



Colorado HOA Forum HOA Homeowner Advocates

Colorado Blue Columbine



Promoting Reform in HOA Governance

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2.5 Million+ Coloradans Living in 8,000 HOAs Ignored by Colorado Legislature: AGAIN

[HOA Reform Bills in 2020 Legislative Session: one killed, one passed but totally empty](#)

Contact us at: coloradohaforum@gmail.com

[Join our effort by signing up on our web site](#) and receive all our communications and newsletters: no fee membership.

Write the [Colorado Information Office and Resource Center](#) and [legislators](#) about your concerns with HOA governance and homeowner's rights.

[Get our free brochures](#) on just about any HOA topic: read before and after you purchase your HOA home. Get informed, make better home buying decisions.

Before you pursue any HOA complaint, read your HOA governing documents to determine "what is" as opposed to what you "want things to be".



Brochures:



[Visit our web site for guides on HOA home buying, governance, finances, maintenance & ownership. Free to our members. Written from the homeowner's perspective](#)

FEATURED

[HB 20-1200: all State Recommended HOA Reforms & dispute resolution removed](#)

[HB 20-1333 would have all but ended HOA Transfer Fees but Killed](#)

[Companies offer HOA Transfer Fees Services for \\$50-70 HOA Property Management Companies charge \\$150-300 to over \\$1,000](#)

[Know HOA Maintenance Prior to Purchasing a Home](#)

[Day Care Businesses Coming to Your HOA](#)

[HOA Home Buying, Maintenance, Governance, Finance, and Ownership Guides](#)

[Fair Housing Act and Other Fair Housing Resources FHA HOA Deed Restrictions](#)

[New Study on HOA Home Sales Transfer Fees is Stunning](#)

[Explanation of Articles of Incorporation, Declaration, CCRs, by-laws](#)

[Web Site Documents Sorrows, Hardships and Financial Loss with HOA Dysfunction](#)





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HOA Out of Court Dispute Resolution HB 20-1200 but removed by lawmakers.

HB 20-1200 resulted from a mandated State Sunset Review that evaluated whether the State HOA Office should continue. The Review team proposed a Bill to the House indicating the Office should continue justifying its existence with an increased involvement in HOA complaint resolution. Two other State reports affirmed the role of the HOA Office needed to be expanded: a 2019 Governor's report on HOA reform and a 2013 State Report on HOAs. HB 20-1200 was signed into law but to continue as is with no expanded mission?

The Bill was presented to a House Committee and passed. The Bill clearly included in its Title, summary and text the recommendation to create a dispute resolution process within the State HOA Office to process homeowner complaints with HOAs. Other reforms from the studies were also included. It was to become the first HOA law in 25 years

[Read complete article](#)

State HOA Data Repository can save HOA home owners Millions

HB 20-1333 would have created a State HOA data repository but was killed by legislators. [This article explains](#) what was intended and would've benefited HOA homeowners. Once again special interests and weak sponsors of Bills results in loss to home owners.

Spend a little, save a lot — and we mean a lot, as in millions of dollars for HOA home owners. HOA home owners are burdened with excessive and abusive home closing fees when they sell their home unlike those in non-HOA

[Read full article](#)

[Colorado Common Interest Ownership Act](#) (check for revisions on [State Web Site](#))
A comprehensive and definitive law for HOA governance: [modified by subsequent Bills](#)

[Visit our site to view our comprehensive library of HOA Home Buying, Maintenance, Governance and Ownership Guides](#)

HOA super lien foreclosures: lose equity, home and still owe mortgage

You fall behind on your HOA dues or other debt to the HOA. The HOA decides to pursue defined collection procedures but you still are unable or refuse to pay the bill. Then the HOA proceeds to legally foreclose on your home to collect their debt. The process to foreclose is tedious but the HOA has the absolute authority to do so. What you should know is that an HOA foreclosure is different and more consequential than other foreclosures. [Read full Article](#)

HOAs and Metro Districts: unexpected tax increases

The [Denver Post's excellent reporting and explanation of the abusive and costly practices by metro districts](#) reveals the need for additional consumer protections in home buying. [Taxes can increase several to many thousands of dollars](#) a year for metro district homeowners and until the increase arrives in the mail the homeowner may have no knowledge or expectation of the increase. Such increases can be repeated in subsequent years and for those unprepared or who can't afford the tax increases this can result in having to move from one's home. [Read full article](#)

Foreclosure Calamity Finally Resolved

An HOA homeowner who had her home repossessed and sold for \$19,000 but with a market value of \$380,000 finally won her house back in a time consuming court case. What we don't know is what this court case cost the homeowner. She may have won but really lost financially. This exemplifies the need for an affordable and accessible out of court dispute resolution process that Colorado State Legislators continue to avoid and find no energy to implement. Liens, super liens and foreclosures are legal and have their use but abuse exists and oversight and restrictions must be implemented through our laws. [Read the full article](#)

[Flag Display in HOAs Allowed but HOAs can impose restrictions](#) [Another article](#)



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Managing the HOA through COVID-19

[The Colorado HOA Forum has posted several articles concerning managing an HOAs resources in this time of pandemic.](#) Always check with State and local government laws and mandates and your HOA's liability and insurance coverage when opening up the pool and other HOA amenities to avoid problems.

[HOAs sending out releases and waivers as pools open to avoid blame for COVID-19](#)

Don't let your emotions empty your bank account! [A parking dispute incurs over \\$200,000 in legal fees.](#) Analyze your cost-benefit of a legal action

Legislature Ignores three State Sanctioned Reports on HOA Reforms

There have been three State sanctioned studies on HOA Reform in Colorado: 1) 2013 HOA Reform Study completed in conjunction with the creation of the State HOA Office. It recommended an out of court dispute resolution process for homeowners with their HOAs. 2) 2019 Sunset Review strongly recommended out of court dispute resolution to justify the existence of the State HOA Office and 3) 2019 Gov Polis' mandated review on HOAs that recommended dispute resolution. All studies landed on deaf ears and interest in the State Legislature. Lobbyist surely understand the threat to the HOA legal industry (as in legal dollars for court cases) and their efforts contributed to killing [HB 20-1200](#) that would have implemented these studies recommendations. Legislators continued to verbally support HOA reform but when it comes to actually helping they fail miserably. Exemplary is of the 12 HOA Bills passed in the last decade not one of the Bills provided for enforcement that was affordable and accessible thus making every one of them simply administrative and "feel good". This false pretense of working for HOA homeowners is costly to homeowners and continues to enrich property manager companies and HOA lawyers. The HOA industry has no oversight for the consumer.

Colorado HOA Forum Identifies Realtors who Avoid HOA Home Sale Transfer Fees

The Colorado HOA Forum continues to work for HOA reform involving excessive, unjustified HOA home sale transfer fee. HB 20-1333 would have been a major first step in allowing home sellers to save \$400-700 or more in HOA property management company (PMC) assessed home sale transfer fees by [creating a state HOA data repository](#). We now have evidence of a few Realtors in Colorado that are in fact intervening in the home sale process to complete transfer fee work for the home seller at NO cost or hiring a private firm to complete such work for \$40-75 vs hundreds charged by PMC: that's real money and costs homeowners over upwards of \$15+ million a year. [Questions on Transfer Fees, write us.](#)

DORA: 20 full-time positions to administer HOA Office Dispute Resolution Program?

Outrageous, wasteful and exemplary of government bloat. The Colorado Dept of Regulatory Agencies [estimated it would take 20+ full time employees to administer an HOA homeowner out of court dispute resolution process within the State HOA Office.](#) Worse yet these types of estimates go unchallenged by legislators and kill reform. [We present the information](#) and a study on what it should cost based on information from other States, the State HOA Office and how it would operate.

[Legislative fiscal note documents and a study on the cost to implement an out of court dispute resolution process within the State HOA Office.](#) We've found not one State with more than 5 full time employees to operate such a process with Virginia having only one person. Government financial bloat!

[Companies offer HOA Transfer Fees Services for \\$50-70 HOA Property Management Companies charge \\$150-300 to over \\$1,000](#)

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Drones, HOAs and the Law

HOAs are attempting to address the potential problems of an emerging technology that was unheard-of when most communities' covenants were recorded.

For community associations, the challenge is to craft an unmanned-aircraft policy that balances the interests of amateur drone operators against the rights of their neighbors. On one hand, drones unquestionably offer many practical advantages, and piloting a drone can be a fun and rewarding hobby. On the other, homeowners have a right to a safe and nuisance-free community where they can enjoy their property and families without any unwarranted intrusions—whether by man or machine. It can be tricky to find that cozy middle ground, but doing so gets easier if you know a little more about the positives and negative aspects of drones. [Read full article on developing HOA policy](#)

Remove that Frog: some frog humor and rules are rules

A woman gone viral with a very long-winded story about a neighbor's "creepy" statue and how she legally campaigned to remove it from their yard.

According to the alleged exchange of events that the woman herself laid out, it all began when the 35-year-old woman and her husband, 34, went on a walk with their 6-year-old daughter. [Read full article](#)

[Well rules are rules and even Kermit can't escape with an exception.](#)

[All about deed restrictions in HOAs and Fair Housing Act:](#) age restrictions, familial, other

Did you know: [HOA mobile home park homeowners have an out of court dispute resolution](#) process (100,000 homes) at no cost but the 800,000 HOA homeowners must use our costly court system to settle disputes with their HOA. [HB 20-1200](#) included an out of court dispute resolution process within the State HOA Office as recommended by three State studies but legislators deleted it from the Bill. A win for HOA lawyers, a loss for HOA homeowners.

[Web Site Documents Sorrows, Hardships and Financial Loss with HOA Dysfunction](#)

[This new web site](#) documents the problems, hardships, abusive practices and financial cost to HOA homeowners when HOA Boards and property management companies operate in an environment in which home owner's rights under State Law and HOA governing documents can be ignored without accountability and homeowners have no place to dispute abuse other than in a costly, litigious court system.

Deed Restrictions Surface Black Lives Matter

The language can be found on the homeowner's association website, stating only people of Caucasian race can own or live in a home. These types of clauses in fact still exist and exemplify the need to address concerns of the BLM movement. It is time to react and for change. [Read the article.](#)

Familial, Age, Disabled..... Restrictions and Fair Housing Act

Restrictive covenants in homeowners' associations are not unusual—nearly every community has them. For homeowners, the restrictions are something of a trade-off. You accept a limitation on how you can use your property because, if everyone else in the community does, too, the neighborhood as a whole will be better off. 'If we all agree to keep our yards well-maintained and our houses painted nice-looking colors, we all benefit from a more attractive neighborhood with higher property values.'

As it turns out, though, "fundamental public policies" are more common than you might think. Legislatures often recognize fundamental public policies when enacting statutes. So, an HOA covenant that conflicts with a statute may violate a fundamental public policy, and a reviewing court may therefore refuse to enforce it. In fact, HOAs not only cannot enforce covenants that are contrary to a statute, but the very attempt to enforce such a covenant can result in significant liability for the association. Many an unwary HOA board has run into precisely this problem with regard to age-related restrictions and the Fair Housing Act ("FHA"). Although a restriction related to residents' ages might seem completely reasonable—and might promote a legitimate purpose in the community—covenants that effectively discriminate based on age very often run afoul of the FHA. And that can land an association in legal hot water. [Read full article](#)



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If COVID-19 Closed Your Pool or Gym, Can You Skip Paying HOA Fees?

The COVID-19 pandemic has forced many of HOA-run facilities to close. Which begs the question: Do you still need to pay HOA fees? Buying a home in a community with a [homeowners association](#) comes with many perks—such as a maintenance crew to take care of the lawn, gym, swimming pool, or other shared areas enjoyed by HOA members. [\(all home buying/ownership guides\)](#) But the COVID-19 pandemic has forced many HOA-run facilities to close. Which begs the question: Do you still need to pay HOA fees? [Read full article](#)

If a construction permit is required then it must be presented to the HOA prior to construction

Your HOA architectural committee requires most construction projects such as decks and other add-ons to your home to be approved by the HOA. Generally this requires submitting your plans in detail with specifics outlined in the HOA governing documents. If a project requires a building permit from the county the HOA approval process should not just recommend or indicate a permit is required but make the approval of any such project dependent upon the homeowner providing a copy of the permit. This ensures that the construction will be approved with county standards, built with such standards and protect the homeowner from fly-by-night contractors.

[HOA backs off request for homeowners to report COVID-19 status:](#) HOA's beware of questioning residents about if they are/have been infected with COVID-19

Thornton neighbors circulate petition against HOA to get community pool open for summer

Neighbors in a Thornton community are circulating a petition against their home owners association to get the community pool open for the summer.

“We moved to that neighborhood for the pool and the sense of community and now with pretty much everything taken away from them, our hope was at least they could go just to our pool where I could regulate and try to help keep them safe,” Rachelle Boucher said.

Boucher is a local nurse with two active boys. She has lived in the Haven at York Street neighborhood for the past decade and was frustrated to learn the community pool will remain closed due to COVID-19. [Full Story](#)

These are times that make being a Board member difficult but a responsible Board places the demands of the few, demands of convenience for a few subordinate to the health issues of the entire community.

HOA Board Member Liability Very Limited

Recently two HOA Bills, HB 20-1200 & HB 20-1200 were argued by the opposition from the legal industry they made individual Board members vulnerable to legal liability. In particular, when a State run dispute resolution process ruled in favor of the homeowner or when such instances as election irregularities occur the Board can be sued and Board members held legally and financially accountable. [This article by a law firm](#) involved in HOA matters presents a different view and supports what we told legislators that Board members are, unless a crime is committed or they acted in a totally reckless manner, not subjected to legal liability. You can bet the opposition will use this baseless legal liability argument again in 2020 with any HOA Reform. As for the legislators: fool me once blame on you, fool me twice blame on me.

[Homeowners want HOA dues refunds for amenities they can't use:](#) It simply doesn't work this way. Determining refunds and for which amenities, prorating refunds, etc. for a temporary COVID-19 crisis will not happen. Any excess revenue from one year due to savings in the shut down of an amenity can optionally be used to reduce HOA dues in a subsequent year or used by the Board to fund other expenses or depleted reserve funds.

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