

Our Letter to Legislators and Members Concerning Phantom Opposition to HOA Issues

Lakewood and now Lone Tree, Colorado, have enacted local ordinances on construction defects litigation similar to SB 15-177. Other localities are such as Littleton and Boulder are considering such actions pending the outcome of SB 15-177. The city ordinances and proposed SB 15-177 can be improved with our suggestions to make them more affective for home owners: a definitive process to inform home owners on the intent, cost and financing of litigation leading up to a vote of approval to use HOA funds on law suits; restricting the use of any funds awarded to the HOA in litigation for the purpose of award; precluding the use of reserve funds for litigation; making SB 15-177 applicable to all community associations not just condominiums; and assurance that an individual can use their own funds to sue for individual constructions defects issues. Our organization, Colorado HOA Forum, supports the latest version of SB 15-177.

We have monitored press releases on the Lakewood and Lone Tree construction defects initiatives and SB 15-177. Trial lawyers and the Community Association Institute (CAI) oppose these local ordinances and SB 15-177. The press (Denver Post, Denver Business Journal , Channel 9, etc.) has also reported that opposition to these initiatives is strong among HOA organizations and HOA home owners. Article 1 and Article 2 What you NEED TO KNOW ABOUT THESE OPPOSITION GROUPS!

We challenged the media to identify just one opposition HOA organization (members being HOAs) and/or one HOA home owner's organization (mostly home owners as members) they refer to in their articles. TO DATE THEY HAVE IDENTIFIED NONE! This same unsupportive quoting of "opposition groups" is done by lobbyists in our legislature for the past several decades without challenge.

The real opposition to HOA reform and SB 15-177 comes from an organization that historically presents itself and is accepted in the legislature as a home owner centric advocate: the Community Association Institute (CAI). Legislators should become more familiar with this strong lobbying organization as to who or what they represent: property managers and HOA lawyer interests. This misunderstanding is what contributes to difficulties in gaining support for our issues for HOA legislative reform.

A good part of our organization's effort is directed at educating our legislators about who or what represents home owners. The media (and lobbyists) make our work more difficult. [Below is a link](#) to yet another recent article from the Denver Business Journal that suggests opposition from phantom organizations such as unidentified home owner groups.

http://www.bizjournals.com/denver/blog/real_deals/2015/02/lone-tree-to-take-up-construction-defects.html

Please support SB 15-177 as part of an effort to reform HOA governance. No Bill is perfect but from the home owner's perspective SB 15-177 begins a process to challenge and mitigate the actions of abusive Boards using HOA funds on litigation without home owner knowledge or approval. I'm available to discuss at your convenience. Thanks.