



Colorado HOA Forum HOA Homeowner Advocates

Colorado Rocky
Mountain High

Promoting Reform in HOA Governance



Page 1 of 6

Fall 2018

IN THIS ISSUE

Page

[HOA/Condominium Roof Replacement Damage Can Leave Home Owners with the Bill](#) 2

[HOA Business: road runs through HOA property mgmt company](#) 2

[Should HOA Board Members be Licensed/Certified](#) 2

[How Bankruptcy Impacts HOA Collections](#) 2

[Rentals within an HOA: protecting HOA and tenant](#) 3

[HOA Dues Don't Guarantee Services and Maintenance](#) 3

[Understanding HOA Governance, Property Rights/State HOA Law](#) 3

[Overview of HOA Management, Reserve Funds, by-laws, etc.. : basic and useful FAQs](#) 4

[HOA Boards: licensing, certifying, background checks, part 2](#) 4

[HOAs Across USA](#) 5

[Proxy Voting: use and abuse](#)

[Georgia Passes Limits on HOA Transfer Fees \(Colorado = NO\)](#)

[Our Most Important HOA Home Owner's Issues](#)

[Home Owner vs HOA Dispute Resolution Process White Paper](#)

[Home Owner vs HOA Dispute Resolution: Cost and Implementation](#)

[HOA home owners triplicate billed with HOA home sale Transfer Fees](#)

Knowledgeable Board members and home owners contribute to good governance and mitigate home owner complaints and HOA litigation: READ YOUR HOA's

Contact us at: www.coloradohoaforum.com or email us at coloradohoaforum@gmail.com

Join our effort by signing up on our web site. Our web site contains HOA articles, reference information, current events, and tools to help you [write your legislators](#)

Write the [Colorado Information Office and Resource Center](#) and legislator about your concerns with HOA governance and homeowner's rights. **THIS DOES HELP!!**

Request our [business cards](#) through our web site for distribution to your neighbors or at an HOA meeting. Ask your friends and neighbors to [join our movement](#). it's free.

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



Brochures:

[HOA Maintenance Guide and Checklist](#)

[HOA Home Buyer's Guide and Checklist](#)

[All Brochures](#)



Should HOA Board Members Require Certification?

Georgia Passes Limits on HOA Transfer Fees (Worth Repeating)

HOA Transfer Fee White Paper: wake up to duplicate and triplicate fees

HOA Town Hall Meeting, May 2018

Marijuana Issues in Condominiums

Explanation of: Articles of Incorporation, Declaration, CCRs, by-laws

South Carolina Attempt HOA Reform

Proxy voting: use and abuse

Newly Elected Board Members: Understand Your Governing Documents

[HOA Property Manager Licensing Expires July 1, 2019](#)
[Questions and Answers on Expiring CAM Program](#)

The Colorado HOA Forum should not be used as a source for legal advice or a substitute for a lawyer when making legal decisions. We offer opinion and provide information on HOA issues based on our research and home owner's personal experiences.



Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance

Colorado Rocky
Mountain High



Page 2 of 6

Fall 2018

[Return to Page 1](#)

HOA/Condominium Roof Replacement Damage Can Leave Home Owners with the Bill

Too often our organization, Colorado HOA Forum, www.coloradohoaforum.com, hears about damages to home owner's dwelling resulting from the HOA initiating the replacement of roofs (shingles and gutter replacement). Specifically, the HOA Board contracts through their property management company (PMC) to replace the roof and/or gutters in the



condominium building or homes in the community. The PMC will generally solicit for bids and award a contract for work. The work is paid for out of the HOA's reserve funds or through a special assessment to each home

owner. This work is generally part of the HOA's community maintenance plan or required due to an unusual event such as hail damage. If all goes well the standards and appearance of the community, at least externally, will be sustained justifying the expenditure.

Problems can arise from roof replacements. In particular, shoddy work can result in leaks into condominium units or into townhomes or single family homes. Leaks can cause costly structural damage and mold over time. Who is assigned responsibility and financial accountability can [Full article](#)

Should HOA Board Members be Licensed

Should HOA board members be licensed? Licensing HOA (homeowners association) board members would require background checks, financial liability insurance/bonding, purchasing educational courses and taking exams.

The objective of licensing would be to increase the competency of board members, preclude those with serious criminal backgrounds serving on board, and provide consumer protection. This issue is being addressed in some states by passing laws "suggesting" licensing type requirements but no state-run licensing programs are in effect.



Most would agree that board members should be required to understand their position description, their roles and responsibilities and their own HOA by-laws, covenants, restrictions, and controls. Licensing could bring more competency and accountability to board members [Full Story](#)

HOA Business: The Road Runs through Property Management Co

If you want to do business in the multimillion-dollar homeowner's association (HOA) industry, be aware the road to this goal will run through the HOA's property management company (PMC) and not necessarily through the HOA Board. Also understand that most HOAs are managed and highly influenced on most financial decisions by the PMC. This can be a good thing as the PMC has knowledge of how to solicit and contract for services, has a good . [Full Story](#)

How Bankruptcy Impacts HOA Collections

Bankruptcy is a tool that individuals and corporate entities may use to escape or restructure certain debts. A person or a corporation may file bankruptcy as often as every eight years. There are two basic types of bankruptcy: liquidation and restructuring. A liquidation bankruptcy is filed under Chapter 7 and results in the outright elimination of most debts. A restructuring bankruptcy is usually filed under Chapter 11 for corporations or Chapter 13 for [Full article](#)





Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance

Colorado Rocky
Mountain High



Page 3 of 6

Fall 2018

[Return to Page 1](#)

Rentals Within an HOA: protecting HOA and tenant

If you are renting within a homeowners association (HOA) and making payments to the property owner things can go downhill quickly with no warning. Some HOA governing documents preclude rentals while others have very strict requirements on who can rent a home for how long and/ or how HOA dues are current. As a renter you could unknowingly be violating HOA governance on rentals.



Some HOAs require home owners to report to the HOA when they rent their home along with information about the renters: names of occupants, ages of renters in the case of 55+ communities, if there will be pets and if so how many, size, and breed, if the unit will be occupied by a single family or turned into a multi-family unit, the number of cars registered to occupants, etc. This ensures that the rental unit is in compliance with HOA by-laws and that the occupants have access to community and its amenities.

Prior to committing to any rental lease inquire if the property is in an HOA. If so, confirm rental restrictions and rules with the HOA and your availability to community amenities as a renter. [Full Story](#)

Before you pursue any HOA complaint read your HOA governing documents for “what is” as opposed to what you “want things to be”. Then understand your only viable means for dispute resolution is our pay-to-play court system: it is your limited resources against the unlimited legal and financial resources of the HOA!



Your HOA violating ADA or the Fair Housing Act? [File a property manager complaint with DORA.](#) Need help, [contact us](#) [ADA page on our web site](#)

HOA Dues Don't Guarantee Services and Maintenance: Who is the Blame?

If you live in a homeowners association (HOA) you pay periodic dues. The dues are intended to ensure that the maintenance, quality of life, and amenities expected by the homeowners are retained.

Dues vary by services provided, and when such services are rendered most homeowners don't find the payments either burdensome or excessive. Homeowners are aware of the amount to be paid prior to purchasing a home and if they read the HOA governing documents, which too often they don't, they understand the services to be provided and paid for by way of HOA dues. [Full Story](#)



Understanding HOA Governance, Property Rights, State HOA Law

This is a comprehensive evaluation on expectations of living under HOA Governance:

If you don't live in a Homeowners Association (HOA) now you will most likely be living in one in the future. There are nearly 8,000 HOAs registered in Colorado with over sixty percent of the State's population living under HOA governance. If you buy a home in a major housing development or any new development in the future it most likely will be governed by HOA rules, restrictions, and controls. Few other issues affect Coloradans more than HOAs and unfortunately too many home owners don't understand what it means to live in an HOA let alone their loss of property rights when the community is governed by an HOA Board.



Homeowner's Associations (HOAs) can bring up heated and divisive discussions. Unfortunately, these debates are often filled with unfounded accusations and blame. [Full Story](#)



[HOA home buying guides and HOA home owner maintenance responsibilities brochures](#)



Colorado HOA Forum HOA Homeowner Advocates

Colorado Rocky
Mountain High

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Page 4 of 6 Fall 2018

[Return to Page 1](#)

Overview of HOA Management, Reserve Funds, by-laws, etc.. : basic and useful FAQs

What is CCIOA?

The Colorado Common Interest Ownership Act (CCIOA) governs the establishment and practices of a Homeowner Association ("association") in Colorado.

What are the typical principal governing documents of an association?

Articles of Incorporation: The legal instrument which sets forth the name and object of the organization, and any other information required by state law. It is usually drafted by an attorney and supersedes all other rules of an organization. It establishes the authority for the organization to create the classes, eligibility, composition and rights of membership, as well as creating the committees (such as the Executive Board), and affords the power to adopt the parliamentary authority and bylaws.



Declaration of Covenants, Conditions, Restrictions (and Easements): [Full Article](#)



Worth Repeating

[Is your HOA Registered?](#)

[Property Manager Licensing FAQ's](#)

[Out of Court Binding Dispute Resolution \(not Mediation\) : Good Enough for Property Managers but Not Home Owners?](#)

[Community Association Institute \(CAI\): who do they really represent?](#)

[HOA Transfer Fees: what they are/aren't, suggestions for accountability](#)

HOA Boards: licensing, certifying, background checks

HOA Board members are volunteers to the community. No special skills, knowledge, or abilities are required. To be effective a Board member should seek out information on the HOA's Declaration and by-laws and spend some time on the Colorado State HOA web site to gain a further understanding of HOA law. There is no State law requiring anything much more of a Board member beyond serving the community in a fiduciary capacity. There is no test Board members must take to indicate their understanding of HOA governance or any other skills nor is a background check required.



No one has defined any credentials or requirements for Board members. In Colorado, there has been no legislative interest to require any certification or even a mandate that all Board members that Board directors acknowledge they read their own by-laws. Additionally, Board members are not subject to background checks and there are no disqualifications on serving even if one is a known felon many times over (unless stated in the by-laws).

Requiring licensing similar to HOA property managers (until July 1 2019 when this law expires) is suggested for HOA Board members. The responsibilities of Board members are more significant than the licensed property managers they manage since they direct and approve the of this licensed profession. To do an effective and competent job, it is argued, requires knowledge of HOA law and governance as well as the responsibilities and limits of their own job description under the law. Licensing of Board members would require background checks and formal completion of courses and passing a test with continuing education requirements. This is costly and imposing such a requirement would most certainly chase away home owner volunteers. (but increase Board competency).

Alternatively, certification would mostly involve acknowledgement that the person reviewed a set of documentation explaining their role and responsibilities.

[CONTINUED PAGE 6](#)



Colorado HOA Forum HOA Homeowner Advocates

Promoting Reform in HOA Governance

Colorado Rocky
Mountain High



Page 5 of 6

Fall 2018

[Return to Page 1](#)

HOAs Across the USA

Note, articles are from across the USA and some legal opinions expressed may not be applicable to Colorado

[Work van in driveway, a violation?](#)

[Trash cans left out, imposing fines?](#)

[Emotional support animal? Often just a ploy to sneak dog into community](#)

[Board decides to stop watering lawns](#)

[HOA rules developed to keep out Hasidic home buyers](#)

[Home owner fights excessive fees and wins \(sort of\)](#)

[Aggressive parking enforcement](#)

[Correcting Eyesore in Neighborhood](#)

[Board Members Should Understand their Governing Documents](#)

[Noisy Kids bring fines](#)

[Pennsylvania expands HOA dispute resolution](#)

[Home owner must rip up tile floor after installed without HOA approval](#)



HOAs Across the USA

[Home owners get authority to tow cars](#)

[Realtors cut support for Congressman who wants to ban sales to gays](#)

[Texas affirms rights to short-term rentals, HOAs should review governing documents if they seek restrictions](#)

[Reserve funds: requirement or recommendation](#)

[HOA remove things from my property?](#)

[\\$900,000 in HOA fines!](#)

[Is HOA approval needed to add/modify lanai?](#)

[Delinquent HOA dues: cut off services?](#)

[Colorado: HOA ignores fallen tree](#)

[Board Voted Out but Refuses to Vacate](#)

[Colorado law and HOA reserve funds](#)

[Colorado HOA Law and the basics of HOA governance](#)

[HOA governing documents and HOA Basics](#)

[Legislator wants law to refuse home sales to gays and lesbians](#)

[Proxy Voting: use and abuse](#)



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Colorado Rocky
Mountain High

Promoting Reform in HOA Governance



Page 6 of 6 Fall 2018

[Return to Page 1](#)

HOA Boards: licensing, certifying, background checks

Generally no background check is required, no cost/minimal cost to the HOA, and no pass/fail standard. (just an on-line course to take). Certification would seem to have no negative impact on volunteers even if required under the law.

Regardless of licensing or certification one should note that currently Board members are not even required to acknowledge they read the by-laws of the community. This minimal requirement has been proposed as a step in the annual HOA registration process as well having each Board member acknowledge on the State web site they read information on law.



There is no evidence that either licensing or certification would mitigate HOA and home owner problems/complaints. However, it seems reasonable that the more Board members understand their role and that of the HOA property management company and State law the more problems can be avoided. Many problems would not be escalated due to Board members understanding home owner rights under the law and their own job description and governing documents.

The positive aspects of licensing/certification and acknowledging reading of the HOA by-laws by Board members is that HOA's would be run by Board members in a more competent capacity. This should make HOA Board members more considerate of their responsibilities and limitations and thus avoid legal problems and ensuring they work within the confines of their by-laws. However, with no new penalties and/or implementation of a dispute resolution processes for resolving Board violations any dysfunctional Board may simply conduct business irresponsibly without accountability.



[HOA home buying guides and HOA home owner maintenance responsibilities brochures](#)

HOA Boards: licensing, certifying, background checks

The downside and argument of requirements for Board members is possible negative impact on volunteerism (which has yet to be tested).

The escalating number of complaints from home owners with HOA governance seems to warrant some educational requirements for Board members as does some better means to hold Boards accountable for their actions other than court room litigation. This discussion will continue but there is little interest to implement any new requirements on HOA Boards. Educational re-requirements without any accountability would seem to be an empty effort.



[Subscribe to Receive Newsletter](#)



[IS YOUR PROPERTY MANAGER LICENSED? LOOK THEM UP, IF NOT FILE A COMPLAINT](#)
(must be licensed through June 2019)



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