a cost. Certified letters now must be sent rather than mailing at the regular postage rate.

µ When owners get letters or emails from the association, they just throw them out or delete them. An owner can’t be forced to get the information, or to open their email.

µ Getting homeowners to provide their contact information and email addresses.

µ Education on the front end for everyone buying into an association. The real estate community can provide education as to the importance of notices, types of notices that owners have a right to, and the type of notices owners should be providing to the association (i.e. changes to email address, phone numbers, not living in a property, the proper addresses for the owners).

µ Take advantage of less costly means of communication so assessments do not have to increase. The focus should be on not increasing assessments.

µ Green Valley Ranch would not have supported a change that would have increased association costs and an increase in assessments.

µ Foreclosures did not decrease because of the notice posting requirements. Foreclosures decreased because of the cost of the posting requirements and the risk associated with the postings.

µ The additional costs associated with the posting requirements of HB22-1137 are going to result in the associations deferring costs in other areas, such as property maintenance, which will further increase risks of injury and need for special assessments.

µ Legislation needs to focus on education. The real estate industry, association industry, and title industry need to provide education that improves the relationship everyone involved in a common interest community, including the importance of communication.

µ Clear communication and education about homeowners’ rights, responsibilities, and consequences would be beneficial to anyone prior to purchasing a home in an HOA.

µ Professional competence standards for property management company owners and community association managers. This would include institutionalizing baseline standards for credentialled property management owners and community association managers that would create accountability outside of a classroom setting.

- Increase and improve the modalities of communication.
- Improve education and information on the front end for homeowners and real estate professionals, including requiring disclosures.
- The posting of notices places homeowners' confidential information at risk because it could fall into the hands of someone who should not see it (i.e. a tenant).
- Identify less expensive ways to provide notice.
- Homeowners are threatening the people who must post the notices.
- There needs to be more education for homeowners.
- The industry is begging for regulation to manage all the different issues, including dispute resolution.
- The method of communication should be determined by the individual and that should be communicated to the board or management company.

As part of the discussion, Representative Ricks provided some explanation about HB22-1137 and the notice requirements. Representative Ricks' thoughts were as follows: the law mandates how homeowners would be treated, and how they would be properly noticed. There were many HOAs that were not notifying their homeowners. The elderly are not computer savvy, there may be people for whom English is a second language, or they don't speak the language – there are so many different concerns. Posting notices on the door was specifically requested by homeowners in Green Valley Ranch where all the foreclosures took place. People wanted to know what was going on with their property but did not otherwise receive information because there may be tenants in the property, or they didn't receive any mail.

Representative Ricks believes that HB22-1137 has helped and noted that Connie Van Dorn had indicated by her comments that the number of foreclosures has decreased. Representative Ricks stated that people have tried to overturn or evade the protections provided by HB22-1137. Representative Ricks stated that there weren't many protections for homeowners. Most homeowners cannot afford or do not have the capacity to engage in a legal battle, and attorney fees are "a luxury that they don't have." Representative Ricks stated that, "homeowners need protections, bottom line, and communication is the key."

Task Force members also discussed the desire to bring CCIOA, and its required communications with homeowners, to current day "green" standards. The main concern was the requirement that paper notice be delivered to all homeowners either by hand delivery or first-class mail. The assertion was made that the increase in costs to associations because of this notification requirement leads associations to increase assessments, which in turn increases the risk of more homeowners becoming delinquent and other homeowners being forced to cover the costs of delinquent homeowners. Some task force members are in favor of removing the requirement that notice be sent by first-class mail and feel that it should be left up to each homeowner to set their own standard for method of communication. These task force members believe that most homeowners would prefer to receive notice electronically rather than first-class mail; allowing these homeowners to receive notice electronically would save the association the cost of postage, a savings which could in turn be passed on to homeowners. Other task force members feel that, given that many homeowners do not have computers or email, the existing default notice requirement of first-class mail should remain in place. These task force members point out that pursuant to CCIOA, any homeowner who wishes to receive notice by electronic mail may choose to do so.

The Availability of and Method of Making Available to HOA Homeowners in the Association: The Governing Documents, Policies, Rules and Regulations, Financial Statements, the Most Recent Reserve Study, and Any Records of the Executive Board's Actions Related to Collections Activity or Legal Action Taken Against A Unit Owner

This topic was discussed at the February 2, 2024 meeting of the Task Force. The recording of the meeting can be found at https://www.youtube.com/watch?v=pr8VkxGJ9Aw.

Section 38.33.3-317 of CCIOA defines what records must be maintained for the purposes of document retention and production to owners. CCIOA divides records into three categories: those the board must provide, those the board may provide, and those that the board must withhold. The records that associations may provide can be withheld at the discretion of the executive board of the association. Records that an association must provide when properly requested are listed in section 38-33.3-317(1), C.R.S. Some examples of the types of documents that an association must provide include: the association's current declaration, covenants, bylaws, articles of incorporation, rules and regulations, responsible governance policies and other policies adopted by the Board; financial statements for the past 3 years and tax returns of the association for the past 7 years; financial records sufficiently detailed to enable the association to provide an owner with a written statement stating the amount of unpaid assessments currently levied against the owner's unit; and the associations most current reserve study (if any). Records which an association may provide upon proper request are detailed in section 38-33.3-317(3), C.R.S. Some examples of these records are contracts, leases, bids, or records related to transactions to purchase or provide goods or services that are currently in or under negotiations; records of an executive session of an association board; and records relating to or concerning individual units other than those of the requesting owner. Pursuant to section 38-33.3-317(3.5), C.R.S., an association must withhold personnel, salary or medical records relating to specific individuals; and personal identification and account information of members, including bank account information, telephone numbers, email addresses, driver's license numbers, and social security numbers.

Under CCIOA, all records maintained by an association for the purposes of retention and production to unit owners must be available for inspection and reproduction by a unit owner or a unit owner's authorized representative. Pursuant to section 38-33.3-317(2)(a), C.R.S, an association may require unit owners to submit a written request, describing with reasonable particularity the records sought, at least ten days prior to inspection or production of the documents and may limit examination and copying times to normal business hours or the next regularly scheduled executive board meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the declaration, bylaws, articles, or rules and regulations of the association to the contrary, the association may not condition the production of records upon the statement of a proper purpose.[11] The association may impose a reasonable charge for the production of records that may be collected in advance. The charge may not exceed the estimated cost of production and reproduction of the records.[12]

Associations must make certain information available to unit owners within ninety days after assuming control from the declarant pursuant to section 38-33.3-303(5), C.R.S.[13] Additionally, section 38-33.3-209.4(2), C.R.S., details information that must be available to unit owners upon reasonable notice within 90 days after assuming control from the declarant pursuant to section 38-33.3-303(5), C.R.S., and within ninety days after the end of each fiscal year thereafter. The information detailed in section 38-33.3-209.4, C.R.S., is required to be readily available at no cost to unit owners at their convenience. Disclosure of this information must be made by one of the following means: posting on an internet web page with accompanying notice of the web address via first-class mail or e-mail; the maintenance of a literature table or binder at the association's principal place of business; or mail or personal delivery. The cost of such distribution shall be accounted for as a common expense liability.[14]

Furthermore, CCIOA section 38-33.3-209.5(1)(b)(V), C.R.S requires an association to adopt a responsible governance policy concerning the inspection and copying of association records by unit owners.

At this meeting, the Task Force reviewed the records policies of twelve HOAs that provided them at the Division's request.

Task Force members highlighted what is working well regarding the availability of and method of making available certain governing documents to HOA homeowners:

- A Task Force member stated that as an association manager for thirteen years, she has never experienced a situation where records requests were difficult to fulfill or not granted within the parameters of the records inspection policies for an association.

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[11] § 38-33.3-317(2)(a), C.R.S.

[12] § 38-33.3-317(4), C.R.S.

[13] § 38-33.3-209.4(1), C.R.S.

[14] § 38-33.3-209.4(3), C.R.S.

- Task Force members believe that having a procedure to evaluate records requests is essential.
- CCIOA standardized what is necessary to be in the policy.
- Policies are established by legal counsel for the association and the procedures work well when followed.
- Task Force members observed that some associations manage records requests very well - they have good policies that they follow, and they are very responsive.
- In a real estate transaction, it should not be an issue for the title company or the real estate broker to have access to the declaration and amendments, as they are public documents.
- The associations, particularly those that are professionally managed, do a very good job at providing the requested documents in a timely manner. Task Force members noted that associations, especially those that are professionally managed, generally maintain homeowner portals where records are available.
- Because most associations, utilize these portals, documents are always available to the owners and can be easily obtained. However, some documents such as meeting minutes, which may contain confidential information, may take longer to assemble for prospective purchasers because those documents are not considered public information.
- In a purchase transaction, the seller can be requested to gather the association documents from the association's website to avoid having to pay fees to a third party.
- Three of the twelve association policies that were reviewed by Task Force members included information about a homeowner's recourse if the association failed to provide the records.
- One of the association policies reviewed by the Task Force included a statement that if records were required to be provided pursuant to CCIOA, those records would be provided at no cost to the homeowner.
- Task Force members felt that CCIOA is actually robust in its identification of the required documents, retention requirements and provisions. However, guaranteeing compliance may be a different issue.

Task Force members highlighted what can be improved regarding the availability of and method of making available certain governing documents to HOA homeowners:

- Task Force members observed that some associations, whether they have a good policy or not, are just not responsive to records requests. This is an issue shared by both self-managed and professionally managed associations.
- Much of the information sought by homeowners is public information that should be easy to obtain, and associations could do a better job of educating homeowners on how to obtain this information from public sources.
- When third party document providers, who are not hired by the association or the association manager, are used to obtain association documents, the documents that are provided are generally incomplete because they aren't obtained directly from the association.

- A Task Force member observed that many complaints result from a purchaser or their representative being charged for expedited records requests, specifically those pertaining to purchase transactions. The complaints involve the additional fees as well as documents not being provided as quickly as desired. It is felt that a lot of the issues stem from when the records requests are made in relation to the timing of the purchase transaction.
- Records requests can be more challenging for self-managed associations because the board members may not know what the law requires and what their obligations are.
- There is a lack of understanding about the availability of certain documents. For example, the annual meeting minutes will not be available until the minutes have been approved at the next scheduled annual meeting.
- Three out of the twelve policies reviewed by the Task Force required a reason for the submission of a records request, which demonstrates that some of the policies were old and not in compliance with current CCIOA requirements
- It was noted that the DORA engagement survey about what issues should be addressed ranked records as third.
- CCIOA provides that if fees are charged to produce documents, such fees must be disclosed. However, in eight of the twelve policies reviewed by the Task Force, that aspect was absent from the policy.
- Some Task Force members were concerned that, in several of the policies reviewed by the Task Force, there is language that allows the board to not comply with its' own policy. Essentially, the language indicates that the "board may deviate from the procedures at its sole discretion if they determine that such deviation is reasonable under the circumstances." It was felt that this may be more of an issue for self-managed boards than professionally managed boards.
- A Task Force member observed that there are times when boards will "act petty" and not provide the information that they should be providing.
- It was noted by a Task Force member that the biggest problems with records requests occur during the purchase and sale process, when document production is handled by third-party document providers that work with title companies and real estate brokers. It was suggested that records requests should instead be submitted to the management companies, or the third-party providers that are hired by management companies, to ensure the completeness of the records.
- Education for associations, the title industry, the real estate industry, and prospective purchasers is important. Purchasers need to understand that depending on where they obtain the association documents from, it may cause them to act on incomplete information.
- The document policies adopted by associations are meant for all records requests, except those pertaining to purchase transactions.

HOA Homeowners' Complaints

The Division's HOA Information and Resource Center accepts complaints in writing against associations as well as Community Association Managers. Members of the public can submit a complaint to the HOA Information and Resource Center through its online system, or by submitting a complaint form by email or regular mail.

Although the HOA Information and Resource Center and the Division do not have any investigative or enforcement capabilities to address HOA complaints, they do record issues and matters of concern into a statistical database, which is later compiled into an annual report for consideration by the state legislature.

HB23-1105 required the Task Force to review HOA homeowners' complaints, as reported to the HOA Information and Resource Center or to homeowners' advocacy groups in the state. At the February 22, 2024 meeting, the Task Force reviewed complaint information gathered from the Colorado HOA Forum, the Colorado HOA Homeowner Advocates, and complaint statistics compiled by the HOA Information and Resource Center. The Task Force was asked to identify common trends, discuss whether there are existing remedies to address the complaints, and if there are any changes necessary to address the issues identified in the complaints.

Common trends identified by Task Force members:

- Section 38-33.3-209.5, C.R.S. requires an association to adopt policies and procedures regarding the enforcement of covenants and rules, including notice and hearing procedures and the schedule of fines. Task Force members felt that enforcement policies are generally drafted by attorneys and are fairly consistent among associations The policies provide a roadmap as to how an association should proceed with a complaint and how owners get those policies when they are adopted, and even prior to that when the board is discussing the policy.
- It was noted by Task Force members that managing an association is a sophisticated business; the governing law, including the Colorado Revised Non-Profit Corporation Act and CCIOA, are long and complex. The trend identified in the complaints from the Colorado HOA Homeowner Advocates appears to demonstrate that board members are not fully informed regarding all of their responsibilities; they may not know what the governing documents say or what the law requires. It is felt that most people join boards wanting to do the right thing, but they lack the proper tools to accomplish that. Providing education to board members is essential to helping them perform their duties competently.
- Ninety percent of the problems are about communication. It was felt that communication problems could be the result of a lack of clear understanding of the respective roles of homeowners and board members. If both parties were better educated about their own roles and responsibilities, communication would be less convoluted and more effective.
- A Task Force member identified that communication issues appear to be the source of twenty percent of the complaints filed with the HOA Information and Resource Center. It was felt that fixing this issue is a matter of not only having clear and consistent communication within your documents, but also with the homeowners.
- Communication appears to be the "bottom line" when it comes to trends.

- Task Force members observed that complaints also involve high, unexpected expenses; proper planning; high attorney fees; and issues with autopay, where an issue can become a huge expense when it involves litigation.
- A Task Force member identified that annual changes to laws governing associations may be problematic, as these changes can lead to provisions in association declarations being outdated. The changes can have fiscal impacts on the associations because they require resources to ensure the governing documents are timely updated to comply with the law. Additionally, it can be difficult to communicate these changes to homeowners and provide education to both board members and homeowners regarding the changes.

Existing remedies identified by Task Force members:

- Incorporating the statute into the rules, bylaws, and articles regarding records retention.
- The Community Associations Institute and the HOA Information and Resource Center both provide training and educational resources. Some association managers provide training to the HOA boards.

Necessary changes identified by Task Force members:

- The creation of a program for alternative dispute resolution or mediation:
    - This would help the boards and homeowners to resolve issues with a third party helping with communication. A little bit of help in a conversation could go a long way.
    - This is a low-cost solution to provide homeowners with dispute resolution.
    - The resolutions can then create precedents and serve to deter bad behavior.
- Require board and homeowner education so that people understand both the responsibilities of serving on a board and living in an HOA.
    - A Task Force member proposed to alter CCIOA to include the following requirement regarding board member education: within 12 months of being appointed or elected, HOA board members must attend training addressing governing documents, roles and responsibilities, association communications, meetings, volunteerism, fundamentals of financial management, etc. Annually thereafter, board members must attend training on legislative updates. Proof of such training must be provided for HOA registration to be considered valid.
    - A Task Force member also proposed that the current language of section 38-33.3-209.7 of CCIOA be amended to add that proof of completion of the required homeowner education must accompany the HOAs registration for such registration to be considered valid.
- As a component of an association's registration process with DORA's Division of Real Estate, associations should be required to provide some type of notice to consumers to alert them to the existence of DORA and the resources made available through the HOA Information and Resource Center.

- Regulation of association managers is necessary, including establishing standards of practice.
- The association industry and educated homeowners need to look at an alternative model of governance for communal living.
- The Corporation Transparency Act needs to be extended out one year or it will be extremely difficult for anyone to be willing to serve on a board because of the potential exposure created by the law.
- DORA could serve as a hub for educational opportunities by sending annual email notifications to the associations about classes offered by different entities and the HOA Information and Resource Center.

Examination of HB22 -1139

HB22-1139 prohibits an HOA from regulating the use of a public right-of-way. Some Task Force members expressed concern that the ideals behind covenants and restrictions is for the HOA to be able to control these areas, and without the ability to do so, nuisance situations remain unaddressed. There was a split of opinion among task force members regarding the need to examine HB22-1139. Some members felt that public rights of way are adequately regulated by other authorities and that the task force need not address any potential changes to HB22-1139. Other members felt that the right to regulate public rights of way was a right that was promised to many homeowners in the governing documents of their association, and such HOA regulation is necessary to protect the enjoyment for all in the community. These task force members propose that the general assembly consider modifying HB22-1139 to allow associations to enforce issues that affect the quiet enjoyment of a community by owners.

Creation of a Reserve Bill

At its December 20, 2023 meeting, a presentation was made to the Task Force members by Bryan Farley, who is a Reserve Specialist and the President of Association Reserves, CO. Mr. Farley discussed the basics of what a reserve study is, the consequences of a community being underfunded, and presented funding ideas for associations. The presentation also highlighted the fact that reserve expenses always happen and get more expensive when ignored or deferred; therefore, associations need to be proactive in addressing these expenses. Mr. Farley recommended that associations take several steps, including get a reserve study; establish separate, restricted capital funds; and develop procedures for using those funds specifically for long-term capital needs.

There was consensus amongst Task Force members that the Legislature should address the need to ensure that an HOA has adequate reserve funds. Currently, under CCIOA, an association is not required to undertake a reserve study. It is the opinion of the Task Force that the Legislature should pass a reserves bill which requires all associations to undertake a reserve study. It is felt that such a bill would benefit both associations and owners by helping to eliminate the need for special assessments and fee increases.

Task Force members highlighted potential solutions :

- Revise the language of the 9th good governance policy of CCIOA to require that every association have a reserve study completed.
- Any legislation regarding reserve funds should require a firewall between reserves that are set aside for maintenance or replacement of capital assets and operational expenses of the normal budget and contain a provision which states that associations are prohibited from borrowing from reserve funds without a formal agreement and plan for repayment.
- The Task Force feels that the protection of association funds starts and ends with transparency. Any legislative action regarding reserve studies should include the requirement that all information regarding reserve accounts be affirmatively provided to homeowners rather than making homeowners ask for it (since many don't know what to even ask for).
- Enact legislation which requires developers to provide a reserve study completed by an approved third party (approved by declarant board and homeowners) and requires developers to provide adequate funding of the reserves for the association for a period of at least 2 years, and the working capital for the same amount of time.
- Revisit HB22-1387 and assess potential changes.

Creation of an Alternative Dispute Resolution Process

A point of consensus among Task Force members was the need for an Alternative Dispute Resolution (ADR) mechanism through which homeowners and HOAs can seek resolution of disputes outside of the legal system. A concern shared by all Task Force members is the high financial burden that homeowners incur in the process of attempting to settle disputes with HOAs. There was much respect expressed for the work done by the Division's HOA Information and Resource Center. However, there is frustration over the fact that the HOA Information and Resource Center is tasked only with collecting data regarding homeowner's complaints and lacks the authority to engage in any sort of resolution regarding those complaints. It was widely felt that communication is the biggest obstacle to dispute resolution, and it is imperative that the Legislature work to find a method to bring the parties together to resolve disputes in an equitable and cost-effective manner.

Task Force members highlighted some key points for consideration in the creation of an ADR process:

- Several Task Force members felt that it would be appropriate for such a program to be housed within DORA, given the Center's existing expertise. Other Task Force members felt that creating a program outside of DORA would be best, to take advantage of the many other resources (attorneys, judges) who have extensive knowledge of CCIOA and Colorado law.

- Possible methods of ADR that were discussed include mediation, arbitration, or hearings before an Administrative Law Judge (ALJ). There are important distinctions between the methods that need to be further examined and analyzed to determine which method would best serve the needs of HOAs and homeowners alike.
  - It was proposed that ALJ's be used to create a system where precedent is created that could be used as a resource to help resolve future disputes. It was noted that the use of ALJ's creates a process very similar to the litigation process, and there are costs and disadvantages to such a system.
  - Some Task Force members expressed that they would not be in favor of arbitration as a method of ADR, as it also has many of the same drawbacks as the traditional legal system.
  - Several Task Force members felt that mediation would avoid a lot of the issues that are problematic with the traditional litigation process and legal system.
- The ultimate goal is to increase communication and achieve resolution prior to the matter entering the legal system.
- With whatever method of ADR is chosen, it is recommended that each party be responsible for bearing their own costs and be required to communicate in good faith.
- Further consideration is necessary regarding whether the process should be mandatory or voluntary.
- Further consideration is necessary regarding whether the process should be binding or non-binding.
- Further consideration is necessary to determine what the costs associated with creating and implementing such a program would be.

Licensure of Community Association Managers

The task force also discussed whether the legislature should consider legislation requiring the licensure of community association managers.

Task Force members highlighted some points in favor of implementing CAM licensure:

- It is felt that licensing brings a level of accountability and professionalism to HOA management, which adds value and protects homeowners.
- Licensure would allow a structure within which to create educational opportunities and tools, which would be particularly helpful to self-managed HOAs.
- There could be different levels of licensure for different types of HOAs.
- There was acknowledgement from a Task Force member that the majority of industry participants are doing what they are supposed to, but because there is a lack of regulation, the anomalies draw attention.

Task force members highlighted some points against implementing CAM licensure:

- CAM licensure has been seen as a barrier to entry and employment.
- CAM licensure has already been addressed by the Legislature and was vetoed by the Governor; focusing on resurrecting this issue may not be the best use of resources.
- The process of obtaining and maintaining licensure can be difficult for self-managed and volunteer boards.

It was suggested that, if the licensure of community association managers was to again be considered by the legislature, a starting point would be to reexamine HB22-1239.

Voter Reform Bill

The task force discussed the need to increase homeowner participation and input regarding budget issues. The goal is to give more unit owners access to information regarding the budget ratification process and provide them with a chance to vote on budget issues.

Task Force members highlighted some points in favor of exploring the implementation of a voter reform bill:

- There needs to be increased transparency and added protections to make sure that the community is well-informed.
- Such a bill could improve transparency by increasing notice requirements. For example, budgets would have to be provided to homeowners via certified mail or email.

Task Force members highlighted some points against exploring a Voter Reform Bill:

- There is not a need for additional legislation. CCIOA has a process in place for budget ratification in which an association calls a member budget meeting where members vote to veto the budget or not. Such a meeting is noticed, and discussion takes place; owners can participate if they choose to do so.
- HOA membership elects a board of directors and trusts the board to create a budget.
- The infrastructure is already in place to keep homeowners informed; homeowners are always welcome at meetings to inform themselves of what is happening.

Appendix A

Task Force Member Priorities

All Task Force members were invited to submit to Division staff a list of their top priorities for Task Force consideration. The following priority lists were received:

Richard Brown

1. A substantive case for management regulation has been made. However, I suspect there exists enough arrangements to argue against one regulation approach.
2. I am leaning toward a registration system (with fees) for companies or persons who serve a single community and full licensing (with fees) for the individual manager. That should facilitate portability among employers and compensation among firms.

Lallis Jackson

1. Alternative Dispute Resolution arm of DORA to assist homeowners and associations in the resolution of disputes in their communities.
2. Mandatory Homeowner Education for ALL homeowners purchasing a home in an HOA prior to closing.
3. Reserve Study Bill passage making it mandatory for ALL Community Associations to have a study done and regular updates every 3 -5 years thereafter.
4. In the absence of licensure, required minimum qualification standards for all Community Managers of having an active Certified Manager of Community Association (CMCA) administered by Community Association Managers International Certification Board (CAMICB).

Connie Van Dorn

1. Lead boldly and do the work to create a new governance model for HOAs. The current HOA governance model, with no regulation, amounts to a model resembling some combination of The Emperor's New Clothes and Lord of the Flies. CAI's Community Next: 2020 and Beyond The Association Governance Model Panel Report documents the necessity. Here's a direct quote: Sinc One Size Does Not Fit All. The community association governance model of today does not fit all associations. By extension, it will not fit the associations of the future without changes in state statutes, local municipality requirements and in association governing documents. Changing the governance model is THE most important thing we can do, and it will take a diverse group of informed parties working together to lead the way.
2. License Common Interest Community Property Management Companies. See CAI's Community Next: 2020 and Beyond The Association Governance Model

Panel Report for this quote: Requiring mandatory manager licensing can provide an additional layer of protection. Although this is no guarantee against embezzlement, having a manager who has earned the Certified Manager of Community Associations (CMCA) certification, or a Professional Community Association Manager (PCAM) or an Association Management Specialist (AMS) designation may limit an association's exposure. Also, it goes without saying, implementing well- proven financial policies and procedures adds protections — whether online or not.

3. Expand the HOA Information and Resource Center to include complaint investigation and findings.
4. Move the HOA Information and Resource Center to the Department of Law. Change that is urgently needed, i.e., nominal regulation of the HOA industry, is totally absent because the Governor's office staunchly maintains the status quo, which leaves homeowners completely unprotected.

Joyce Akhahenda

1. Demographic information, including race, should be collected as part of the foreclosure process.
2. Attorney fees should be capped and should not be collected from opposing parties as part of the mandatory mediation process.
3. HOA cannot refuse payments marked and collected for assessment only. A homeowner can designate how their payment is to be applied. In addition, HOA budgets must track separately from fines and fees restricted funds such as assessments.
4. Establish an independent regulatory government agency for HOAs. This agency would govern things such as licensing, provide education and mediation etc.

Jesse Loper

1. Creating a revolving state fund for assisting homeowners to pay past -due HOA dues, similar to EMAP.
2. Creating an ADR forum to resolve alleged homeowner rule violations between HOAs and homeowners.
3. Requiring management agents and companies to have a license through DORA and receive annual training on fair housing, property management, and best practices.

Peter Siegel

1. In HB 22-1137 there are essentially 2 categories of Covenant Violations: (1) Those which need to be cured in 72 hours, "Health and Safety" and (2) those which fall into the 30 day, plus 30 day category, "Normal Violations." I would like to re- Invision one category add two categories:

A. Those which impact Health and Safety of the Unit Owners. – Needs immediate cure. Example - An owner is doing a remodel and throws drywall into the hallway blocking egress.
   1. Cure time – immediate resolution, if owner or owner's agent does not cure immediately, HOA can step into cure and charge the owner for the cost to cure.
   2. Fines –If this reoccurs, the owner may be assessed up to $500 per each repeated occurrence plus cost to cure. Before fines are levied, the owner has the right to a hearing.
   3. If a repeat offense occurs, and becomes an escalating concern, this will need to be addressed in some manner, which may include an opportunity to pursue legal proceedings if there continues to be immediate danger to a person or property.

B. Violations which occur, are cured, and then reoccur. Example – A unit is rented, they party and make a lot of noise and wake up the neighbors, the owner is now given 30 days to cure, within a few days the party leaves the unit, and is now deemed cured. The next day a new group comes rents the unit and they have a party, the 30 days start all over. This example can be replaced with someone playing loud music. They can stop playing music and the violation is cured. A few nights later the music is heard at 2am, the 30-day cure period starts again.
   1. Cure time – immediate resolution
   2. Fines –Up to $500 per occurrence
   3. If not cured immediately, or if violation happens again within a 12-month period, HOA has the right to fine, after notice and an opportunity for hearing, step in and cure to bring unit under compliance per CCIOA section 315 subsection (4) charging the owner with actual cost to repair any damages, and/or proceed with legal action.

C. Those who are making money from a covenant violation (such as Short-Term Rentals) or running a business if not allowed per CC&Rs.
   1. Cure time – immediate resolution
   2. Fines –First violation: if not resolved within 12 hours After notice subject to $100 / day until cured. 2nd violation same issue, $200/ day until cured, 3rd violation of the same $300/day until cured up to $500/day.

D. All other covenant violations
   1. Cure time – per HB22-1137
   2. Fines - per HB22-1137

2. Non-payment of Assessments -Payment plan roll back to 6 months from 18 months. This is ONLY for non-payment of Assessments and not for any other Covenant violations.
   A. Cure time. After 30 days and proper notice –payment plan 6 months at $25/month with a balloon per HB22-1137.

        1. Fines- late fees and interest – No additional late fees and interest is to be applied once a payment plan is established and if paid fully within the 6 months per agreement.
        2. Example showing the problem with 18 months period to pay: Assessment due July 31, 2023. Sent letter August 1, 2023, sent another letter September 1, 2023 - payment plan agreed at $25/month with remainder due in 18 months or January 2025.

3. CCIOA Updates
    A. Budgeting – Budgets should not include fines and fees from covenant violations. The goal is to have no violations.
    B. Reserves study policy – CCIOA section 209.5 needs to be reviewed and updated. At minimum, an HOA should be required to have a current reserve study.
    C. Let's Take CCIOA Green and reduce cost to Homeowners wherever we can.
        1. Case in Point: CCIOA's default for annual meetings is by physical mail.
        2. The cost of this for homeowners plus the consumption of trees could be greatly reduced if we make the default electronic. Regardless, the type of communication modality for all correspondence should be given to the homeowner to decide.
        3. Currently per the 2022 HOA Information and Resource Center Annual Report, there are 2,707,913 people in Colorado subject to a CIC and probably most of them to CCIOA. If 80% decided to use email instead of physical mail this would save HOA's statewide in the neighborhood of $1,733,063 (2,707,913 x 80% = 2,166,330 x .80) in postage.

Lee Friedman

1. Clean-up HB22-1137.
2. Need to discuss ways to protect association funds, funding, and education with regard to insurance and construction defect issues, government subsidies and forms and protection from the purchase and sale of units and lots perspective.
3. Analyze public and private funding mechanisms to assist homeowners in paying outstanding assessments.

Jose Trujillo

1. Create an Alternate Dispute Resolution process.
2. Create a requirement that associations undertake a reserve study.
3. Create a method of protecting homeowner equity in the event of foreclosure.
4. Require a one-page closing disclosure and education regarding homeownership in a common interest community.

Appendix B

Task Force Member Recommendation List

The following table represents a comprehensive list of the recommendations for improvement made by Task Force members during their meetings. Due to time constraints, the Task Force members did not have the opportunity to discuss all the recommendations on this list in detail at the meetings. Accordingly, this list is intended to memorialize all recommendations, whether or not they were discussed in the body of the Report.

1	Creation of an Alternate Dispute Resolution Mechanism to settle disputes between homeowners and HOAs	Ricks, Freedman, Van Dorn, Jackson, Loper, Siegel, Akhahenda, Trujillo
2	Licensing of Community Association Managers	Ricks, Van Dorn, Loper, Akhahenda, Brown
3	Certification of HOA Boards	Ricks, Brown, Akhahenda, Van Dorn
4	Passage of a Voter Reform Bill to increase homeowner participation in budget process	Ricks, Van Dorn, Brown, Akhahenda
5	Cleanup HB221137	Freedman, Jackson, Siegel
6	Clean Up HB221139, Public Right of Way Bill	Freedman
7	Need to discuss ways to protect association funds, funding, and education with regard to insurance and construction defect issues, government subsidies and forms and protection from the purchase and sale of units and lots perspective.	Freedman
8	Creation of an Interim Committee to represent homeowners	Van Dorn, Akhahenda, Loper, Ricks
9	Creation of a Reserve Bill (or revision of CCIOA) to require every HOA to have a reserve study	Freedman, Jackson, Siegel, Brown, Akhahenda, Van Dorn, Trujillo, Loper
10	Change in HOA Governance Model	Van Dorn, Akhahenda
11	Change the notice requirements of HB22-1137 to make the bill more green (more digital notice methods)	Akhahenda, Freedman, Siegel, Van Dorn, Loper

12	Revise/differentiate covenant violations (health safety) (repeat) (for profit)	Freedman, Siegel, Van Dorn
13	Revise 18-month repayment plan guidelines	Freedman, Siegel, Jackson
14	Revise fines and timeframes to cure safety violations	Siegel, Freedman, Van Dorn
15	Create a deterrent for covenant violations where owners make a profit from covenant violations; consider increasing fine limits	Siegel, Freedman, Van Dorn, Akhahenda, Brown, Loper, Trujillo
16	Revise CCIOA to adequately address repeat covenant violations	Freedman, Siegel, Van Dorn
17	Address HOA's need to seek injunctive relief for certain violations	Freedman
18	Eliminate posting of notices publicly on doors	Freedman, Jackson, Siegel
19	Require any lender who escrows taxes or insurance to offer an option to escrow HOA fees	Van Dorn, Akhahenda, Loper, Freedman
20	Declare that fines cannot be counted as revenue in the budgeting process	Akhahenda, Van Dorn, Brown, Trujillo, Loper, Siegel
21	Create a one-page Common Interest Community Disclosure that is required to be provided to homeowners in every purchase transaction involving home in HOA	Van Dorn, Akhahenda, Jackson, Loper, Trujillo
22	Require HOA registration with DORA, failure to register results in fine and loss of authority to enforce association actions	Van Dorn, Jackson, Akhahenda, Loper, Trujillo
23	In every purchase transaction involving a home in a HOA, require a disclosure that states whether the association documents are being provided by the association or a third-party, with an acknowledgment by homebuyer that the association documents may not be complete. Also require greater clarity on closing documents as to where expenses are coming from (ex, association or third-party)	Freedman, Loper, Van Dorn, Akhahenda
24	Propose the general assembly pass a bill requiring insurers to prove, in bad faith insurance claims, (1) unreasonable notice by a community association and resultant harm in order to enforce the notice provision and (2) intent to defraud in order to enforce a fraud provision in the policy	Freedman, Van Dorn, Akhahenda, Loper, Trujillo

25	Legislative suggestion: require developers to provide an approved third-party reserve study (approved by declarants' board and by homeowners) and make developers required to provide adequate funding of the reserves for the association for a period of at least 2 years, and the working capital for the same amount of time	Jackson, Akhahenda, Van Dorn, Brown, Trujillo, Freedman, Loper
26	Propose that general assembly consider modifying HB22-1139 to allow the associations to enforce issues within the public right of way that affect quiet enjoyment of community by owners	Freedman
27	Legislature creates a program to provide homeowner assistance funds	Loper, Freedman, Akhahenda, Trujillo
28	Require training for HOA board members	Van Dorn, Akhahenda
29	Pass legislation (or revise 1137) to protect homeowner equity in the event of foreclosure	Van Dorn, Akhahenda, Loper, Trujillo
30	No later than January 1, 2025, add a policy that is an anti-harassment policy	Van Dorn, Loper, Siegel
31	not later than 1/1/26, add 11th governance policy regarding elections	Van Dorn, Akhahenda
32	Require association to provide or cause to be provided education at no cost to homeowners on at least an annual basis as to the general operations of the association, the rights and responsibilities of the homeowners, the association, and the executive board. Proof of association training must accompany the application for registration for that registration to be considered valid.	Van Dorn, Akhahenda
33	Within 12 months of being appointed or elected, HOA board members must attend training addressing governing documents, roles and responsibilities, association communications, meetings, volunteerism, fundamentals of financial management, etc. Annually thereafter must attend training on legislative updates. Proof of training must be provided for registration to be considered valid	Van Dorn, Akhahenda, Trujillo
34	Enhance CCIOA to include a requirement that a majority of members must vote to approve any common elements changes, unless in covenants, then it's a 66 2/3 requirement	Van Dorn, Siegel, Akhahenda, Loper
35	Change CCIOA to focus the use of proxies- proxies may only be used to establish quorum or as directed proxies	Van Dorn, Akhahenda

	to cast votes on issues specifically outlined on an agenda duly noticed to members; proxies shall not be used to elect board members, only ballots including secure electronic ballots shall be used in board member and delegate elections and those ballots shall be counted in front of the membership when possible. Directed ballots, whether electronic or otherwise shall be immediately available for inspection following the count	
36	For any association, at the vote and discretion of the board, eliminate any maximum assessment amount that may be outlined in the association governing documents or good governance policies	Van Dorn, Freedman, Jackson
37	Require homeowner education regarding HOA rights and responsibilities as part of purchase process	Akhahenda, Jackson, Ricks, Loper, Van Dorn, Trujillo, Freedman
38	Protect homeowner equity by enhancing CCIOA language to require that HOA related foreclosures be sold at market rate	Van Dorn, Ricks, Akhahenda, Trujillo, Loper
39	Call on industry to acknowledge and self- regulate bad actor attorneys regarding predatory HOA foreclosure practices	Van Dorn, Akhahenda, Trujillo, Loper
40	Disincentivize attorneys from exploiting foreclosure profit opportunities.	Van Dorn, Akhahenda, Trujillo, Loper
41	The formation of a work team of disparate interest key stakeholder groups who agree to work together to find common ground, review the process top to bottom and produce win/win options	Van Dorn
42	Mandatory mediation before foreclosure, with each party to bear their own attorney fees. Each party should have person with full decision-making authority at the mediation; both parties should in good faith communicate throughout foreclosure process in order to achieve resolution	Akhahenda, Loper, Van Dorn, Trujillo, Freedman
43	Expand HOA Information and Resource Center to have role in regulation and enforcement	Ricks, Van Dorn, Akhahenda
44	Education on the front end for everyone buying into an association; education needs to be provided by the real estate industry, the association industry, and the title industry to improve the relationship of everyone involved	Freedman, Jackson, Akhahenda, Loper, Trujillo

	in a common interest community , including the importance of communication.	
45	Clear communication and education about homeowners' rights, responsibilities and consequences would be beneficial to anyone prior to purchasing a home in an HOA	Akhahenda, Van Dorn, Loper, Freedman, Trujillo
46	Professional competence standards for property management company owners and community association managers, including institutionalizing baseline standards for credentialled property management owners and community association managers that would create accountability outside of a classroom setting	Van Dorn, Akhahenda, Loper, Jackson, Trujillo
47	Increase and improve the modalities of communication	Loper, Freedman, Akhahenda, Van Dorn, Trujillo, Jackson
48	Improve education and information on the front end for homeowners and real estate professionals, including requiring disclosures	Loper, Van Dorn, Freedman, Akhahenda, Trujillo, Jackson, Brown
49	Identify less expensive ways to provide notice	Freedman, Van Dorn
50	The method of communication from a Board to its members should be determined by the individual and that should be communicated to the board or management company	Siegel, Akhahenda, Loper, Trujillo, Freedman, Brown, Van Dorn
51	Require new homebuyers to take a class on HOA residential living	Freedman
52	Declare that the use of proxies cannot be limited and that proxy votes can be used for all association actions	Freedman, Jackson
53	Declare that the regulation of attorneys should not be done through any association regulation because such regulation is already done through the state of Colorado	Freedman
54	Disincentivize homeowners from asserting any claims or defenses that are substantially frivolous or groundless in foreclosure or collection matters	Freedman
55	Update the annual update course offered to real estate brokers by the Division of Real Estate to include a section specific to HOA training which emphasizes to brokers their responsibility to make sure their clients are aware of the rights and responsibilities of ownership in a HOA	Jackson, Trujillo, Van Dorn, Freedman

Appendix C

Proposed Financial Disclosure For Real Estate Transactions

Important Financial Disclosure

Regarding Your Mandatory Homeowner's Association (HOA)

Membership Name of Master Association G

Name of Sub Association:

The home you are purchasing is in a Common Interest Community (CIC). The deed to your home requires mandatory membership in the associated Homeowners Association(s), HOA(s). The governing body (or bodies) of the HOA(s) for the home you are purchasing is/are private, not public government.

HOAs in Colorado have the authority to assess you as the home's owner, for association operating expense fees, reserves fees, special assessments, as well as fines, fees, late charges, and enforcement costs, including attorneys' fees, and interest for delinquent payments and certain violations of the governing documents, good governance policies, rules and responsibilities.

HOAs have the legal authority to foreclose on your home for delinquent fees or covenant violations. In the event of a foreclosure, your equity would be forfeited.

The Colorado Common Interest Ownership Act (CCIOA) statute and other laws outline operational requirements of HOAs that are only enforceable in a court of law. HOAs, property management companies, Community Association Managers are not regulated in Colorado. HOA attorneys represent the association in any dispute with a homeowner.

The HOA's Declarant controls the association's governance based on documents written by the Declarant that serve the Declarant's interests. If the Declarant has transitioned the HOA to homeowner control, you would have the right to vote and run for election to serve on your HOA Board of Directors.

The HOA disclosure documents CCIOA requires for home purchases in Colorado are paid for by the seller. These documents may or may not be complete, up to date, or accurate. Any covenants or rules outlined in these documents are subject to change at any time and you may not rely on them.

Please sign below and indicate your understanding of the information below and the deed restrictions on the property you are purchasing in a Common Interest Community:

1. • I understand that the deed of the property I am purchasing requires mandatory membership in the HOA(s) above.
2. • I understand that I am obligated to make all payments required by the HOA at risk of forfeiture of my home through foreclosure.
3. • I understand that if my home is foreclosed upon, I will lose any equity.
4. • I understand that I am obligated to follow all HOA rules or regulations and may be fined for violations, delinquent or late payments of HOA financial obligations.
5. • I understand that there is no guarantee that the HOA documents I have received are complete, up to date, or accurate.
6. • I understand that the current rules or regulations may change and I will always be subject to whatever the current rules and regulations.
7. • I understand that as a homeowner I do not have the right to vote on an HOA budget unless I become a member of the Executive Board.
8. • I understand that there may or may not be a reserves plan.
9. • I understand that if there is a reserves plan that it may or may not be a best practice reserves plan, that the reserves may be insufficient, that the reserves may or may not be invested with a sound financial investment plan, that the Executive Board may move reserves plan money to operations without paying it back, that sudden spikes in unexpected assessments may be required.
10. I understand that there is no minimum required level of CIC, including CIC financial or insurance education for HOA Board members, Community Managers, HOA Accountants in Property Management Companies, Property Management Company owners and others.

Appendix D

EngageDORA Detailed Project Report

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Project Report

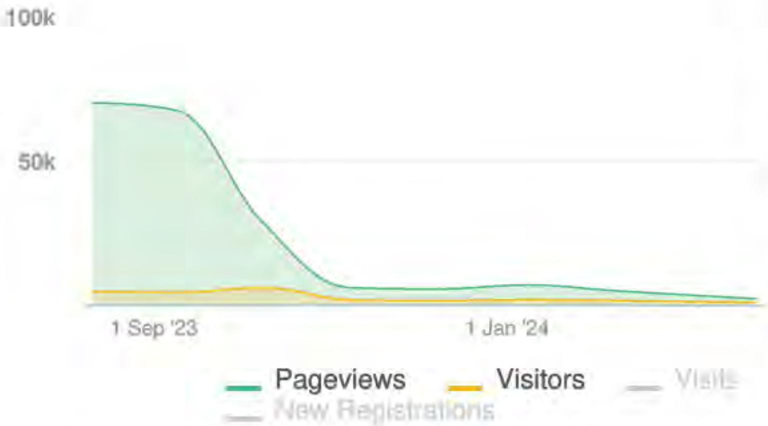
03 August 2023 - 20 March 2024

Engage Colorado DORA

HOA Homeowners' Rights Task Force

BANG THE TABLE
engagementHQ

Visitors Summary



Highlights

TOTAL VISITS
23.9 k

MAX VISITORS PER DAY
2.1 k

NEW REGISTRATIONS
1.9 k

ENGAGED VISITORS
2.1 k

INFORMED VISITORS
6.2 k

AWARE VISITORS
17.1 k

Aware Participants	17,055
Aware Actions Performed	**Participants**
Visited a Project or Tool Page	17,055
Informed Participants	**6,227**
Informed Actions Performed	**Participants**
Viewed a video	63
Viewed a photo	0
Downloaded a document	0
Visited the Key Dates page	3,665
Visited an FAQ list Page	588
Visited Instagram Page	0
Visited Multiple Project Pages	3,723
Contributed to a tool (engaged)	2,071

Engaged Participants		2,071	
Engaged Actions Performed	**Registered**	**Unverified**	**Anonymous**
Contributed on Forums	0	0	0
Participated in Surveys	1,710	0	0
Contributed to Newsfeeds	0	0	0
Participated in Quick Polls	91	1	272
Posted on Guestbooks	0	0	0
Contributed to Stories	194	0	0
Asked Questions	0	0	0
Placed Pins on Places	43	4	0
Contributed to Ideas	0	0	0

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ENGAGEMENT TOOLS SUMMARY

Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
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ENGAGEMENT TOOLS SUMMARY

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Place	Where is your association located?	Published	196	43	4	0
Survey Tool	HOA Survey	Published	5249	1710	0	0
Quick Poll	How satisfied are you with your HOA?	Published	372	91	1	272

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STORY TELLING TOOL

CCIOA Unintended Consequences - Need to Delineate Some Requirements

author: MW

Most folks don't realize the broad coverage of CCIOA when passing new HOA rules. There are quite a few small landowner associations that exist in rural areas with very simple missions. For example, ours is a landowners association in rural northern colorado (sagebrush country) that charges $3/acre PER YEAR. The vast majority of the budget is spent on maintaining 100 miles of private dirt roads in our association. Of the 350+ landowners, only 4 live up there year-round. These are mostly empty plots of land used for camping in the summer. The 1137 requirements have eaten up about a quarter of our annual revenue and taken a good deal of funding away from our road maintenance. Things like mailing out monthly statements that get returned to us each month because the county doesn't have a current mailing address for the owner. Another example could be an account that owes $120 (average annual HOA dues). The cost of certified mail, posting on a vacant parcel, etc. runs upwards of half that amount in overhead alone. The HOA is prohibited from charging these costs directly to that landowner. Can't we change the rules to allow the fundamental mailing and collection costs to be charged to that particular owner instead of everyone else paying for their decision not to pay their dues? Please consider refining the requirements of CCIOA between suburban HOA's that collect large sums of money, and rural associations that collect VERY small amounts of money.

Visitors 2078	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Only one legitimate organization representing Colorado homeowners

author: Kathleen MacKenzie

Please appoint to the HB-1105 HOA Homeowners' Rights Task Force Stan Hrincevich of the Colorado HOA Forum. The Colorado HOA Forum is the only organization in the state working to protect the rights of the thousands of Colorado homeowners required to be part of a HOA. The Community Associations Institute masquerades as a homeowner advocate , when in fact it is the opposite. CAI represents the many unregulated entities who make money from volunteer HOA Boards, from management companies to attorneys. The interests of these groups will already be well-represented from what I can see of the HOA Task Force make-up. The lack of any state regulation of HOAs in Colorado is due to the effective lobbying of these business interests. For years, Mr. Hrincevich has been an intelligent, reasonable and steady advocate for homeowners in HOAs and he is the single best person in Colorado for this task force. His email is [redacted]. Thank you.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

A dream gone wrong

author: Jabberwocky

This story is about my neighbor in Pagosa Lakes and how their dream to build a dream home turned into a nightmare, thanks to the local HOA.Both are retired. He's a former Denver firefighter, and she’s a sign language interpreter. The house is an ambitious project which includes a detached barn on their 5 acre lot. The couple lives full time in our community, and works on their house every day. . . or at least they did until the property owner's association issued a "stop work order".Prior to that, they’d managed to overcome the many obstacles one would imagine comes with building one's own home. Before the stop work order, they'd already experienced a delay in construction because a subcontractor they hired to set adobe did such a poor job that they had to tear down the walls and start over. Several of the neighbors felt their heartbreak and chipped in to help remove and salvage hundreds of adobe blocks.But the meat of this story is how our own property owner's association went to battle with this family, and how the association tried to destroy them. This all came about when the association decided to change its regulations regarding building permits. The change, which occured in the middle of their project, caused the permit fees to skyrocket if the project were not completed on time. The new rule was evidently aimed at out-of-towners working only part-time on their project, perhaps only a few weeks a year. Many would argue that the rule change was a good idea, but this project was not being drawn out. This family was working diligently on their home, in fact working every day. The neighbors were supportive, and would have signed onto a variance had this been offered as an option, but the association wouldn't budge.The most absurd part was the issuance of the "stop work" order. It made no sense. If indeed the association's goal was to move the project along, why would they stop it? Then it became clear. Someone in the association had a personal vendetta against this family.The end result of all this has been months of heartbreak, worry, stress, and legal expense for this couple. It now appears they have thrown in the towel and are bearing the full brunt of these escalating fees, in addition to their own legal expenses. There's much more to the story, but it's telling that the neighbors are so upset over what the HOA is doing to these people, there's actually been talk about seceding from the association.There’s an interesting contrast just two lots away. A couple moved in recently and decided they would clear-cut their 5 acres. They did all this cutting, which included several mature Ponderosa pines, without a permit. The association's fine, after adding up all the stumps, came to well over $100,000.00. A little good ‘ol boy haggling between the property owner and the association brought the fine down to around $20,000, plus some re-planting. All of the neighbors were outraged over this irreparable act of vandalism to our neighborhood, yet no one from the HOA solicited anyone’s input when it decided on this “slap on the wrist”. How did they come up with this number? How can one family, who’s trying to do the right thing, get so beaten down by this association, yet another, who so callously disregarded the rules (and damaged the environment) get special treatment?What we have in this association is an out of control organization taking out personal vendettas against its own members. This is an organization that enforces its rules in an arbitrary manner, and displays discriminatory behavior toward its own members.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

WELCOME TO THE NEIGHBORHOOD!

author: Jabberwocky

My first experience with our property owner's association occurred before we even began construction. The property is a somewhat secluded five acre parcel on which we intended to build our home. My builder happened to have the opportunity to obtain some free fill dirt, which we needed for the project. The truck dumped the load, which couldn't even be seen from the road, and the association promptly fined me $100 for beginning construction without a permit. I paid the fine without discussion, as the builder informed me that we saved more on the dirt than the cost of the fine, but it still bothered me that simply dumping a load of dirt on my own property would result in this sort of action. WELCOME TO THE NEIGHBORHOOD!

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HB22-1137 - How a Management Company Took Advantage of Fines and Fine Notifications

author: christiana

HB22-1137 was supposed to be great for homeowners with regard to transparency of how fines were indicated to homeowners and the fines associated with them. However, our management company drafted policies that our HOA Board voted in that greatly benefited the management company, including greatly increased so-called administrative fees after the initial association fine.Our Board didn't follow the Rules and Regulations for updating policies and didn't even send homeowners the policies, just a summary of them which didn't include important details.HB22-1137, while well intended, didn't go far enough to protect homeowners.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOAs Need Tools to Combat Deadbeat Homeowners

author: K

Most talk of HOA reform is based on taking aim at abusive boards in response to sob stories by people who of themselves are bad neighbors. What about the other people in the neighborhood? What about their rights? The HOAs, especially small self-managed HOAs with comensurate small budget; need to have the tools necessary to enforce compliance with assessments and Covenants without transfering the cost of Covenant enforcement to all the neighbors who follow Covenants and try to be good neighbors. Some homeowners prioritize their own needs above neighborliness. Barking dog owners, owners that won't put their pet on a leash or don't pick up their pet's waste, short term rental owners with numerous loud partying tenants, people operating business out of their homes, people not paying dues, people with teens vandalizing common areas, people whose yards look like an industrial yard, teens riding RVs above the speed limit. NONE of these people are good neighbors. If they would take responsibility and correct their own deficiencies, the HOAs they wouldn't incur fines and costs . The legislature is making it systematically harder for HOAs to enforce their Covenants. Right now, many HOAs are taking care of things that would otherwise result in calls to law enforcement or municipal zoning enforcement. They should be thanked. Yes, I'm sure abuses exist however the Legislature shouldn't be in the business of relieving people from their responsibilities and the consequences of their own actions at the expense of others in the neighborhood.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA story and statement

author: Bernabeau

I am a member of an HOA in Fort Collins. I have been concerned for years that the HOA board of directors is not following the covenants and bylaws and when I tried to make a complaint with the state, I was told by the department head himself that complaints are just filed and forgotten because there is no one to enforce the state's HOA laws.My question to this new task force is why does the Colorado Assembly keep passing bills regarding HOA laws and regulations without providing the funding and necessary personnel to enforce them?Terry Mayo

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

A Man's Home Is His Castle Colorado Homeonwers Protection Act

author: Robert Racansky

I have represented myself, and other homeowners, in more H.O.A. litigation than I've ever wanted to be involved in.So I've seen how H.O.A. law works. And more importantly, I've seen how the law does not work.During that time, I've had to endure listening to out-of-touch lawmakers telling me how they were working to make things better for H.O.A.-burdened homeowners, while experiencing for myself how much worse things were actually getting.The stories that lawmakers tell the public, and what goes on in the court rooms where their laws are actually enforced, are two very different things.Based on what I've learned over the years, I have written the "A Man's Home Is His Castle Colorado Homeowners Protection Act", which you can read at https://homeowners.substack.com/p/a-mans-home-is-his-castle-coloradoIt has five parts:01. Legislative DeclarationJust like the name says. Admittedly, this part still needs work. Suggestions are welcome.02. Small Claims Court• Require H.O.A. litigation to be filed in Small Claims Court, an agency which already exists to simplify cases and reduce legal costs. This removes the perverse incentives and moral hazards of the H.O.A. attorneys to engage in destructive and expensive litigation over the most trivial of amounts and reasons. It also evens the playing field in court between the plaintiff H.O.A. and defendant homeowner.03. Boundaries of H.O.A. Rules• Limit the authority and power of H.O.A. corporations to that which is only necessary to manage and maintain their common property. Make it illegal for an H.O.A. corporation to make and enforce rules on a homeowner's own private property.04. Ban H.O.A. Fines• If fines were truly necessary to ensure compliance with the rules, then homeowners would be allowed to fine their H.O.A. But they are not, because fines are not necessary. The ability to fine also creates an inequity of legal remedies between homeowners and H.O.A. corporations.Every party bound by an H.O.A.'s governing documents should have the same legal remedy : to present their case in an Open Court of Law and ask the Court for an injunction and/or damages.05. Attorney General Consumer ProtectionAuthorize and direct the consumer protection division of the Attorney General's Office, and agency which already exists, to collect complaints from consumers of H.O.A.-burdened housing; and if warranted investigate and prosecute such complaints.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Architectual Guidelines Should be Retricted and Committees Elected

author: K

Most Covenants give too much authority and control to unelected, Board-appointed, architectural control or design review committee members. These committees directly impact the quality of life within a neighborhood and limit what can be done to personal property without restraint. People with this much authority should be elected not appointed.Some guidelines are overly specific but a majority are so broadly written that however the committee interprets it is valid and can not be challenged. Committee members may impose their own personal taste and prejudices on the neighborhood. In the name of preserving property values, they can deny anything they don't personally like. They can foot-drag approval and require endless and costly design modfications and resubmissions. For example, they can thwart the law requiring HOAs to allow front yard gardens by creating expensive burdensome restrictions on vegetable garden fencing. As these decisions can be enforced by fines and requiring homeowners to remove unapproved modifications, committee members should be elected and subject to removal by vote of the homeowners. In addition, there is no penalty for their not complying with the law or Covenants as individual homeowners can't afford the time or money to bring enforcement action. For instance, despite the Colorado open meeting laws, CCIOA and our own Covenants and by-laws, our ARC has never in over 20 years had an open meeting or published minutes. Our committee is two people. One has been a member for over 10 years and a second member for over five. The Board won't appoint anyone new despite a large number of new homeowners.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

What About Condos & Homeowners Who Follow Rules?

author: gvito

I have served on my condo community's HOA Board for over five years. My first issue with 22-1137 is that the law does not address the issues that homeowners living in condos face. We live literally on top of and right next to each other. Most of our violations can be cured in a matter of moments, but by law residents now have 60-days+ to fix something that should take only five minutes. I understand that single-family homes are very different and some violations such as dealing with weeds or removing a fence that is non-conforming takes time. Moving junk off the common area landscape should take no more than moments. Please consider different rules based on the type of community. The other even more egregious issue is that I have homeowners literally coming to me in tears because they have paid their dues faithfully for years and never broken any rule, but they see that those who do neither are rewarded. Those who follow the rules must pay the increased costs mandated by 1137. Their dues go up to cover those who don't pay and are given years to bring their account current. What am I to tell them? The simple fact is that all the new mandates in 1137 both raise the amount of money we have to spend while at the same time allowing other residents to break the rules with impunity and to fail to pay their dues for months if not years. I fear this task force will only make matters worse for this condo community. GLV

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Legislation is Needed to Enable a Balance of Power in HOAs

author: K

The problem at the root of HOAs (and special district and management companies) is that all covenants are written so that first the developer and then the board can control the association and the members. All levers of power are held by the board. There are no checks and no balances. They are the executive, the legislative, and the judiciary. They have tax and spend powers that residents have minimal input into. Nothing enforces fiscal discipline and once a board collects funds, lacking integrity, they are free to spend the money on their priorities not the budget that was passed. They can implement policies without resident input and hold residents accountable for following them through fines and fees for "covenant" violations. The right of appeal is to the same board that implemented the policy and assessed the fines. Nothing requires them to work collaboratively with the membership. They can thwart the will of the legislature by administratively burdening the architectural control approval processes and making costly cosmetic demands. They can ignore the law with impunity as there is no regulatory enforcement agency. For instance, our board routinely meets with less than 24 hour notice to the membership and passes policies and makes decisions in essentially private meetings at the board members' homes. They use the flexibility in the bylaws regarding "waiver of notice" meetings to conduct board business that directly impacts the members without allowing the members any input despite the requirement in CCIOA that they do so. HOA attorney practices are also part of the problem. Their business model relies on conflict and collections as profit centers. There is no incentive for them to advise boards to work collaboratively with the membership. They are also focused on control. It is almost an inherent conflict of interest. The only recourse homeowners have is to organize and have a recall. However, again, the deck is stacked in favor of the board as the average homeowner doesn't have the time and money to do this and the numbers required to do this are high. Alternatively, the homeowners could take the board to court however that also costs a considerably amount of time and money. As the board members control the annual meeting of the members, and write the policy concerning conduct of meetings; it is virtually impossible to achieve reform or vote them out an an annual meeting. This type of management structure might serve a for profit corportation well but it puts a very few people in control of a large number of people without even as much democracy as the US and the state of Colorado have. The idea that people choose to live in HOA communities is risable. There aren't any other communities except in exceptionally old housing stock. People live in HOA communties because there isn't anywhere else to live. HOAs have many desirable qualities but like any organization where power is concentrated, the door is open to abuse that power. CCIOA needs to be rewritten to force covenants to be written with more democratic rights for the homeowners and more accountability for the board. In addition, Colorado needs an enforcement agency with the ability to administratively order changes to HOA policies and procedures and binding arbitration between Boards and homeowners.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOAs are not all bad

author: LRB

There seems to be a presumption of evil in HOAs and that board members are drunk with power. I can assure you that, while there are abuses out there, the 2 HOAs that I am part of in Colorado want nothing more than for each community to get along and neighbors be able to interact with neighbors without threat of harm. Unfortunately, in both HOAs, there is a single household that is so disruptive that many neighbors are fearful. In 1 HOA in particular, the household in question repeatedly threatens lawsuits (has sued the HOA and lost already), belittles anyone who is on the board (apparently all a bunch of idiots elected by the community), and repeatedly badgers the board about issues while copying their massive tomes to state and/or local legislators/officials (who elect not to respond). This household has resulted in 2 management firms firing us, an attorney firing us, and, most recently, mass resignation of the board and am sure they are regaling this task force with all kinds of misinformation about how poorly they are treated by the HOA. Because of this household, we have no choice but to self-manage, yet finding folks to serve on the board, or on any committee, and endure the slings and arrows flung by this household is becoming extremely difficult. Everyone has the right to be heard but that right should not be abused and boards need tools to help manage these situations and protect themselves and their communities.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Transparency of HOA fees assoicated with transfer of real property

author: Rick Y

* With no support from stakeholders including the MLS/Matrix rules and regulations committe, CAR legislative committee, my state Senate and House representatives or local boards, it took 2 years via the Contracts committee to get Section 7. of the Contract to Buy and Sell Real Estate to include the requirement that Sellers provide HOA/CIC documents and ALL fees to Buyers by the Assocation Documents Deadllines. * As a licensed Realtor and homeowner, for years, I have been troubled by the lack of transparency and cooperation in even obtaining tje excessive and random fees charged by Associations or their managdment.* I tracked and can make available a spreadsheet of over 100 transactions involving CIC communities and found the AVERAGE fee total from HOA property sales was over $1,100. My most recent transaction had over $1300 in fees, including a $450 charge for a status letter from a SECONDARY HOA, and $250 for the primary HOA. *I urge the consideration of legislation regulating the fees that assocaitons can charge as CCIOA is vague and allows CIC's to arbitrarily determine what they can charge, by when and who can obtain them, AND that these fees should be made easily and publicly available for review by homeowners and prospective Buyers BEFORE they decide to make an offer on a property in an HOA community.* I've heard there is such a thing as a website that could provide those fees publicly.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

No checks and balances, lack of responsiveness and a vehicle for neighbor harassment

author: Castrocarlos6

Let me start by saying that in the first and only HOA meeting I've attended in person (they're far too long and allow for very little owner input), the board openly stated that their budget relies on the collection of fines and fees outside of the monthly assessment in order to be balanced. This already goes against the purpose of what HOAs are supposed to serve in protecting property values, and creates a culture of actively seeking to impose fines and infractions on the captive members of said HOA. Since buying a home and joining an HOA 2 years ago, I have repeatedly received fines and fees that do not correspond with the HOA bylaws, and while those that I have been able to address have been cleared, I am constantly met with complete radio silence from the board and management company when I reach out to them through their portal, which they say to use. I do not have the time or energy to be constantly fighting invalid fees when I have to go out of my way to even get a response from a human being. Let alone a resolution.I have been assessed late fees and handling fees for on time payments that exceed the value of the monthly assessment by more than 33%.This culture of silence and imposed fines without any personal contact, have empowered my neighbor to launch a campaign of harassment whereby he has cameras pointed at my backyard and property, where I am reported for "violations" that would otherwise go unnoticed by the community and HOA. It is simply impossible to fight these violations without meticulously studying the bylaws and then trying to get in contact with the board or management company, and dedicating an inordinate amount of time and effort for something that could easily be discussed and resolved via email or phone.At this point I have several unanswered responses to fines and violations, that I do not have the resources to dedicate myself to, and despite this I have to continue paying my monthly assessment to avoid being kicked out of the home I pay for!

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA – The scary part of an HOA

author: Asantorno1

Living in an HOA Community has its pros and cons. For someone on a fixed income the big con is how much they can raise the dues, either monthly quarterly or annually. It's quite scary for someone with a disability, HOAs have control over everything! They control what kind of animal you can have how many animals you can have, what type of animal you can have ~ even though you took out a loan to buy the condominium you really have no rights. I personally have had issues with the HOA. Our HOA president at one time was belligerent too many people people including me, she was very unhinged.. People Can't put a Color coordinated roll up shade on your covered patio to keep the sun from bearing down facing the west. you have to abide by all the rules including what type of blind you can put up, the color of your screen door! You are cited for anything that your company does, or even if you let someone in to make a delivery they don't park in the right place, you get reprimanded and find for it all of this has happened to me anymore. I would say the biggest thing is in an HOA, is that they can just keep raising the rates and tell you no longer for to live there and you have no control. And that's where I'm at right now In addition, if someone is suing the HOA for any reason whatsoever, it's impossible to get a refinance or a loan until that suit is settled, and the HOA does not tell you when something like that is going on I think the HOA has way too much control!

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

The HOA help my ex steal my future

author: Taken4aRide

This is a story about two broken systems. I lived in an hoa community and paid the dues during my contentious divorce. I was supposed to get the house. The HOA sued me twice for dying grass. The first time, I spent $5500 on new landscaping. There was no fine. I wasn't getting support from my ex despite court orders. I used LEAP for my heating bill and food banks to survive. I did not have money for a high water bill. My ex filed 5 different quit claim deeds. All were incomplete and did I not get ownership of the property. I was ordered to sell the house to pay him $13,000. He convinced a judge that he could sell the house if the court would sign the deed to him. He sold it for $240,000. Here is where the HOA comes in, he allowed them to have $20,000. The second lawsuit had been filed, and I was ordered to complete mediation. I proved to the HOA's attorney I did not own the property. He said he would take it up with the lead attorney and get back to me. I never heard back. The case was dismissed. So without a trial, a hearing, a judgment the HOA got a windfall at my expense. My ex had allowed every expense imaginable in order not to pay me a dime. And the HOA was the beneficiary. And because I never owned the property, I wasn't entitled to question them.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

no information from HOA

author: Chaplain

We get no information on anything! E-mails ignored, no contact from board members. No minutes from board meetings. Management company equally unresponsive. Rules are enforced but only on selected owners. I had been head of neighborhood watch program, but resigned after getting told I was to report anything to management company, not sheriffs dept. no matter what.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Member, Treasurer, President

author: dsumner

I have had many roles with my HOA, member, Treasurer and President. I understand there have been situations where HOAs have adjusted their power and that has resulted to laws to limit HOA capability to impose financial penalties, etc. However, I believe those changes have gone too far. At this the abilities of an HOA to help insure property values are maintained as well as safe neighborhoods has been severely limited.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Lack of HOA support for small condo complexes

author: KenMoh

I own a unit in a 12-unit condominium. For years we were self-managed. The difficulty with only 12 units/owners is that it has been difficult/impossible to find enough qualified members to serve on our 4-member board. As a consequence, we have resorted to hiring a property management company. There are very few property management companies that are willing to contract with small unit HOA's. Even the one that agreed to contract with us has not served us well as we are a small percentage of their business. Others who are willing to support us want excessive fees based on our small size. What can be done to help small unit complexes with this dilemma? We are unable to self-manage and cannot find or afford a property manager. I consider our HOA now not managed, thus no organization nor enforcement.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

“A dream gone wrong” corrected

author: yzergod

This is the other side of the story for the submission titled “a dream gone wrong “.I support and applaud the property owner's association for upholding the declarations of restrictions. It is the main reason I wanted to buy property within an association. While I do not agree with all of the rules, I understand the reasoning behind them.The owners being referred to in “A dream gone wrong” had gone before the ARC for their home permit and were denied building a garage first and living in their RV during construction, both of which are against the rules of the association. This is public record and available on the association's website (where I was directed to and found). The owners proceeded to do it anyway. I applaud the association for upholding the declarations of restrictions. The owners proceeded to do it anyway, thumbing their nose at the regulations. The declarations for the association also require all projects be done in a timely manner with permits and consecutive extensions required every six months. At the third year of this project, with the construction impacting the neighbors, the association (factoring in other long-term projects) changed the amount of extension fees to an escalating scale to deter owners from homesteading their build over many years. The owners of this property then let their permit expire, refusing to pay the new extension fees that all owners are required to pay resulting in violations. Stop work orders were issued by both the county and the association for not following the outlined processes. This led to litigation instigated by the owners resulting in the court ruling in favor of the association. The surrounding neighbors (possibly including the author of the article entitled, “A dream gone wrong”) that testified during the trial verified the owners were living in an RV in their garage against the rules. At the time of the trial, they had not started the construction of the home. After losing the court case, the owners continue to this day to disparage the association. Their house is still not complete and it is an eyesore to the neighborhood. A house is being constructed on the lot next door (that is almost finished) has gone up in less than a year while this couple's home is still in the framing stage after over 5 years. Some of the neighbors in that neighborhood are angry against the association for following the declarations of restrictions and the rules and regulations, and are unjustly bad mouthing the association (who is protecting all the owners) by making all owners follow the state supported policies. But not all neighbors agree.It is the angry minority of people like this that make associations appear to be bad and do not take an account the silent minority of people who applaud the efforts of upholding our property values, and keeping people to task on the rules of which we approve of. Property values in this community have skyrocketed (as have vacation rental properties, which are a problem within themselves), resulting in a boom in the local economy. There are other neighborhoods outside of the association that have not enjoyed this.The author of “A dream gone wrong” then goes on to bash another neighbor and the facts he includes are vastly incorrect on the matter. I know as this neighbor is my friend.The recent house bills and governor approval of them, has stripped away all associations ability to react quickly to simple violations such as parking in the center of a yard or garbage that an animal has gotten into by mandating that owners are allowed 30 days to correct such simple issues. There are flags that say “f@#$ Biden” flying throughout our neighborhoods for children to see. And, it would seem that common sense in regards to why people want associations has gone out the window. I fully support wanting more transparency holding associations accountable for the rules they have to follow as it is only fair to us property owners.I beg the commission to take into consideration that individual complaints from sour apples such as this does not reflect the silent majority of those who enjoy and approve of (for the most part) what our associations are doing. Please use an “every man” common sense when reacting or implementing new house bills as knee-jerk proposals do not take all aspects into consideration. With over regulation from all entities, we need to get back to common sense management of what it home and property owners associations are in charge of.Thank you.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Redhill Forest HOA Board Fails to Comply with Association Bylaws

author: Shadow

My wife LInda and I have been members of the Redhill Forest HOA for over 30 years.Over the last two years, the Board of Managers has been taken over by individuals who are against the majority of property owners in Redhill Forest, located near Fairplay, Colorado who are authorized to use their Lots for camping.In non compliance with the Association's governing Bylaws, the Board failed to hod the Annual Member's Meeting on the date and location required. Prior to that, during the previous Annual Member's Meeting, the Board refused to allow a Redhill Member to propose an ammendment to the Bylaws as allowed and arbitraily cancelled the use of Proxies for voting as required by the Bylaws. The means by which Members are required to be provided ballots and qualified to vote were also not adhered to.The only way Colorado HOA members can stop Board's from ignoring their Governing Documents is to give DORA the power to investigate Member complaints and enforce adherence to State laws.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

New Laws Severely Debilitating to Associations

author: Manager

I am a manager of multiple community associations. The new laws, in particular last year's changes, are extremely slanted against associations and in favor of owners. The time and hoops to jump through for a manager to effect enforcement are not built into many manager's business models. They can't process the policies while also continuing effective management, forcing them to pass on the need/costs to an association's lawyer. Consequentially, the cost to process violations, not to mention if you can even get to a consequence that is enough of a deterrent to cause the action or inaction to stop, is not financially viable for many associations. The result is owners now know there's basically no significant consequence for violations. The laws have removed the teeth from enforcement.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOAs are like herding cats

author: nobody

Until I became a full time Owner-Resident in my primary home HOA, I was drafted to become the President in 2010.That was 13 years ago and have served on the Board (BOD) every year since then. Being re-elected was not an issue for other and new Owners and served for the last 7 years as an Owner-Resident. In the same time period, I also owned property in 2 other HOA communities and participated as Owner-occupant when possible, at BOD meetings, but not as a BOD member. some say I must be nuts or a glutton for punishment.I do listen to DORA presentations and follow 'HOA legal issues' as time allows. Observing the HOA legal developments since 2010, I have noticed, learned and my primary reasons for participating are as follows:I participate to protect my property value and monitor or participate in financial stability and health of the HOA assets.Since I have a strong background in real estate, it is a requirement to ensure HOA management follows good practices and maintains good legal principles.If an Owner member is willing to serve, others are happy to let others do the work, manage. Serving on a BOD is a "thankless job".A portion of Owners seem to have a weak understanding of financial management that must apply to a sound HOA. They must be led with excessive communications.A portion of Owners ignore or have little sense of reading email or notice letters sent to them by the HOA BOD.New Owners typically state they were provided some docs of HOA disclosures, but few read them or understand they have acquired a property in a "covenant controlled community". Offending owners typically learn about the R&Rs by breaking them and receiving reminders of their transgressions. This discipline of legal transfer MUST be improved by the Real Estate community and DORA and many licensed brokers fail to adequately inform new buyers in the purchase processes. Owners are quick to criticize, but mostly fail to attend BOD meetings or read minutes that affect them .Owners fail to realize the HOA financial matters are a primary purpose of the BOD and tend to be critical of small business decisions when they failed to participate in the decision processes.A few of HOA boards have made bad community decisions and the press has made false assumptions ALL BODs are bad and must be more regulated. This trend is headed in the WRONG direction and over regulation will cause BODs to evaporate since managing will be more restrictive in accomplishing needed HOA priorities.The trends of regulation, ie HB1137, are undermining basic real estate laws and has begun to be setting fundamental restrictions on private property ownership, especially in HOAs and by HOA boards. It should be repealed and re-examined for its lack of purpose and benefit. Case law will take too long and liberal application of misguided regulation will cause financial hardship in BOD decisions, a trend that discourages good and financially stable HOA ownership.CO Legislators are listening to some of the most uninformed legislators and influencers from outside the HOA realities. The concept of some kind of 'task force' to find and sort facts and reality of any HOA issue is a good and healthy direction BEFORE presentation of HOA new laws to the Legislature.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Never fully follow law or covenants

author: Carlos

We've had decades of experience with several HOA's. In every instance, the boards and their accountants and lawyers violated the law and the precise terms of the declarations and covenants. They felt that their priorities could take precedence and they usually got away with it in a heavy handed fashion by limiting the homeowner's ability to speak at meetings, contact other property owners. The fact that they could engage lawyers at the homeowners expense encouraged illegal and oppressive behavior. HOA directors should be personally liable for any overreaching actions.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Homeowner + Board Member Struggling to Enforce Security Practices

author: Stacey Orin

Hi there - I'm an 11 year resident of an older condo building in Denver. We have consistent issues with residents propping doors open, homeless people getting in and living in our stairwells, security issues with theft and breakins, etc. It is impossible to enforce violations with the new 3 strike warning, since every time a resident breaks a rule, the cycle starts over again. It's leading to a very insecure, unsafe community because residents aren't complying with security policies, since there's no teeth to any violation sent. We need to change the laws and get back to being able to enforce community violations correctly and quickly. The state needs to be very diligent to ensure a balance of a safe environment and no undue burden to owners. It doesn't need to be this difficult. Our association is going broke from the undue burden placed on associations and their lawyers to enforce violations that can't actually change any resident behavior. Help make our communities safer by changing the laws to ensure violations are correctly enforced. Look at creating different laws by density of residents. That will be a tremendous help. Don't make central Denver's violation process the same as Highlands Ranch's violation process. We have very different demographics and structures, they shouldn't be burdened by the same state-mandated violations process. Can this be done at the county level?

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

What a mess!

author: Randy

This is such a difficult problem, which has a simple solution, which will get more and more complicate in the future.With the absurd behavior of some owners, HOA's have a value. The neighborhood toe our East is packed with RV's and trailers, with some properties having 3 or 4 rv's. It is awful.Our neighborhood is run by a group of close-minded autocrats, who have absurd rules that make no sense. The worst rule is the roofing requirement rule, which has everyone doing the same very expensive and very ugly stone covered metal roof which is installed improperly. Soar cannot be added as it voids the warrant, yet the association mandated it without consent. It is a voluntary association of owners, and they have a little clique that decides whatever they want. If DORA had a committee I could complain to, it is possible that they would be flexible, but since that does not exist, I am helpless. Without spending $10,000 for an attorney.As it is, without any reasonable government control of out of control HOA's this problem will continue.I have been on condo boards, and HOA boards. Certain rules are needed, but this power that the boards wield is out of control.Simple: DORA needs an ombudsman with the power to say no. We have laws about contracts and the sale of properties, it is time to have control over HOA's to keep them in a reasonable set of guidelines.It is currently an absurd situation. I can't put a roof on my house without using the one the hoa demands, which is installed incorrectly by every contractor.And there is no one who can help.This is not the way a civilized society should work.

Visitors	Contributors	CONTRIBUTIONS
0	1	1

No Responses

STORY TELLING TOOL

Support the HOAs

author: Allenroth

Please keep in-mind that you will typically hear from people living in HOA's who do not like following the restrictions that come with the deed on their property. My feeling is that if you do not like the restrictions placed on your property with HOA's, then don't live there. It is your choice. Nobody made you live in an HOA. Those who failed to comply with rules always speak the loudest and only represent a small number. They are just angry because they were caught. Take the story regarding the Pagosa Lakes Property Owner's Association and the couple trying to build a house. Please remember, there are always two sides to the story. The accusation is that the Association changed the rules and went after the couple. The rules were not changed. The Declaration of Restrictions are clear about needing a permit and completing construction timely. A new permit is required every six months to extend a project. The Board of Directors in response to numerous complaints regarding construction taking years, increased the permit fees to encourage contractors to complete construction in a more timely fashion so neighboring property owners would not be impacted for long length of time. Visualize and put yourself in the neighbor's position having to see a construction site next to your home and listen to the noise go on for years. Not a happy harmonious community now is it. Needless to say property values decrease with extended construction going on.This couple proceeded to fail to renew their permit and live in their RV on the lot against the Rules and Regulations. They also were fined by the County for not renewing their permits as well State plumbing inspections. After being caught by the Association and the County and State, they proceeded to hire an attorney and come after the Association. The Association defended themselves in Court and received judgement in their favor along with being awarded attorney fees. The Judge recognized right away that PLPOA was following the governing documents and the Plaintiff did not have any evidence of value other than they did not want to pay the permit extension fee. The Association has documented time stamped photos of no work being done to this house for months, so the statement diligently working on their home is false. As it stands today, this site has been under construction for over 7 years and still going. Nice neighbors. The couple on the same street who cut their trees without approval were given a violation and a fine. Following the enforcement process, the owner requested a Hearing Panel. The Hearing Panel is made up of owners in the PLPOA community. They listen to the owner of why they were in violation or claim not be in violation. The Hearing Panel makes a decision and forward their recommendation to the Board of Directors. In this case, the Hearing Panel made a recommendation to lower the fine and request to plant trees in their place. The Board reviewed and accepted the Hearing Panel's recommendation. Does not seem like good 'ol boy to me, but following the Enforcement Policy. Over 50% of the PLPOA violations are generated from neighbor complaints. PLPOA promotes the fact that their goal is to achieve compliance and work with owners to achieve compliance versus fines. Less than 16% of all violations make it to the violation stage. The 2023 budget for fine violations is $3,500 for a community of over 6,500 lots and several million dollar budget. Wow, does this sound like an Association out of control or maybe a home owner who was caught failing to comply with the governing documents and does not like it. The bottom line is you are actually hearing from owners who have a vendetta against their Association for failing to be a good neighbor. Please get all the facts before making more legislation based on here-say and and harming all the good owners living in HOA's. Thank you

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Uncertainty and corruption

author: aben

Overall the impact of the HOA that purports to apply to my home has been negative. When my wife and I first bought our house, we were told by both real estate agents that there was no HOA and the covenants on record did not apply. However, there were covenants on record that referred to an HOA and purported to apply. We were not in a position to refuse to buy the house, despite that uncertainty, because the market was difficult for buyers to access (2015).After the purchase, I sent a letter to the registered agent of the corporate entity named in the covenants, to ask for copies of HOA documents (meeting minutes, rules, etc.). I received a call from the registered agent, wherein he told me that my property was not covered by that HOA. After much investigation, it turned out that the developer had named the HOA in the covenants, but he never created the corporate entity. A development adjacent to ours had created an HOA and had taken the exact name that was mentioned in the covenants. This was not that strange, as the name of that HOA was very generic and used a family name common to the various developments in the area.The original five owners of the properties in the neighborhood ran the non-existent HOA over the years, including a few assessments to accomplish some road construction and other smaller projects. Over the years, those owners ignored the covenants that inconvenienced them (written notices to homeowners, process for improvement approval) and made exceptions to the requirements in the covenants informally and without public deliberation (again, contrary to the requirements of the covenants). The folks who ran the HOA made the same mistake that so many other HOA boards make: they came to believe that they could make an exception to any provisions of the covenants, that the rules by which homeowners had to live were rules of men (them) and not the rule of law (the covenants). They would point to the covenants when those supported their decisions and pointed to their authority when their decisions contradicted the covenants.When my wife and I bought our house, the HOA had been inactive for many years (15 or so). During that time, many covenant violations had been allowed to occur without intervention from the HOA leadership. A few years after our purchase, one of the owners purporting to be part of the HOA leadership decided to wield the covenants and the HOA authority to force their neighbor to radically alter their landscaping - despite the fact that such landscaping had been in place for more than a decade.A homeowner meeting was called with only oral notice to the folks who happened to be at home when that owner went around the neighborhood giving oral notice. A lesbian couple living in the neighborhood attended and vigorously objected to the meeting, the authority of the people purporting to run the HOA, and the validity of the covenants. That scared off the HOA leadership for a few weeks. Eventually, the HOA leadership called another homeowner meeting, again only orally (no written notices to anyone), not all homeowners were notified of the meeting, the lesbian couple mentioned above was specifically ignored and were given no notice of the meeting, and homeowners were promised that no voting would take place at the meeting - that it was only to have an informal discussion.At that second meeting, the HOA leadership attempted to have a vote, ballots were handed out to only the male members of the households (our house was in my wife's name only, but I'm the one who got a ballot), and the HOA leadership attempted to convince the homeowners that the lawyers hired by the HOA leadership represented all the homeowners (this was not true) and that they had advised the leadership that the vote and the recommended decisions had been approved and recommended by such counsel. Thankfully, the majority of homeowners at the meeting refused to have a vote and expressed skepticism about the validity of the HOA and the covenants.Since then, the owners purporting to be the leadership of the HOA continue to attempt to wield their perceived power. New owners in the neighborhood have been approached and reminded of rules that do not exist in writing, and they have been advised of an informal process of approval of improvements that is contrary to the explicit terms of the covenants. They continue to attempt to rule by decree.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA Board Members and Management Companies Are Out Of Control

author: Anonymous5280

Our family is diligent with our home's upkeep. We mow the grass every week and spray for weeds. We even power wash stains off the driveway regularly. There was one instance where the HOA sent us a nasty letter saying we needed to correct a violation of weeds in and around the yard. There weren't any. When I emailed asking for pictures or clarification, I was told that it might have been sent in error and that as long as we didn't have any weeds when they did a recheck, it would be fine. We had another instance where our front tree died. It was still winter, but other trees had started to sprout leaves. We had already called an arborist because we knew the year before that we would need to replace the tree. The HOA sent a letter demanding that we replace the tree within 30 days or else. We were still getting snow, and the arborist had us scheduled out 7 weeks from when we got the HOA letter. Other homeowners have had similar issues with demands and threats that seemed too early or uncalled for.Between the HOA and the management companies, everyone seems to be on a power trip. Demands and threats in my neighborhood are common, and we live in a well-maintained community. The authority that HOAs and board members think they have is like living in the Wild West. They are unchecked and unregulated for the most part, and homeowners have had enough.I am a real estate broker and have buyers and sellers who now look at homes that are not in an HOA. Even rural communities are putting HOAs in place that dictate the standards at which a house has to be built on a piece of land. The overreach is out of control.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

20 years history of HOA interactions

author: Skyhawk102vk

As a former Property Manager for my small real estate company, I have had to work with many HOAs and associations. Early on I realized there was a learning curve to my understanding of their different operations, forms of communication, support or a lack of support, and responsiveness. The more I became involved, the more I began to discern cooperative verses non-cooperative companies. I have tried to maintain a balanced perspective but over the last 3-5 years, this has become more difficult. Let me explain what I mean....As property management companies have grown, they have become more and more digital thereby taking the 'person' out of the loop. This increases the ineffectiveness of the company as each owner or individual property manager attempts to solve an issue for their landlords or tenants. Lack of communication on the part of the individual real estate property manager can be interpreted as non-professional and subject to sanctions by the Real Estate Commission if the practice continues. This is not the case with Property Management companies; Different standards - one is licensed and one is not (business license only). It is not the strict interpretation of the myriad of documents (Articles of Incorporations, Covenants, Rules and Regulations, Business Meeting minutes, Declarations, By-laws, Financials, Budgets and disclosure of any existing pending legal actions) as much as it is the lack of explanation and communication that begins the complaint process. I had to threaten a company with a law-suit just to get them to communicate with me, simply because I was not the owner, but the property manager. Tenants as well have very little recourse when talking with the property manager. The apparent lack of desire (or ability) to solve a problem or issue fuels further contempt by consumers. Fees - This is an area that has spiraled out of reason. Fees for HOA documents that are placed on the Internet (digital) and provided by 3rd party companies is a 'cash-cow' for HOA companies. Status Letters required by Title companies (and For Sale By Owners) and Record Change Fees are purely administrative but have no constraints on how much can be charged. To pay $150 or more for HOA documents (which, by statute must be made available (Senate Bill 100) and are digitally available is pure profit to the HOA. Likewise, charging $100 for a Status letter and $350 for a Record Change Fee shows that without legislative oversight, the consumer (Purchaser or Seller) are the ones being forced to comply and pay these fees without recourse. Advance HOA specifically has confirmed the figures I quote above. This does not include the 2 x months of working capital required. Total out of pocket for a purchaser in this particular case (townhome) would be $150 + $350 + $398 + $199 (first months HOA) or $1,097. I do not assume to be knowledgeable of the various business models currently in effect for each of the management companies, their overhead, labor costs, etc., however I do know that without legislative intervention, these companies will continue to claim that increases in labor costs, salaries, consumer goods, etc., demand higher costs. Often this is simply not the case.Becoming involved - When I became part of an HOA board in my local community, it became much easier to understand how and why certain decisions are made. I was able to bring the consumers concerns to the table and therefore became part of the solution rather than a faceless complainer. Current HOA - Today I live in a professionally managed community. The HOA fees are reasonable (in my opinion) for the level of maintenance and the amenities offered. When I have contacted the sub-division representative, I was polite, professional, clearly described my request or concern and waited for a response. On three occassions I received a response within 24 hours. Even when I did not submit the documentation for my request to the proper committees, I was told what i needed to do and where to forward the requests. Patience on my part PLUS clear communication on the part of the HOA representative went a long way to receiving the approvals I was looking for. Likewise, the HOA Board communicates often with its residents through its various committees. The communications are two-way and that helps tremendously.Summary - Although I do not believe in legislative oversight as a first course of action, it is apparent that there are more companies relying on these fees to offset overhead than companies that do not. I do not believe that administrative costs for Status Letters an Record Change fees are anywhere equal to the amounts charged. The transfer of real property is the catalyst that energizes at least 8-14 different companies or individuals within the scope of the t

STORY TELLING TOOL

ransaction. HOA companies are only one part of this purchase cycle but have a direct impact on the ability to affect initial value and overall costs to acquire housing. I do not challenge the right of a professional property management company (HOA) to conduct their business but there needs to be some recourse for the consumer in these areas (fees, communication, response, and results).

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

secretary/treasurer

author: secretary

I am the Secretary/Treasurer of the Buckhorn Glade HOA.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Natural Devolution

author: david1metcalf

I've lived 40+ years in the same HOA, as original resident, longest resident, member and chair of multiple committees (grounds, social, recreation, information), director and president, and (for better or worse) perennial institutional memory, nag, gadfly and litigator. Most of those experiences have been productive and successful, for myself and (judging by neighbors' comments over the decades) for my community; but, admittedly, a few of my actions have been something less than salutary. I believe that, overall, it gives me a pretty thorough understanding of how HOAs succeed (for their members vs. for their ever-changing Boards) and how they often struggle and occasionally fail. It also has taught me--and repeatedly reinforced to me--how persistent human nature, individually and collectively, moves almost irresistibly toward entropy rather than improvement.HOAs are initially organized and structured to strengthen developers in the formative years of their individual projects, be they single-family, attached or multi-story, multi-building residences. Successful HOAs, at least early-on, reflect the balance built into their governing documents and residents' early collaborative, tutorial experience with the developer in managing the business (and cultural) interests of the community. That formative process varies significantly with the developer's insight and long-term intentions, the character and style of the liaison/mentor assigned to the HOA, and (for better or worse) the experience, intelligence, pragmatism and maturity of the residents who volunteer to work for the HOA in its early years--and beyond. If the developer cannot see beyond its limited timeline (and short-term profitability) for completing a given community, ignoring how its future reputation and profits are tied to the success of the resident-managed HOA in maintaining--even enhancing--the perceived quality and property values of the community, long-term benefits to all likely will be crippled. Unfortunately, even with all of the aforementioned planning and nurturing, the failure of subsequent volunteers to recognize and learn from the HOA's history--or apply such lessons objectively and equitably tin the face of changing conditions and new dynamics--can often lead to deterioration, disaffection and even collapse. And that is usually long after the developer has relinquished control and moved on to found other HOA-run communities.Dominance of a few self-serving and willful residents on the Board, in its committees and/or within the general community is an obvious factor that can lead to failure of an HOA. Another is lack of understanding, foresight and effective long-term planning, especially with regard to budgeting, spending and future reserves--but also in the failure to consider both common and individual interests when communicating (or not) with members and inducing (or forcing) compliance with continually expanding rules and restrictions. Those critical problems arise from the same interactive factors affecting almost (?) every community throughout human history: egotistical desire for control; aversion to taking responsibility; failure (even disinclination) to learn from past experience; and (possibly worst) indifference or resignation among most of the population involved. The first sign of a fatal confluence of these infections in an HOA is turning an outside manager for more than basic business functions such as accounting (income, payments, budget tracking) and contract administration--especially because the directors decide they dislike having to deal with residents disgruntled by the Board's actions, decisions or policy changes re one individual or all members. As with larger communities, right up to national issues (or beyond), a separation between power and responsibility will inescapably prove fatal. The second sign, inevitably, is a Board seeking to replace the HOA's governing documents--typically presented as "amending'" them for consistency with new (and constantly changing) legal requirements, but always increasing Board authority at the expense of homeowners' rights and, one can only conclude, strengthening the hand of the Board's attorneys (who wrote--even promulgated the "need" for--the new documents) in the event of homeowner litigation. That way leads to alienation and eventual disaster.So attend to legal guidelines for developers, certainly; but note that, while their actions are limited to transitory control of an HOA community, their legacy survives in the governing documents they provide and early residents' experience under a developer's mentorship. In the end, it is the evolution or devolution of the supposed maturing community, sustained or eroded by outside government statutes, that determine an HOA

STORY TELLING TOOL

's long-term future.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Yes. Barbecue Smoke

author: Margaret

Barbecue smoke should be completely disallowed. For example, a unit below mine heavily barbecued from a new high powered electric unit. Smoke disfigured my apartment and caused me considerable expense of remediation. It triggered asthmatic breathing. I was continually denied relief because there was a policy allowing electric cookers. This went on for several years until they moved away. It made me very bitter.I was made to feel like I worked for them, not the other way around. Attitude in the HOA office was very condescending and rude and still is. I have since moved.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Heather Gardens is Great, however... HB22-1137 is bad.

author: Lushy

It is difficult to obtain compliance with our governing documents due to HB22-1137. For example, a parking violator can't be fined if the vehicle is moved within 67 days. They can then park back in the same place and the clock restarts. Same thing for nuisance problems, a short fix restarts the clock, so people can be really annoying neighbors most of the time if they cure their bad behavior on rare occasions within 67 days. There needs to be serious reworking of HG22-1137 to allow HOAs to fine those who are bad neighbors.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA Financial Assistance Program

author: alison.ellis.cedp

Hello,I work for the Community Economic Defense Project's Emergency Mortgage Assistance Program. We provide financial assistance to homeowners, including HOA balances due. I have worked with a client recently who was in a legal process with her HOA for nonpayment of a fine that she had been trying to dispute for several years. I saw the HOA legal fees climb up rapidly even in the 2 weeks that I worked with her, the HOA attorney had added an extra $3,000 in legal fees just in that time period to the already over $50,000 balance she had. Another client I assisted experienced an economic hardship and was struggling with paying their housing expenses. The client had requested assistance for water from us so that they could water their grass enough to have it be to the HOA's standards, they were concerned their water would be shut off and would then also be fined by their HOA for their grass. It was disheartening to speak with this client who was already concerned about having utilities on and keeping their home amidst and financial crisis, experience stress about the liveliness of their grass which could result in unaffordable fines from their HOA.Thank you for taking the time to read my story.Best,Alison Ellis

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA's are needed!

author: Jill

I have lived in an HOA for over 30 years and I love it and would never live in a place that didn't have a strong HOA. My biggest complaint is about people who move into these communities and believe they can do whatever they want to the outside of their homes. These same people get upset when they don't follow the covenants that they break and are surprised and mad when they get a notice from the HOA to fix the problem. I often wonder if they truly understand that there are rules that everyone has to follow to keep our neighborhoods from looking terrible and unsightly. I also wonder if the realtors can help educate their buyers on the pro's and con's in living in a covenant controlled community? It should not be taken lightly, and these buyers need to understand what they are getting into before they buy. If it's not for you don't buy in these neighborhoods. I can go into a neighborhood and know if they have soft or strong covenant controls. The first sign is if there are RV'S and boats on the side or backyard. I don't want to look at an RV or boat next to me. I'm not against these items, it just doesn't belong in your yard. If you can't abide by the rules (no RV's, boats, trailers, terrible paint color choices, unkept yards, no parking on the lawn, stored cars, trash, no chickens in the backyard) don't live in this type of HOA community. It's very simple. There are many places to live where there are no rules and you can do whatever you want to your house and neighborhood. I also get tired of these same people that will most likely say "this is my property and you can't tell me what I can and can't do to it". I really appreciate my HOA and am very protective of my house and what it looks like and spend many hours to keep it this way. I not only do it for me, I do it for my neighbors and my neighborhood/community. It's maintaining value because of these rules. It is proven that property values are stronger when there are HOA'S, and the communities are well kept overall. We can't continue to take away and diminsh control of our HOA'S.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

It Could Be Better

author: CDGleneagle

HOAs are designed to maintain the value of a neighborhood thorough thoughtful CC&Rs, Rules and Regulations, and careful management.Too often, and witnessed daily in my self-managed HOA, properties are being neglected. I understand the difficulties of policing neighbors, but Realtors, Buyer's Agents and potential buyers should be aware of the Covenants and respect the intention, if not the actual words written for anyone to read.Yes, "this is America", but homeowners should be held to the covenant stipulations, so they, and all owners are protected by the contract signed with the HOA when they purchase a home in a covenanted community.Board members need to be above reproach and lead by example when any owner reports an issue. Board members should also be open to resolving issues regardless of their personal opinions.In my HOA, the lack of covenant enforcement is very obvious. It is frustrating to see the dead landscaping, multiple vehicles on lots, peeling paint on homes, and dead trees. I know from experience that these issues have been submitted to the BoD, yet the area is becoming more and more neglected.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Homeowner to HOA Board Member - Back to Homeowner

author: KHP

I became an HOA Board Member, of a 22-member condominium community, due to mismanagement of prior management companies within our HOA. It was a challenge for our community to become self-managed as most homeowners did not want to become involved, and an opportunity for a new board to "show and tell" the neighborhood as to the benefits of being self-managed, both financially and professionally. In that respect, more homeowners were pleased with the prompt attention to the community, since the board members actually lived within the confines of the HOA. Within the first year, there were multiple repairs that had not been done by any of the management companies. The previous board engaged vendors that were, clearly, a conflict of interest, and gave poor performance for services paid by the HOA. Additionally, the HOA's governing documents were over 14 years out-of-date, and were not being followed - basically, the board and management company were doing whatever they wanted to do, and giving themselves perks that no one else in the community was benefiting from.Obviously, the self-managed approach angered those who had been on the board, as their lack of due diligence became exposed. The homeowners were paying dues, but nothing was being done, except making the management company rich off our monies, and no financial accountability was transparent. Personally, either HOA's are to be regulated, or HOA's need to be abolished. HOA's are quickly becoming tyrannical dictatorships, and imposing their own personal agenda on others who do not share their viewpoints. Every day, there are multiple articles expressing dissatisfaction of the bullying tactics by the board, management company, or both, against honest homeowners. As more of these HOA communities spring up, it will only anger, divide, and consequently end up costing the homeowners and the HOA's thousands of dollars; essentially putting HOA's into foreclosure, bankruptcy or receivership.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

AWOL: 1 governor, 35 senators, 65 representatives

author: fnr

HB22-1137 is a disaster for aging, high-rise condominium buildings. The General Assembly and the governor weren't paying attention in 2022. Twelve months ago, it was widely "understood" that things would be "fixed" in the 2023 session. Today: Nada.I get why the bill was drafted, even as those responsible are now backtracking on the history. But a suburban HOA and a downtown apartment building have very different dynamics. The bill's reference to posting delinquency notices on the perimeters of "lots" gives the game away.When you purchase a condominium unit in our building, you can figure that about 1/3 of what you pay is for your unit's interior, and 2/3 is for your ownership share in the association. As a result, there may occasionally arise substantial special assessments to upgrade common elements; in our case, 5-figure amounts for units both large and small. Being able to enter into an 18-month payment plan at $25 per month causes considerable cash flow issues for the association. Our deferred maintenance baby has been thrown out with the over-aggressive-fining associations' bathwater.From my limited vantage point, this appears to be gross legislative negligence. But I'd be happy to hear alternative explanations.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA Board Dictators

author: resident

In the HOA where I live, the Board makes all of the decisions regarding spending our funds with no or little input or vote from the residents. A $20,000+ additional sign was erected at the entrance, which serves no purpose; a $5,000+ sidewalk was installed that only leads to a street, not another sidewalk and was not in the original site design approved by the City of Aurora; the entrance was redesigned at a cost of thousands as well as the security gate was removed (the info sheet for removal contained absolutely nothing about the security it would offer, and many of us moved here because it was to be a gated community so it was not a proper vote proposal containing pros and cons). The President handpicks those he wants on the Board so he has no one to disagree with any of his decisions. There needs to be a provision in CCIOA on Board term limits and that a resident can only serve so many times on a Board (we have had others run for the Board but certain Board members collect ballots and offer to help fill them out to prohibit anyone else getting on the Board) and that all expenditures over maybe $5,000 have to be put to a vote of the residents. There should also be a requirement that a certain % of Reserves should be maintained as well as a provision that assessments can only be raised a certain % each year. The Board members do not want to discuss anything with an individual homeowner; homeowners are told to attend the meetings and publicly ask their questions. The Board makes rules and regulations that are in conflict with the Declarations. And, when we had a construction defect claim with the last and final developer here, the certain members of the Board stopped the inspections thus prohibiting the lawyer from doing their work and reducing our opportunity to get more money from the developer. Why would any Board to this to the residents? It is especially frustrating when the Board signs a contract and then refuses to make the contractor abide by those terms. Residents have offered ways to reduce contract costs; however, the Board refuses to consider these suggestions and continues with their own agenda. And, there needs to be an agency in the state that can enforce HOA laws instead of just telling a resident to hire a lawyer if there is an issue. If a resident pays a lawyer, the Board's lawyer is also at our expense so now the resident is paying for both lawyers.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Evening the Playing Field

author: Doug

Recent legislation has tilted strongly in favor of protecting homeowners, especially those behaving badly, at the expense of HOAs, the vast majority of which govern responsibly. If the news reports are accurate, many of these new laws were inspired by actions taken by a few rogue HOAs that most would regard as unfair and overreaching. Yet the “one size fits all” approach adopted in ensuing legislation winds up punishing all HOAs, good and bad.HB 22-1137 is a good example. Adopted following news reports about egregious enforcement and collection practices at one particular HOA, the law saddles all HOAs with new complex, expensive, and time-consuming enforcement and collection hurdles and reduces the incentive for violators to comply voluntarily, forcing HOAs to resort to even more complex, expensive, and time-consuming litigation.Another example is HB 21-1310. News reports at the time suggest this law was inspired by an HOA that tried to enforce a non-discriminatory ban on all types of signs. The result is a law that prohibits HOAs from enforcing any restrictions on signs based on content, even those that espouse racist, homophobic, obscene, or other hateful messages.There are certainly legitimate concerns that need to be addressed from time to time, but more careful thought needs to be given to the impact of remedial legislation on HOAs that govern responsibly. Most HOA homeowners rely on the protections afforded by their HOA governing documents, and do not want to see those protections taken away. When overly broad restrictions are placed on HOAs and their governing documents, the only winners in HOAs that govern responsibly are those few homeowners who choose to behave irresponsibly. More targeted legislation is needed to fix problems that impact a few homeowners without creating even bigger problems for all homeowners.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Affordable Housing

author: Larry V

I think we need town meetings to fully discuss the pro and cons of HOA boards and residents rights. In a nutshell here are a few of my concerns:1. Reserve studies and how HOA boards may spend the money to have them completed but do they do anything with the studies?2. Ongoing education for HOA board members as well as HOA Boards providing ongoing education for their communities.3. In addition to board meetings it should be required for HOA Boards to have at least quarterly communication with their residents via email or if that is not available mail quarterly newsletters.4. We have a Master HOA and a Condo HOA board which we pay dues to both HOA's. Our HOA is approximately 30 years old and I have lived here for 6 years. The last few years our dues for both HOA's have went up. This to me is unsustainable and their needs to be an easier legal way to get out of the master HOA. 5. Insurance premium's for the HOA continue to go up and in order to keep this affordable HOA increase their deductible which continues to impact their bottom line. I would love to spend time with the task force to work on alternatives that might be available to HOA residents.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Work Session Abuse

author: fdunn

While serving on an HOA Board, it became apparent to me that work sessions were being abused. While, technically, there were no actions taken, thus avoiding the open meetings requirement, the fuller truth was that decisions were being made informally. Consequently, there was no real debate among directors when it came to subsequent formal board meetings, so an observer at that point was not getting anything close to the whole story behind votes. The decisions had already been made in secret and informally during work sessions. I know the counter argument well: we need to get work done and having members looking over our shoulders would interfere with that. I think the only way having members looking over one's shoulder interferes is in making a director think twice about what they may say. The latter is a good thing. I believe both Florida and California have made work sessions subject to their open meetings laws. I think Colorado should as well. Doing so with some harmless softening, like relaxing notice requirements or restricting work session observation to Zoom, would add to transparency while avoiding interference with getting work done.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Both Sides

author: TerryLowe

I am involved with 4 HOA's. I am on the BOD in 3 of those HOA's, an owner member of the 4th one. Two of the HOA's are very small, 3 and 4 units, and are easy to navigate. The third one, I'm an owner member, and it is good for me to just be on the owner member side to see how most of the community looks at their BOD. The last one, I live in and have been on the BOD 8-9 years. One of my personal goals was to be sure the decisions being made, were in line with the Condo Declarations. It was difficult, as our community had previously been run on " the whims of the BOD". Each community has different challenges, and needs to be governed by the declarations, not hastily made state laws that came from a few bad apples. The new laws are creating entitled homeowners who think they do not need to follow the declarations. I would suggest:1. Homeowners need to understand that they are agreeing to the Condo Decs at their closings.2. Not all homeowners understand what they have signed. Classes need to be available for homeowners to understand Condo Decs and the process of how violations work. There should be a required class for homeowners who have repeatedly violated rules, or who are not paying dues. Owners who believe they are entitled, don't take the time to understand they actually could loose their home over a series of mild violations or continually missing dues payments. Some owners just don't understand the severity of, say parking in the wrong place, or constantly leaving trash cans or debris in the common area. They are violating the rules, and the BOD has an obligation to to enforce the Condo Decs so all can enjoy the community. BOD's do not see violations and legal action to punish one owner, but instead to keep the promise of the community declarations for all the homeowners of the community. DORA could create classes that educate new community members, and have required classes to help those who have violations, and have no idea that they could loose their homes. We cannot have laws that let one owner NOT pay dues/violations, because if one doesn't pay, it sets the tone for no one to pay. HOA communities need to show a sense of equality, and they certainly need funds to pay bills. Please see both sides of the issue.Thank you,Terry Lowe

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Member Rob Klein

author: midmug

Residents Rights are abused. Money is spent out of our intended assessment covenant clause. Board is trying to restrict our water rights. Backdoor meetings taking place. Non-compliance of statutes. Declaration Not enforced. Junk on properties and lining roadways. Unmaintained roadways. Last minute meetings. No posted agendas at times.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

A Broken Screen ? Really?

author: Drewzer71

I live in a covenant hoa. I inherited a unit in a building in Windsor, Colorado. My mother transfered ownership is 2012, after having purchased it for an investment. I am on the bottom/ ground floor and there are people renting the unit above mine. I recently feel like I've been targeted or singled out by not only the management company that manages the association, but also by the other owners or HOA members. 1 individual owns several units including the one above mine. He also serves as President of the HOA. His renters have flooded my condo 4 times over the 12 years I've lived here. I have been receiving a $ 57.00 fine for a broken screen. It's actually not broken just slightly bent. The inspector for the management company has a vendetta or some issue with me and tries to violate me every single week. Not only that, I replaced a sliding door and window in the master bed room. I replaced the old aluminum extrusion window frames with new white vinyl efficient frames. After 4 years the inspector tried to violate me for my window and sliding door frames didn't match the rest of the buildings.window frames. The inspector has racked up 1000's of dollars overdraft the 12 years . The HOA dues started out at $95.00andhas grown to $250.00 a month. 16 units times $250/month is $4k a month , 48k a year. What costs 4k a month that our dues are so high? I have been to only 1 HOA meeting because they do not post the location or date nor time of the meetings. I actually feel like they are conspiring against me in hopes I lose the property due to their late fees policy. I almost lost the condo 1 time already as I did not pay dues for over a year. I want to know why our dues are so high and getting higher every year. Is it a conflict of interest to own 5 units and be the president of a covenant hoa? I'm actually seriously considering selling and moving but I really don't have the means.

Visitors	Contributors	CONTRIBUTIONS
0	1	1

No Responses

STORY TELLING TOOL

Not all HOA's are the same

author: DianeN

HOA's manage different types of property. Some are single family homes, some are townhouses, some are condominiums. Legislation should not broadly legislate all HOA's but should specify which entities to which they apply and should consider the ownership. For example, regulations that say HOA's can't prevent xeriscaping or solar shouldn't apply to condos where the unit owner does not own any of the land individually nor the roofs on which the solar would be installed.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Stay out of HOA matters

author: glowell

This is another classic case of government meddling where they don't belong. Because of state legislation, our HOA can no longer enforce one of our major covenants - the forbidding of residents placing travel trailers, RVs, golf carts and boats on the public roads within our HOA. We can't enforce HOA rules on public roads. Good job, progressive politicians!

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Conflict of interest

author: Ps5168

It seems that it is a conflict of interest to have a HOA board completely consisting of homeowners. If you have multiple buildings that need repairs, some homeowners|board members do not want to raise the dues because they are on fixed incomes. Hence, you get a complex in disrepair and needing emergency fixes which cost more. Then the board member do not get reelected because they have been forced to raise the news from a previous board I would like to see at least 50% of a board be outside professionals that are paid to sit on an HOA board, who know about business.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

HOA required repairs to property taking an excessive amount of time

author: Dan

The Townhome Complex I live in was affected by the Marshal fire. The fire swept into our complex causing major damage to a large number of our properties as well as burning up a considerable number of shrubs and trees in the common area. After a year and 8 months since the fire there is still one entire 4-plex building that was mostly destroyed, and other than having the remains of the building removed, there has been no progress on starting the rebuild. Also, some of the destroyed landscaping (trees mainly) have not been remediated. In my case, there are 8 trees behind my unit that burned. They have been cut down, but there is still a two foot tall stump remaining that has not been removed. Fortunately, I have not had to sell my unit, but if I had, this would have impacted my property value. There should be a DORA requirement that states time limits in how long an HOA has to repair or replace damaged HOA property.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Duskey

author: Duskey

Our Cottonwood Ridge HOA has 21 single dwellings. The HOA Board is made up of elected residents. All seems to work perfectly--when problems arise the Board handles them. Residents participate in solving any problems that need input and also gathering for HOA social activities. We've lived here 9 years and have been extremely satisfied.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Secretary/Treasurer

author: secretary

I guess we are very lucky to live in an HOA, where all the neighbors are friendly and helpful. We have a "neighbors helping neighbors" kind of neighborhood. We have volunteers running the HOA, so maybe that's why we can keep the costs down. The only problem I can see is finding someone to fill a position, if the need arises, but we usually find one of us to volunteer. That in itself keeps the cost down for all of us. Every morning we take a walk around the neighborhood, sometimes several of us, and sometimes just a few. We've really gotten to know each other, which is very nice. When someone needs help with a project or taking care of their animals, we all pitch in. We are very blessed.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Open Space Flooding

author: Teresa

Open space behind my house has flooded every single spring & HOA continued to swear it was responsibility of Town of Parker. This year it got so bad that I started to push harder on my neighbor & friend who is also the HOA board president. Ironically it effects her back yard as well but has refused to get board to address it. Open space on opposite side of my yard fence is flooded probably a 20 ft by 40 ft area easily & has been for months. I started begging them to do something in June but was told "it's to wet to do anything", "it's to expensive". "gonna try to get the city to pay for it". I finally asked that they just tell me what was feasible as a fix & I would take care of it at my own expense. I was told that would be to complicated because Colorado Law requires board approval at an open meeting. So they refused to fix it & wouldn't not let me fix it. 6/19/23 a crack appeared all the way across my living room ceiling. Board meeting was 7/22 & I was told it would be addressed. 7/19/23 I was told that HOA got Town of Parker to fix it but wouldn't be done until winter because it's to wet & they are to busy but it would be best option because they weren't going to charge the HOA to do it. Engineer came out to inspect my home & now I have a $36,000 quote to fix my home because HOA was to cheap to fix the draining issue. And that's just to stabilize it, not repair of the drywall or basement cement that has also sunk & cracked. I will be seeking legal help to make the HOA accountable.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

Threatened with fines during covid

author: KLM

In 2020 when covid began to hit our communities while people were feeling the effects of crisis and financial instability, Harvest Park HOA had gone through our neighborhood and began to threaten people with fines for minimal weeds. Numerous people were threatened with these fines while trying to navigate a global crisis. It was unnecessary and only added to people's increased stress and worry. Many felt it was a way the HOA tried to increase their profits during this unstable time.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses

STORY TELLING TOOL

The road to hell is paved with good intentions

author: Vital

I own and assist in the rental management of several units across Aurora.I can tell you with little doubt that working class communities are hurting for funds and everyone in the community is affected.A number of owners are abusing the system, hiding behind the new laws and not fulfilling their responsibilities to their respective communities. This new wave of legislation is protection a few owners/renters but empowering multiple owners/renters to game the system and hurt everyone else.I am personally disheartened to the point that I am no longer willing to be an owner/manager of rental units. Responsible owners are vilified. HOAs are vilified. I am having a hard time understanding how this is helpful to the majority of stakeholders.The HOA unfriendly initiatives are causing considerable damage and weakening communities. By the time this will be realized and perhaps acknowledged by the politician class the damage will already have been done and will be irreversible. The people with financial alternatives will find ways to protect themselves. The ones mostly blames will be the very same people these new laws are designed to protect.I am hopeful that logic will prevail, but I am not holding my breath.

Visitors 0	Contributors 1	CONTRIBUTIONS 1

No Responses