

# HB23-1105 HOA Homeowners' Rights Task Force

## Final Report

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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.<sup>1</sup>

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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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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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<sup>2</sup> § 38-33.3-209.5(1.7)(b)(II)(A), C.R.S.

<sup>3</sup> § 38-33.3-209.5(1.7)(b)(II)(B), C.R.S.

<sup>4</sup> § 38-33.3-209.5(1.7)(b)(III)(A), C.R.S.

<sup>5</sup> § 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 3<sup>rd</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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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<sup>6</sup> § 38-33.3-209.5(7)(a)(I), (II), and (III), C.R.S.

<sup>7</sup> § 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.<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup>

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<sup>8</sup> § 38-33.3-308, C.R.S.

<sup>9</sup> § 38-33.3-308, C.R.S.

<sup>10</sup> § 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:



- 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.
- 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.
- 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.
- Getting homeowners to provide their contact information and email addresses.
- 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).
- Take advantage of less costly means of communication so assessments do not have to increase. The focus should be on not increasing assessments.
- Green Valley Ranch would not have supported a change that would have increased association costs and an increase in assessments.
- 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.
- 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.
- 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.
- Clear communication and education about homeowners' rights, responsibilities, and consequences would be beneficial to anyone prior to purchasing a home in an HOA.
- Professional competence standards for property management company owners and community association managers. This would include institutionalizing baseline standards for credentialed 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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

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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<sup>11</sup> § 38-33.3-317(2)(a), C.R.S.

<sup>12</sup> § 38-33.3-317(4), C.R.S.

<sup>13</sup> § 38-33.3-209.4(1), C.R.S.

<sup>14</sup> § 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 9<sup>th</sup> 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: Since 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, 3<sup>rd</sup> 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 ( $2,707,913 \times 80\% = 2,166,330 \times .80$ ) 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 HB22-1137  | Freedman, Jackson, Siegel  |
| 6  | Clean Up HB22-1139, 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                           |

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| 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                |

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| 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 11 <sup>th</sup> 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  |

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|    | 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                  |

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|----|---|--|
|    | 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 credentialed 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:

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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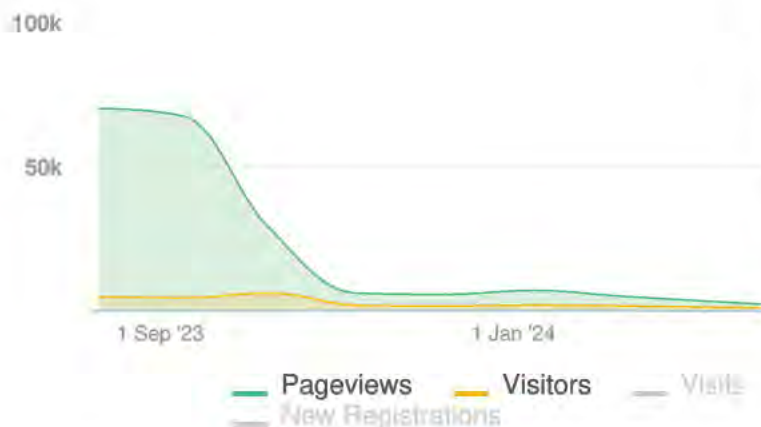
# Project Report

03 August 2023 - 20 March 2024

## Engage Colorado DORA HOA Homeowners' Rights Task Force



### Visitors Summary



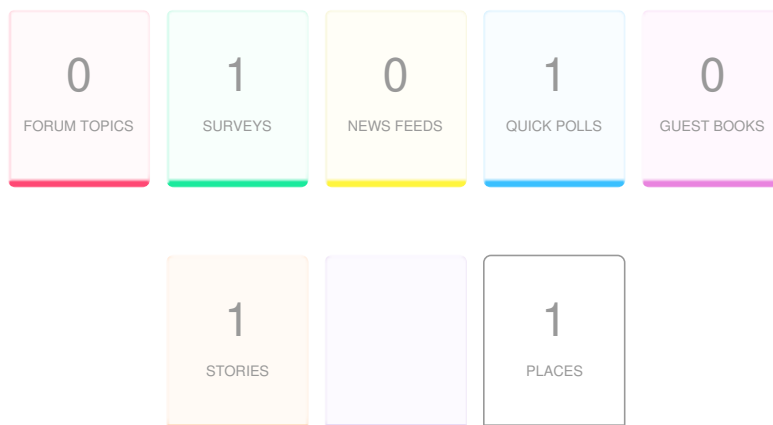
### Highlights

|                   |                      |                |
|-------------------|----------------------|----------------|
| TOTAL VISITS      | MAX VISITORS PER DAY |                |
| 23.9 k            | 2.1 k                |                |
| NEW REGISTRATIONS |                      |                |
| 1.9 k             |                      |                |
| ENGAGED VISITORS  | INFORMED VISITORS    | AWARE VISITORS |
| 2.1 k             | 6.2 k                | 17.1 k         |

|                                 |              |                             |            |            |           |
|---------------------------------|--------------|-----------------------------|------------|------------|-----------|
| Aware Participants              | 17,055       | Engaged Participants        | 2,071      |            |           |
| Aware Actions Performed         | Participants | Engaged Actions Performed   | Registered | Unverified | Anonymous |
| Visited a Project or Tool Page  | 17,055       | Contributed on Forums       | 0          | 0          | 0         |
| Informed Participants           | 6,227        | Participated in Surveys     | 1,710      | 0          | 0         |
| Informed Actions Performed      | Participants | Contributed to Newsfeeds    | 0          | 0          | 0         |
| Viewed a video                  | 63           | Participated in Quick Polls | 91         | 1          | 272       |
| Viewed a photo                  | 0            | Posted on Guestbooks        | 0          | 0          | 0         |
| Downloaded a document           | 0            | Contributed to Stories      | 194        | 0          | 0         |
| Visited the Key Dates page      | 3,665        | Asked Questions             | 0          | 0          | 0         |
| Visited an FAQ list Page        | 588          | Placed Pins on Places       | 43         | 4          | 0         |
| Visited Instagram Page          | 0            | Contributed to Ideas        | 0          | 0          | 0         |
| Visited Multiple Project Pages  | 3,723        |                             |            |            |           |
| Contributed to a tool (engaged) | 2,071        |                             |            |            |           |



## ENGAGEMENT TOOLS SUMMARY



| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | CCIOA Unintended Consequences - Need to Delineate Some Re... | Accepted    | 2078     | 1            | 0          | 0         |
| Story Telling Tool | Only one legitimate organization representing Colorado ho... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A dream gone wrong   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | WELCOME TO THE NEIGHBORHOOD!                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HB22-1137 - How a Management Company Took Advantage of Fi... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOAs Need Tools to Combat Deadbeat Homeowners                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA story and statement                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Man's Home Is His Castle Colorado Homeonwers Protection... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Architectural Guidelines Should be Retricted and Committe... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | What About Condos & Homeowners Who Follow Rules?             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Legislation is Needed to Enable a Balance of Power in HOAs   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOAs are not all bad   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Transparency of HOA fees assoicated with transfer of real... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | No checks and balances, lack of responsiveness and a vehi... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA – The scary part of an HOA                               | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | The HOA help my ex steal my future                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | no information from HOA                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Member, Treasurer, President                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Lack of HOA support for small condo complexes                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | "A dream gone wrong" corrected                               | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Redhill Forest HOA Board Fails to Comply with Association... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | New Laws Severely Debilitating to Associations               | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOAs are like herding cats                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Never fully follow law or covenants                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Homeowner + Board Member Struggling to Enforce Security P... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | What a mess!   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Support the HOAs   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Uncertainty and corruption                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Board Members and Management Companies Are Out Of Con... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | 20 years history of HOA interactions                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | secretary/treasurer  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Natural Devolution   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Yes. Barbecue Smoke  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Heather Gardens is Great, however... HB22-1137 is bad.       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Financial Assistance Program                             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA's are needed!  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | It Could Be Better   | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | Homeowner to HOA Board Member - Back to Homeowner            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | AWOL: 1 governor, 35 senators, 65 representatives            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Board Dictators  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Evening the Playing Field                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Affordable Housing   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Work Session Abuse   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Both Sides   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Member Rob Klein   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Broken Screen ? Really?                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Not all HOA's are the same                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Stay out of HOA matters                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Conflict of interest   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA required repairs to property taking an excessive amou... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Duskey   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Secretary/Treasurer  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Open Space Flooding  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Threatened with fines during covid                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | The road to hell is paved with good intentions               | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Nightmare Situation. HOA's default is to insist that any ... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | No Controls to Moderate Bad Actors on the BOARD as well a... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Horrible and inconsistent                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Foreclosures on Active Duty Military member while Dep... | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | Persistent Sewer Line Backup                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA BoD Secretary  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Mastino Management/Americana HOA                             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Color scheme added without notice                            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Re-Inventing the Square Wheel                                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Overall  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Election Shenanigans   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Board Vacanies Should be Filled by Membership Vote           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | title  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | trying to be green   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Paint colors   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Violations   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | re : trying to be green                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | One condo deed that is owned by a father-son duo, elected... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA - Waste of Money   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Water Issues   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA has too much control                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOAs Get A Bad Rap   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Unaccountable control freaks                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Is digital really the way to go?                             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Foreclosure initiated against neighbor                       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Support the HOAs   | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | HOA members are volunteers                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Uninformed or misinformed Homeowners in HOA's                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Colorado HOA Experience                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Lack of Homeowner Maintenance and Covenant Enforcement is... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force First Meeting                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Lake Sherwood HOA  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Failure of Leadership by the Governor                        | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | President Eagle Cliffs Merged Association                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Not easy. How can government help?                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Water conservation vs. 60% livable plants in your backyard   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | "Courtesy" violation notices                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Over bearing control?  | NewlyAdded  | 0        | 1            | 0          | 0         |
| Story Telling Tool | Elkhorn Ranch  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Energy   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Management Company Does Not Follow Up                        | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Egregious fines and lack of communication                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Noble Park   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Legal Advice Given to the Board Should be Public to the H... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Very little participation by unit owners.                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Let's get personal - it's our homes, it's our money, 2 hi... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA flooded my basement and won't pay for repairs            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Taxation Without Representation                              | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | HOA's don't have to comply with the ADA                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Water Intrusion and Repairs                                  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Breach of Fiduciary Duty & Breach of Covenants               | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | re "Breach of Fiduciary Duty & Breach of Covenants"          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Good article   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Protect H.O.A. Board Members                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Testify before the HOA Rights Task Force                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA are necessary but need to include the community          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Board Member   | NewlyAdded  | 0        | 1            | 0          | 0         |
| Story Telling Tool | A little help here!  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Issues with CCIOA Loopholes and Lack of Structure            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Unauthorized reserve fund transfers                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Harrassment  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Two Sides to the Coin  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Members are neighbors                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Small HOA strapped by HB22-1137                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Legislative overreach  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Task Force Input   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Flooding for the past several years                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Board of Managers Fails to Comply With Governing Docu... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA's able to skirt ADA compliance                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Best Community Financial Practices or Narrow Self Interests? | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | Mary   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Who Are The Stakeholders?                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | H.O.A. Members Are → Not ← Neighbors                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Nonresident owners rights?                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Potential homeowners should have to sign the house rules ... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Amateur Hour and Power Struggles Abound in HOAs              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Board Violates Policies                                  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Life Plan Derailed for Years                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Lifecycle: Permanently Shifting the Control from the ... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Artificial Grass still being denied                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA/Custom Management Group troubles                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Dealing with a homeowner who refuses to comply with Coven... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Recommendations for HOA rules                                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Make HOA board meetings public and meeting minutes available | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Please Examine Abusive Practices in HOAs and Evaluate Causes | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Overcharging dues  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Provide a pathway for single family, detached homes to ex... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Reasonable Accommodations                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Iron Horse   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | #banHOAfines   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Mayor Joy Cooper   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | CCIOA Lacks Specificity To Hold Non-Compliant Boards Acco... | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | HOA President  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA abuses of power  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | I CAN'T SELL MY HOME and WE ARE FACING FORECLOSURE           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | My suggestions for the HOA Task Force                        | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Enforcement CCIOA needed                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Thank You !!! Now What?                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Citizen Sub Committee  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force Observations                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Gio HOA Exterior Modifications Dispute                       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Religious Discrimination                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA levied fine without hearing                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Out of Control HOA   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Average home, average neighborhood, average HOA with unch... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force Initial Meeting Comments - Many of these can a... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Groundhog Day in the HOA World: We Need Another Governanc... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | What I Would Like this Task Force to Address                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Lawsuit  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | No HOA foreclosures!   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA members not being allowed to be sued laws need to change | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | It's all personal in our H.O.A.                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | In Need of Training  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Comments on Task Force Webinar - 10/24/23                    | Accepted    | 0        | 1            | 0          | 0         |



## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | Insurance debacle  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Hostage to HOA!  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | dictatorship one lot one vote                                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Unknown  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Weaponization  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Transparency and Accountability                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Budget and Board Meeting                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force, Do You Have the Courage to Address the Real I... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force, Do You Have the Courage?                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | 2 Acre Rural-Residential Zoned Lots in an HOA - NO BACKYA... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force Needs To Be Held Accountable                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA's only get money from the owners                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Transparency, yet again                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Goats and HOA Board  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force Observations II                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | H.O.A. Transparency : A Proposal                             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Making greving eaiser  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Question for Representative Ricks                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Test   | NewlyAdded  | 0        | 1            | 0          | 0         |
| Story Telling Tool | Hands Tied by Metro District                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | To: Hands Tied by Metro District                             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Board System is a Faulty Product                         | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | Wut? We don't need any transparency                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Current State Law Provides Too Much Protection for HOAs a... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | SOS  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Karyn  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Manager's Perspective                                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOAs work when Owners, Boards & Mngt Do Their Part, A Qui... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Granny   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Recognize the positive efforts by HOAs and how homeowners... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Go hug your volunteer HOA board members                      | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA's need oversight- some are not operating within the laws | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Missing \$700 K from HOA funds                               | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Water Damage From Shared Kitchen Line Backed Up - HOA Say... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | This Is a Shockingly Bad Use of Taxpayers Money              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Is anyone reading the homeowners comments?!!                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Dereliction of Duty by our Governor and Legislature          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Something Is Terribly Wrong                                  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Task Force II  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | I am a HOA Homeowner   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | I have concerns  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | H O A property management companies participating in Unea... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Speeding Drivers Impact Peaceful Enjoyment of My Property    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | 2 CCIOA items for the taskforce to consider                  | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | HOA Task Force   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | More Task Force Observations                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Proxies  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Thank you  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Man's Home Is His Castle • Part 05                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Man's Home Is His Castle • Part 04                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Man's Home Is His Castle • Part 02                         | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Clear And Direct Law Enforcement Needed URGENTLY!            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | No Path to Success   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Being Optimistic   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | The Theme That Runs Through All This                         | NewlyAdded  | 0        | 1            | 0          | 0         |
| Story Telling Tool | Should HOAs be considered monopolies and subject to State... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | New Homeowners Generally Uninformed                          | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Taskforce Exemplifies Concerns with Colorado Communit... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Preserve homeowner property rights                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Blocking Open Board Seats - Election Interference            | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | re New Homeowners Generally Uninformed                       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | The art of "MAKING CONNECTIONS"                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | "A Man's Home is His Castle" act would neuter all HOAs       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | No communication and slow responses to things that need t... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Your task force is very important to HOA homeowners in Co... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A Man's Home Is His Castle • Part Five of Five               | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name  | Tool Status | Visitors | Contributors |            |           |
|--------------------|---|-------------|----------|--------------|------------|-----------|
|                    |   |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | A Man's Home Is His Castle • Part Two of Five                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Illegal Elections   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | 3 awful CCIOA non compliant years at Cheesman Tower West,     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | A request for the Task Force                                  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Task Force Meeting 1/16: The Subject of Deterrence        | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | No Data Driven Conclusions                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Very Confusing  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Need to get the Property Management Company/Board Members...  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Why Not?  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | LOGICAL FALLACIES: Repetitive Industry Talking Points Ana...  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Minutes of two (2) HOA meetings                               | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Rights and Responsibilities                                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Biased meetings   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Our HOA is scared. We need help.                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Do H.O.A.s Protect Property Values?                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Colorado HOA laws put the Board between a rock and a hard...  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | overstep  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Anabelle  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Approval of \$3.5 Million Assessment Against Resident'... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Not Petty and the Homebreakers                                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Use of Attorney to Threaten and Falsely Accuse                | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HB24-1158   | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name  | Tool Status | Visitors | Contributors |            |           |
|--------------------|---|-------------|----------|--------------|------------|-----------|
|                    |   |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | HB 24-1158  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Another reason CCOIA must allow homeowners to exit an HOA...  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Lost Meeting Minutes  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | ..."good actors and good payors"...                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | SB 11-234 Transfer fee ban                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Not Petty and the Homebreakers II                             | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Thoughts on Meeting Yesterday                                 | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | H.O.A. officers self-promoted to Gods, lacking checks and...  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Some HOA Boards bend the laws their way                       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Shut up, homeowner. We don't want to hear from you.           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Kicking Horse HOA Discrimination                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Small Claims Court Claims                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Slow Down and Do It Right                                     | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Homeowners Can Support Better Education and Oversight of ...  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Mgmt. Co. Inept, but Withholding Control; Vulture Inve... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Impact of Legislation on Homeowners                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Citf and Accu   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Stunning DORA HOA Survey Results                              | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Board overreach   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | PBTOA in Colorado Springs claim the same violations sinc...   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOA Task Force Meeting on February 23, 2024                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | DORA  | Accepted    | 0        | 1            | 0          | 0         |

## ENGAGEMENT TOOLS SUMMARY

| Tool Type          | Engagement Tool Name   | Tool Status | Visitors | Contributors |            |           |
|--------------------|--|-------------|----------|--------------|------------|-----------|
|                    |  |             |          | Registered   | Unverified | Anonymous |
| Story Telling Tool | The Task Force Again   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | HOAs and Community Property Management Companies have no ... | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Showed up to vote, but was not allowed                       | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | But for the passage of Operation 1992                        | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Board stifles member communications, Threatens whistleblower | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Allocated Interest Calculation for an HOA                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | "Opt in" for Colorado HOA                                    | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Re: Regulation of HOA Management Companies                   | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Ideas for Task Force Consideration                           | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Special Treatment  | Accepted    | 0        | 1            | 0          | 0         |
| Story Telling Tool | Think XYZ HOA, LLC instead of HOA, Inc.                      | NewlyAdded  | 0        | 1            | 0          | 0         |
| Story Telling Tool | Flooding private property from nearby ditch                  | Accepted    | 0        | 1            | 0          | 0         |
|                    |  | Rejected    |          |              |            |           |
|                    |  | Rejected    |          |              |            |           |
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ENGAGEMENT TOOLS SUMMARY

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

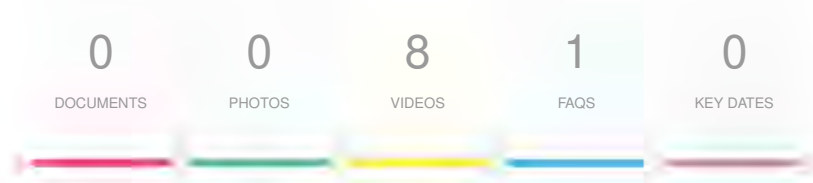
| Tool Type | Engagement Tool Name | Tool Status | Visitors | Contributors |            |           |
|-----------|----------------------|-------------|----------|--------------|------------|-----------|
|           |                      |             |          | Registered   | Unverified | Anonymous |
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## ENGAGEMENT TOOLS SUMMARY

| Tool Type   | Engagement Tool Name                 | Tool Status | Visitors | Contributors |            |           |
|-------------|--------------------------------------|-------------|----------|--------------|------------|-----------|
|             |                                      |             |          | Registered   | Unverified | Anonymous |
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|             |                                      | Rejected    |          |              |            |           |
|             |                                      | Rejected    |          |              |            |           |
| 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       |

## INFORMATION WIDGET SUMMARY



| Widget Type | Engagement Tool Name   | Visitors | Views/Downloads |
|-------------|--|----------|-----------------|
| Key Dates   | Key Date   | 3665     | 4529            |
| Faqs        | faqs   | 588      | 728             |
| Video       | October 24, 2023 HOA Homeowners' Rights Task Force Meeting Recording | 37       | 49              |
| Video       | January 16, 2024 HOA Homeowners' Rights Task Force Meeting           | 20       | 24              |
| Video       | December 20, 2023 HOA Homeowners' Rights Task Force Meeting          | 15       | 20              |
| Video       | November 21, 2023 HOA Homeowners' Rights Task Force Meeting          | 11       | 16              |
| Video       | February 2, 2024 HOA Homeowners' Rights Task Force Meeting           | 9        | 16              |
| Video       | February 23, 2024 HOA Homeowners' Rights Task Force Meeting          | 6        | 6               |
| Video       | January 2, 2024 HOA Homeowners' Rights Task Force Meeting            | 5        | 5               |
| Video       | March 22, 2024 HOA Homeowners' Rights Task Force Meeting             | 1        | 1               |

## 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 Hrinkevich 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. Hrinkevich 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.

|          |   |              |   |               |   |
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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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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 occurred 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-town owners 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.

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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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 transferring 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.

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| 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 Homeowners 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-colorado>. It has five parts:

01. Legislative Declaration Just 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 Protection Authorize 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

### Architectural 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 modifications 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.

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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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

|            |                |                 |
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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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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 considerable 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 at an annual meeting. This type of management structure might serve a for profit corporation 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 risible. There aren't any other communities except in exceptionally old housing stock. People live in HOA communities 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.

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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 committee, 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 Association 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 assocaitions 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.

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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.

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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 in laws to limit HOA capability to impose financial penalties, etc. However, I believe those changes have gone too far. At this time the abilities of an HOA to help insure property values are maintained as well as safe neighborhoods has been severely limited.

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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.

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## 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 associa tion. While I do not agree with all of the rules, I understand the reasoning behind them.The owners being referred to in "A d ream gone wrong" had gone before the ARC for their home permit and were denied building a garage first and living in thei r RV during construction, both of which are against the rules of the association. This is public record and available on the a ssociation'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 ext ensions required every six months. At the third year of this project, with the construction impacting the neighbors, the assoc iation (factoring in other long-term projects) changed the amount of extension fees to an escalating scale to deter owners fr om homesteading their build over many years. The owners of this property then let their permit expire, refusing to pay the n ew 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 i n 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 rule s. At the time of the trial, they had not started the construction of the home. After losing the court case, the owners continu e to this day to disparage the association. Their house is still not complete and it is an eyesore to the neighborhood. A hou se is being constructed on the lot next door (that is almost finished) has gone up in less than a year while this couple's hom e is still in the framing stage after over 5 years. Some of the neighbors in that neighborhood are angry against the associati on 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 neighbor s 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 asso ciation that have not enjoyed this.The author of "A dream gone wrong" then goes on to bash another neighbor and the fact s he includes are vastly incorrect on the matter. I know as this neighbor is my friend.The recent house bills and governor a pproval 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 i sues. There are flags that say "f@#\$ Biden" flying throughout our neighborhoods for children to see. And, it would seem th at common sense in regards to why people want associations has gone out the window. I fully support wanting more transp arency holding associations accountable for the rules they have to follow as it is only fair to us property owners.I beg the c ommission to take into consideration that individual complaints from sour apples such as this does not reflect the silent maj ority of those who enjoy and approve of (for the most part) what our associations are doing. Please use an "every man" co mmon sense when reacting or implementing new house bills as knee-jerk proposals do not take all aspects into considerati on. 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 hold 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 amendment to the Bylaws as allowed and arbitrarily 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 a Board's from ignoring their Governing Documents is to give DORA the power to investigate Member complaints and enforce adherence to State laws.

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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.

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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.

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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**

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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 a bsurd 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 **0**

Contributors **1**

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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 homeowner 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 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.

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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 versus 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 occasions 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 and 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).

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No Responses

## STORY TELLING TOOL

### secretary/treasurer

author: secretary

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

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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 in 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.

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| No Responses |
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## 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.

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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.

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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 diminish control of our HOA'S.

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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.

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## 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

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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 do 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.

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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.

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# 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.

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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 lose 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 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 lose 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

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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.

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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 **0**

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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.

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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!

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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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 dues 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.

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| Visitors <span>0</span> | Contributors <span>1</span> | CONTRIBUTIONS <span>1</span> |
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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.

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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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.

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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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.

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| 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.

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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 blamed 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.

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| No Responses |
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## STORY TELLING TOOL

### Nightmare Situation. HOA's default is to insist that any repair is the owner's responsibility, regardless of the circumstances.

author: cheralex

To whom it may concern, I am a homeowner who lives on N Washington St, Denver CO 80203.\*\*\*For the record, I have numerous emails and photos citing what I am referencing in this statement\*\*\*On 6/26/2023 I reported a suspected leak in my bathroom ceiling to the HOA manager/CEO/Owner as well as the "temporary" Board members. As the week progressed, I continued to post photos via email exhibiting damage that was spreading rapidly, asking management to take some action. What ultimately transpired was a diagnosis from a plumber that the upstairs condo owner had a leak in his toilet which had permeated through my ceiling creating a dangerously toxic situation. I was told by mitigation experts that the leak had caused a highly contaminated environment. Fast forward and it is now 8/25/2023 and I remain living in a condo with a ceiling less bathroom that I cannot adequately use due to an extremely delayed reaction on the part of the HOA, in terms of communication, direction, guidance, performance and instruction. I will add that I experience obstruction and obfuscation any and every time I ask to be given information on why the HOA and Board are holding this process up. The HOA refused to file an insurance claim in a timely manner, despite being told by the insurance company that it was strongly recommended that they do this, in order not to push the repairs process out longer than necessary. I have since discovered another leak, coming from the same upstairs condo. The condo owner is also a member of the Board. To date, this leak, and the damage in my unit caused by the original leak also remains unfixed. Since I purchased my condo (two years next March) there has been a pattern of the same type of behavior (refusing me access to things that other people are readily permitted to). I was told that I could not have my elderly dog on the property unless I could guarantee it would not do any business in the yard but instead hold its pee until I reached the grass verge with it. When I asked other residents about this rule, they looked at me like I had three heads and said that no one in the building abided by anything like that. I was also told that I could not install a washer dryer in my unit, only to find out that a number of homeowners in the building have washer dryers. I have had the telephone hung up on me. I am deeply upset and disturbed by this, as I perceive that I am being treated differently than other people/owners in the building. I called the HOA company up and asked who I could report my concerns to and was told: "There is no one to complain to because the HOA Manager owns everything: he is the CEO". It seems suspect to me that I would be told this. Since when has it been ok for a rep of a business to tell someone there is no recourse or due process when it comes to grievances? The latest I have been told is that I am prohibited from being involved in communications involving finances, between the HOA and vendors that have been working with me in order to assist me to get my repairs done. The vendors express confusion and frustration surrounding continuous obstruction, obfuscation and confusion emanating from the HOA. I believe that trying to prohibit me from being present, and a participant in communications regarding the repair of my bathroom is an infringement of my civil liberties. There is no cohesive Board of Directors and thus no oversight when it comes to financial operations or any operation at all, quite frankly. In fact, no one who sits on the arbitrary, temporary, transitional board seems able to clarify or understand what their specific roles and duties are. When anyone living in the building questions the approach of the HOA, has concerns about transparency or holds criticism regarding what funds are being used for, their worries are minimized and silenced and they are curtly told to join the board if they have issues with the way that things are run. Bear in mind that this completely homogeneous Board seems to hold meetings once or twice a year. The fact that I was recently told that I am being left off emails involving financial planning pertaining to my condo repairs not only has me feeling inappropriately controlled, but also nervous about where my monthly dues are going; I have no idea what the money is being spent on. I really need help holding these HOA representatives accountable. Please advise.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### No Controls to Moderate Bad Actors on the BOARD as well as HOMEOWNERS

author: leopard

I have lived in a SFH neighborhood of 634 homes for 15 years. For 12 years they mowed the grass and paid for operating expenses for the pool. But there was no compliance monitoring, no maintenance or repair, and the board intentionally manipulated the reserve study to artificially keep dues low. They didn't even attempt to collect on debt. The argumentative, disrespectful homeowners essentially ran the show. Now no one who did maintain their home can afford to move. So NOW we are trying to repair, update the reserve study, etc and people want to dominate our time over their "right" to paint their homes fluorescent green. Social media has blown up the sense of victimization to an extreme point where no one attends the meetings, reads the documents, and they think that threatening board members and posting highly edited stories for sympathy online are the way to go. Please don't exacerbate this with new, silly legislation that allows this to continue. My HOA rarely fines people and never foreclosed on anyone's home but online you'd think it happens every day from the creative stories people post. It quickly becomes emotionally overwhelming for board members who are volunteering just to help their community. I forwarded a lady the guidelines for painting once and now she's posting online that a power hungry jerk (me) has been "harassing" her. In retaliation for the presence of too many grasshoppers behind his home another homeowner told me he'd egg my house as I was trying to set up repairs for the pool gate. This was all in a single day. We get like 2 homeowners at each meeting, no matter how fun or interesting we try to make the meetings. The hate is too much. We are constantly attacked for not doing the things that last year's legislation removed as well.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Horrible and inconsistent

author: Tammie Strohl

Our HOA in our neighborhood treats people very punitively. They are rude. They're inconsistent with their fines. They pick and choose who they want to fine, they pick on the littlest things and if you challenge them, you better be ready for them to harass you about every little weed or every little rock that isn't right in your yard. They tell you that you're responsible for things that we have documentation on stating they are responsible for and they fight with you and fight with you and continue to fine you to try to get you to do what they feel you need to pay for when again you have documentation and it's their responsibility. They are horrible . This is in the Buffalo Creek subdivision in Wellington. [REDACTED] a bully.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### HOA Foreclosures on Active Duty Military member while Deployed to Afghanistan!

author: HOAReformer

The HOA filed a lawsuit to foreclose (I say steal) on my condo while I was literally in Kabul, Afghanistan Deployed as an active duty military member. And, no, unfortunately the Serviceman's Civil Rights Act (SCRA) provides minimal, if any, protections for active duty personnel when dealing with foreclosures like this. The HOA knew I was in the military and their lawyer even searched it. Yet, even after checking and knowing AND being told I was deployed, they still filed the lawsuit right in the middle of my deployment. I had a 2 months extra balance on file with the HOA. This way, if my check (on automatic bill pay from my bank) ever got lost or delayed, I had a 2 month buffer so I would never be late or behind. I added the amount in Feb of 2010. At some point, the HOA raised dues and did not give proper notice. After a few years, they had emptied my buffer of funds also without notice. This process took about 2 years and I never knew; they never told me. Looking back, the balance was about -\$400 (a credit of about \$400) and then, about 6 months later, they claimed I owed them about \$5,000. Why? Because of fees (Actually double late fees each month, legal fees, and other charges). This allowed them to say I owed them so much that they could sue and steal my property through foreclosure. They did not follow the law, did not follow any collection policy--in fact they showed they didn't have a valid, signed, authorized collection policy--which is illegal, and made no effort to act in good faith. Again, they purposely filed a lawsuit knowing I was deployed in Afghanistan and so I could do nothing about it. I have all of the documentation, files, audio recordings, some videos, emails, transcripts, signed documents to verify all of this. I can play you the phone call where their lawyer acted extremely unprofessionally, refused to talk, and hung up on me. Their property manager from 4 Seasons lied over and over as well. I am more than happy to continue this cause to balance HOA powers and hold them accountable. Please contact me ANYTIME to discuss or continue the push to hold the HOAs accountable. So, I am so glad and thankful to the legislators of Colorado and everyone who has worked so hard to make HOAs stand accountable and not have so much unbalanced power. THANK YOU!!

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses

STORY TELLING TOOL

Persistent Sewer Line Backup

author: Anna

I have lived in a townhome at Cedar Place in Lakewood, CO for over a year. In that year, my (once finished) basement has flooded with raw sewage 6 times. The problem lies in the sewer line - the responsibility of the HOA - which does not have a dequate drainage to the main line. According to public records and HOA meeting minutes, this problem has existed for over 7 years. Each time, I called the HOA Management's after-hours line, wait hours for an emergency plumber to be deployed and go through the process of moving everything out of the basement, waiting for a team decontaminate and rip up carpet, flooring, etc. This last March when it flooded I had a tenant downstairs. A restoration crew hired by the property management company tore all the drywall, carpet, flooring, and any appliances/fixtures in the affected area. This was all done without my knowledge or consent while I was at work. I was told by the HOA and property management company that their insurance would not cover the damage as it is "studs-in", so I was forced to file a claim with my homeowners insurance. My insurance has skyrocketed and I worry they will drop me from my plan as it is the third claim I have had to make. I have gone down all the avenues I know how, including hiring a lawyer to write demand letters to the HOA in hopes of getting a plan to fix the sewer line. The HOA's legal counsel refuted claims. The HOA continues to kick the can down the road, despite 52 members of the HOA paying \$275/month for services they are not providing. It is just me in the home, I used to rely on the income of a tenant to help pay my mortgage but I am now out of funds since the basement is once again, flooded. I feel rendered helpless and feel this is an injustice to the homeowners who just want to live in a home free of constant sewage floods. Any advice is welcome.

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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No Responses



# STORY TELLING TOOL

## HOA BoD Secretary

author: P

We are a rural, self-managed HOA with +20 years together. We have no paid staff and contract for road maintenance and snow plowing. STRentals in neighboring HOAs cause issues with trespassing, vandalism and noise. STRs need increased State regulation and taxing. HOAs need to be able to adopt WUI fire codes when local government will not to reduce wildfir e risks Second / absent owners make governance / consensus challengingMinimal HOA regulation has minimized conflicts amongst owners

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No Responses

## STORY TELLING TOOL

### Mastino Management/Americana HOA

author: philboden

I am glad the Governor is getting involved. 2 years ago my HOA served me with a cease and desist letter saying residents in our building could not meet and talk about the HOA outside of the monthly Board meetings when we were just discussing how to better our community. , I spent almost \$5000 on an attorney trying to get the financials and other info I am entitled to. I now will probably have to get another attorney because I am going to have to try once more to get financials from Mastino, our management company. They are very secretive about the finances. Unfortunately, there is nothing we can do if the management company is embezzling money. There is another HOA suing them for \$159,000 they say is missing but CCIO A does not cover a situation like that. Please go back to regulating HOA management companies.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Color scheme added without notice

author: Afrazier

I live in Maple Hill in Fort Collins. Previously we had very little in the way of a color scheme, you chose your color, send it to a committee to approve. Now it's a very small color scheme from a specific company all grays, burgundy, navy. They did not make much if any notice that it was changing. I greatly prefer the diverse colors we currently have. They are also trying to force home owners to change colors that were previously approved. Changing our color scheme was a massive overstepping power grab. I want to change my house color but want to have the freedom to choose what i want. I think cookie cutter houses make neighborhoods boring.

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No Responses



## STORY TELLING TOOL

### Re-Inventing the Square Wheel

author: Robert Racansky

Continually amending Colo. Rev. Stat. § 38-33.3-106.5, the "Prohibitions Contrary to Public Policy" section of the Colorado Communist Interest Ownership Act, to expand the rights of homeowners is a failed strategy for H.O.A. reform. For example: 01. In 2005, Colorado passed Senate Bill SB05-100 "Concerning Increased Protections for Homeowners", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 02. In 2013, Colorado passed Senate Bill SB13-183 "Water Conservation in Common Interest Communities", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 03. In 2019, Colorado passed House Bill HB19-1050 "Concerning the Promotion of Water-Efficient Landscaping on Property Subject to Management by Local Supervisory Entities", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 04. In 2021, Colorado passed House Bill HB21-1229 "Home Owners' Associations Governance Funding Record Keeping", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 05. In 2023, Colorado passed Senate Bill SB23-178, "Water-wise Landscaping In Homeowners' Association Communities", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. This is a pattern of failure that has been repeating in Colorado -- and other states -- for decades. It is obvious that the legislature (and governor) is not serious about H.O.A. reform. The current paradigm of H.O.A. law: The authority and power of an H.O.A. corporation is broad; its Directors & Officers are allowed to do anything that is not explicitly prohibited, while the rights of individual homeowners are narrow and constrained; they are only allowed to do that which is explicitly permitted. This needs to be reversed. Unfortunately, there is no interest nor political will among our lawmakers to do so. One way to reverse the paradigm would be to neuter the authority and power of H.O.A. corporations (and Metro Districts), limiting them to that which is only necessary to manage and maintain their common property; and make it illegal for an H.O.A. corporation to make and enforce rules on a homeowner's own private property. If you would like to know more, check out Irony Curtain at Substack.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### Overall

author: Andrew

The HOA lists that they pay for everything except energy which is nice. However, the parking lot is always trashed with debris, they put everything on the owner of each establishment. Some things that are outside of the unit are still "the owners" responsibility. Siding fell and tore a hole in my window screen and they said "if it didn't enter the unit its on you to fix it." They refused to help when contacted about an infestation until more than two units complained. They have open permitted parking but do not regularly patrol to keep people from parking where they shouldn't. The main contact doesn't respond unless you pester and then the answer is typically a "No". Got an email saying I couldn't burn candles for more than 2 hours. During the winter they do not shovel or salt regularly and I have fallen twice. There is no security around the mail boxes or in general throughout the lot. The area is advertised to have a pool however it is currently (and has been for 3 years) a sandbox. For a year they charged an extra HOA fee but didn't notify what it was for. The unit residents have to keep the walking area clean of the overhang from plant life even if it's not connected to their units. I'm certain there is more wrong than right with this HOA and cannot comprehend how they can get away with so much delegation.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses

## STORY TELLING TOOL

### Election Shenanigans

author: Jane Doe 1954

My HOA has a couple of Board Members who have served for an extensive period of time. The HOA is a pre-1992 Community that has never adopted CCIOA, but has adopted the responsible governance policies required by statute as required. The long-time Board members are comfortable in their roles but are opposed to allowing others to serve on the Board that they feel are not "aligned" with their values and agenda. The HOA's Articles of Incorporation and Bylaws requires five Board members, with minimum of three to conduct business. Unknown to the Membership, they continued to operate with only two members for well over six months. During that period of time, one of the two became very sick and was unable to perform his duties, essentially leaving one person in-charge. The only requirement to serve is that the Member must be in good standing (up-to-date on dues payment.) However, they have managed relatively successfully to "load" the Board with appointed members of their choice through a number of tactics. These include delaying appointments if someone resigns if they don't believe a person interested meets their unwritten "criteria"; and failing to appoint people interested in serving, and then just prior to election appointing someone rather than have the Membership vote to fill the unexpired terms. In the past they have used the HOA's private email list to send voting endorsements with resumes of their preferred candidates to some (not all) members of the Association, while simultaneously refusing to send the resumes of other candidates as well and refusing to provide the email list so members have access to full information about candidates.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Board Vacanies Should be Filled by Membership Vote

author: K

It should be mandatory to fill Board vacancies and that any vacancy with more than one year left on the term should be elected by the membership at a meeting of the members with two months of the vacancy. Current Boards uses flexibilities in the bylaws to prevent new voices from being elected to the Board. Most bylaws say Board vacancies are filled by the Board. Board members uses this flexibility to only bring on their friends or they don't fill them to prevent having a new voice. They don't advertise vacancies. Only appoint their relatives and friends. At various times in the past 25 years, our Board has had ALL the members appointed by themselves. Other times, they let posts sit vacant for months or years so that there are no dissenting voices or votes. The levers of power are stacked and there isn't true democracy in an HOA.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

title

author: Pete

No complaints

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses



# STORY TELLING TOOL

## trying to be green

author: qwerty

The HOA has prevented us from limiting water usage, threatening fines if we do not excessively water our lawn. We would prefer to have a water-free landscaping plan, but the HOA regulations require at least 75% greenery in the yard.

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| No Responses |
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## STORY TELLING TOOL

### Paint colors

author: Kberger

My house was custom built in 2016. My builder gave me a choice of exterior colors and I chose a scheme that included blue as an accent color. I was informed that the HOA of my community (in Wellington, CO) only allowed "earth tones" which I guess does not include blue. However, 6 months later a house was built with extensive blue on the outside. What is so frustrating is the inconsistent application of ridiculous rules.

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No Responses

## STORY TELLING TOOL

### Violations

author: Mary

Violations are IMPOSSIBLE to enforce. With the new HB 1137 and the \$500.00 fine have whatever you want this is IMPOSSIBLE to enforced. I own rentals in HOA's sit o Boards and have been a HOA manager for 25 years.

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses



## STORY TELLING TOOL

### re : trying to be green

author: Robert Racansky

This is another example of how our lawmakers have failed over the past two decades vis-à-vis H.O.A. reform. See my earlier post here, "Re-Inventing the Square Wheel" (27 Aug 2023). 01. In 2005, Colorado passed Senate Bill SB05-100 "Concerning Increased Protections for Homeowners", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 02. In 2013, Colorado passed Senate Bill SB13-183 "Water Conservation in Common Interest Communities", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 03. In 2019, Colorado passed House Bill HB19-1050 "Concerning the Promotion of Water-Efficient Landscaping on Property Subject to Management by Local Supervisory Entities", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 04. In 2021, Colorado passed House Bill HB21-1229 "Home Owners' Associations Governance Funding Record Keeping", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. It worked so well that ... 05. In 2023, Colorado passed Senate Bill SB23-178, "Water-wise Landscaping In Homeowners' Association Communities", allowing owners of H.O.A.-burdened property to install water-conserving landscaping. Decades of experience have demonstrated that the State of Colorado should not expect good-faith compliance with the law, regulations, or Court Orders by the H.O.A. board members, H.O.A. managers, H.O.A. attorneys, etc. I know of associations that have been placed under Court Orders to do things and they just don't do them. It's not just that they defy statutory law. But they're ordered to do something and still not do it. It's mind boggling. - Evan McKenzie, former H.O.A. attorney and author of *Privatopia* (1994) and *Beyond Privatopia* (2011). "On the Commons". November 19, 2005. Homeowners associations are prevalent and their actions impact property values, property rights, living environment, and personal rights of the residents; and many of the HOA's have abused their power, disobeyed the law. - Larimer County Republican Party Resolutions - 2006, # 24. It's like something you would see in Nazi Germany or Soviet Russia. People think these things don't go on. But we know they on every day in condo and homeowner associations. These people who have no idea how to use power at all. They won't even accept limits on their power. They don't even know what the law requires of them, these directors. They go by what some lawyer tells them to do, which the lawyer tells them to do only because he or she knows they can get away with it. If the lawyer tells them "Oh, just jack 'em around. Who cares what the rules are? Who cares what the law says?" it doesn't make any difference. The transaction costs of enforcing an owner's rights are so great that they are hardly ever able to do it. - Evan McKenzie, former H.O.A. attorney and author of *Privatopia* (1994) and *Beyond Privatopia* (2011). "On the Commons". June 26, 2010. Emphasis in original. Instead of reacting to the H.O.A. outrage du jour, our lawmakers need to craft policy to anticipate the predictable abuses of homeowners by the H.O.A. industry. Unfortunately, there is no interest nor political will in doing so. Instead, they repeatedly put up regulatory window dressing in order to give the appearance of doing something. I've represented myself -- and other homeowners -- in more H.O.A.-related litigation than I've ever wanted to be involved in. I've seen how the law works. And more importantly, I've seen how the law does not work. During that time, I had to endure listening to out-of-touch lawmakers tell me how they were making 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 enforced, are two very different things.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### One condo deed that is owned by a father-son duo, elected themselves to two seats on a 3 person board

author: nealelinoff

I am writing to express my deep concerns and frustration regarding the recent board elections within our condo association. The situation at hand has left me perplexed and concerned about the governance of our community. Our condo association comprises seven residences and a quasi-government organization that collectively owns the property. The quasi-government organization has appointed an accountant to represent their ownership interests during meetings and has also been voted in as the HOA manager for our association. It's worth noting that except for mine, all other homeowners use their condos as secondary residences, primarily renting them out through their respective management companies. I personally manage my unit's rentals through Vrbo. This means that, for the most part, our fellow homeowners do not reside in our lovely town of Telluride. Recently, we held a board meeting to elect a new board, and the outcome has left me deeply concerned. The elected board members now consist of the quasi-government representative (who also serves as the HOA manager) and a single condo unit, owned by a father-son duo, which secured two seats on the board. Their justification for this configuration is that it was reviewed and approved by our HOA attorney. Notably, both members of the father-son duo are attorneys themselves, as well. I must express my strong belief that allowing a single unit to control the majority of the board is a disservice to the principles of fair governance and representation. I have voiced my concerns, but I have been met with the assertion that their actions are entirely legal and compliant with our governing documents. Furthermore, it has come to my attention that they have sought legal opinions that align with their perspective, effectively silencing any opposition. This has only added to my frustration and left me feeling powerless in the face of what I believe to be an unjust situation. At this point, it seems that the only recourse available to address this matter would be to pursue legal action. However, this path is not without its challenges, including significant financial costs and uncertain outcomes. I implore all of us to consider the principles of fairness, representation, and community that should guide our association's decisions. I believe that open dialogue and a commitment to the best interests of all homeowners can lead us to a more equitable and transparent solution. I look forward to exploring potential solutions that can address these concerns in a constructive manner. It should be that our shared goal should always be the well-being of our association and the vibrant community we all value.

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No Responses

## STORY TELLING TOOL

### HOA - Waste of Money

author: KMC

Having an HOA has provided little benefit for the astronomical amount we pay. When I first purchased in 2019, there was a hail storm the day after closing. The HOA never communicated to my insurance which coverage I needed; therefore I didn't have adequate coverage. The HOA needed to replace all roofs but since I didn't have proper coverage I had to pay \$3,800 out of pocket and my roof was never even replaced. Every year we get into late July early August before lawn sprinklers are turned on, rendering our grass dead, so why pay astronomical prices to have ugly yards. They have neglected to fill the reserve funds over the last several years so now they want to double our HOA payment. Mind you we already pay \$290/M, and for subpar lawn maintenance and lazy snow removal. We all have buckling water damaged siding, bald spots in our lawns, dead trees everywhere and huge pot holes in the alley. Why do we now have to go broke fixing the mistake of bad management? Why pay all the fees for maintenance and professional management if nobody is going to do their job correctly, and manage the money. We want to sell and move to a non HOA neighborhood but now can't afford to leave because buying in CO is impossible unless you magically had a substantial increase in income over the last two years. This state is going down the tubes and frankly HOA's are money suckers just like our government.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### Water Issues

author: kdsher

After several issues with water coming into our home from the outside, we took a HUGE financial hit and sold. The HOA didn't address drainage issues, failed to provide access to HOA owned infrastructure that was creating water issues so that we could try and mitigate future damage, and never paid for the damage inside our home from their neglect. The whole, you own inside the walls and we own outside of them doesn't work well when the outside is creating issues inside. I literally stepped in backed up sewer water that flooded into our home. It happened multiple times and they would never give our plumber access to really address the pipes that kept backing up. The HOA property manager continued to get paid while the exterior of the condo association was neglected.

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No Responses

## STORY TELLING TOOL

### HOA has too much control

author: MER

Our HOA raised fees 170\$ a month over the last three years. Services were greatly reduced until this year but no \$ was returned to residents. Services since last winter have improved immensely, I am most grateful for the snow removal and the how nice looking the groundskeepers keep our community. To vote for the budget was very confusing due to poor wording. After more than a year of proposing a change to the verbiage, it was finally changed. Additionally, at least 50% of the community must vote against the proposed budget for the board to allow changes. The total number of voters does not get to 50% so the proposed budget can never be overturned, residents have no choice but to accept whatever is presented. I believe the poor voter turnout is due to residents believing their vote will not make any difference.

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No Responses



## STORY TELLING TOOL

### HOAs Get A Bad Rap

author: skkoog

It's really sad that most people only see the bad comments about HOAs. Having lived in an HOA for the past 27 year, having worked for a company that managed HOAs for approximately 5 years and now being an HOA president, I can verify 2 things. The first is people don't think through the choice of buying a home within an HOA, and if they do, they often never read the governing documents, or choose to ignore them. I know there are HOAs that aren't run well, but there is a lot things to be done, more often by volunteers than folks realize. The same people end up doing all the work and often get burned out. So, take time and read your documents, which you should have done before buying, and know what the rules are. If you can't live with them, it's time to move.

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| No Responses |
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## STORY TELLING TOOL

### Unaccountable control freaks

author: Jdub

The HOA we're in has a president who does not even live in our town and threatened a lien against our house (no prior notification or warning) that our house had to be painted a "modern color " even though the current paint job had only been done 6-7 years before, and with no definition of what a "modern " color was, nor approved palate for selecting from. We had to submit colors several times until they approved the ugliest one. Neighbors have had similar nightmares happen to them as well. There needs to be more accountability and recourse for what seem to be very arbitrary decisions and utter opacity about the process

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Is digital really the way to go?

author: LRB

We have a household in our HOA that currently demands everything be sent electronically. Fine for documents already digitized; not fine for dealing with compliance issues. The problem is, proof of action cannot be obtained via email. We have no way to verify that the email sent went to the person and a simple denial on their part of not received puts the board at risk. Right now, the only way to verify sending something and it being delivered to the recipient's mailbox is USPS or courier service. This adds expense, but, seems necessary when dealing with compliance issues, in order to provide evidence of getting to the address. Registered mail, return receipt requested can be abused by the addressee simply not accepting it, which has happened twice this summer. However, priority mail, registered mail, or courier service at least provides proof that the document got into the mailbox or to the front door and places the responsibility of not getting it squarely on the recipient's shoulders. Please, legislators, do not take away the only method we currently have of verifying we are doing what we're supposed to be doing.

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## STORY TELLING TOOL

### Foreclosure initiated against neighbor

author: bhr1988

An elderly neighbor of mine who is up to date on her mortgage recently had the HOA initiate a foreclosure process against her. The HOA feels this is justified to cover unpaid fines which snowball due to legal fees incurred by the HOA to attempt to collect smaller fines from said homeowner (in other words, small fines snowball when the HOA chooses to involve a lawyer and charge to the homeowner). HOA's should be required to shoulder 50% of legal fees to incentivize against snowballing of fees and/or fees should be capped at some sane amount (e.g., \$5-10,000). Additionally, homes should not be allowed to be sold below X % of market value (50%??). Alternatively HOA's in Colorado should only be allowed to make suggestions about private property appearances (rather than have the power to impose fines against homeowners who are not breaking any laws), so that their primary remit becomes maintaining common areas like pools and greenbelts.

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No Responses



## STORY TELLING TOOL

### Support the HOAs

author: PattyAnn

I have lived in our condominium community since 2014. When I first arrived, the community was in great shape. However, a year later, things began to backtrack: The pool could not be used (for many years). The property needed a better maintenance plan. Many residents needed to catch up on their dues. Not paying cost the community more money, so the community had to build up the reserves. No one complied with the rules; if violations were made, they were not enforced. This was a valuable lesson on the importance of HOAs and their board of directors. Since then, the board, with the management company's assistance, was able to put the property on a maintenance program: painting, trees/landscaping, and road. The pool was fixed and opened and used often. Dues owed have been paid or put on a payment plan. When there were violations, there was a notice sent out and corrected. I understand many have issues with HOAs. However, they are essential. They help keep our community safe and our homes of value by ensuring the policies are followed and enforced. As well as our grounds kept up. Our community has many renters, which has become a more significant issue because they do not see the same value in the area as the owners. Owners need to communicate with them about the covenants/declarations. They become contentious when a letter is sent out or spoken to directly about a violation. A frustration of the board is the new legislation, HB 1137. Violations are IMPOSSIBLE to enforce. Laws need to change, to allow the community to enforce the violations and have a quicker turnaround.

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No Responses

## STORY TELLING TOOL

### HOA members are volunteers

author: rwtting

After owning a house for 34 years in a community without a HOA (and having a neighbor who never planted grass and had knee high weeds that whole time), I was determined to get a townhome in a HOA managed community when I decided to retire and downsize to a townhome. I also wanted someone to care for the exterior since I like to spend time in the mountains and traveling. One of the primary reasons for choosing the community I bought in was how beautiful and well maintained it is. The HOA is so well managed, they have never had a special assessment in the almost 50 years of existence. My father was a volunteer on the HOA board where he lived and it made an impression on me. I want to give back to the community I live in and decided to volunteer for the HOA board as well. It is a lot of work and takes a lot of my time, but everyone comments on how nice the neighborhood looks. Unfortunately, some people have a negative perception of HOA's. They forget we are all neighbors and it's important to be a good neighbor. When a homeowner wants something special or particular done, they don't acknowledge that they are asking for their neighbors to pay for it. There is a disconnect between asking for more amenities and not expecting the monthly assessment to increase. The board is always looking for volunteers, but we have trouble even getting a quorum for elections. Homeowners like to complain, but they don't want to help. Homeowners that rent need to take more responsibility to communicate with their tenants about the covenants and pertinent information that is decimated. Homeowners complain about not being informed, but they refuse to give email addresses to the management company. I'm concerned about some of the recent regulations that have been passed. It might be helpful to a few homeowners, but it hurts the community when covenants aren't enforced. There is a process for homeowners to modify or change the covenants if they don't want them. We have some homeowners that have never paid their monthly assessments. I guess they expect a free ride from their neighbors. The HOA needs to be able to recover these funds. It's only fair to the homeowners who have been responsible. There is nothing wrong with using a lien as a tool. Certainly there is a better way of recouping the money than to sell the house for less than market value. That is something that could be legislated and is beyond the scope of the HOA. To close, the HOA board works very hard to provide a clean and safe environment. They are under appreciated. I'm sure there are some boards that take advantage of their position, but this is probably the minority.

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No Responses



## STORY TELLING TOOL

### Uninformed or misinformed Homeowners in HOA's

author: Debra

In making a career change 22+ years ago, I made a conscious decision to become part of the Community Association profession. I have been positively impacted in working in various capacities, to become educated and informed, then sharing information, successes, failures and experiences from the 'front lines' in guiding and engaging communities. Over the years, learning how much misinformation and how many under-informed buyers creating climates of angst, rather than open & respectful communication, is an ongoing challenge. Acting in the best interest of communities and neighborhoods (HOA's), the responsibility rests on the shoulders of ALL Leaders. Effective communication from not only Volunteer HOA Board Member Leaders and HOA Managers- everyone from Builders and Developers, Real Estate Agents, Sales Teams, Title Companies, and ultimately the home-buyers and homeowners themselves! Taking educational moments and opportunities to set buyers up for the right expectation is vital and the differential to a culture of trust, respect and mutual understanding, versus adversarial interactions. Apathy is also a contributing factor, in that there are many complaints & complainers, although very few willing to step up and serve. When in doubt, check the governing documents out! Please read, review, ask questions and be informed. Homeowners have rights in HOA's that go hand in glove with responsibilities.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Colorado HOA Experience

author: Astrobootes

Volunteered, elected, and served in different capacities, ie., Secretary, Treasurer, VP and committees. I have reviewed the existing entries to the task force and so far many of the replies ring true. I was encouraged when I first saw and read HB23-1105, but the jury is still out relative to any changes that may result. What I've experienced is that the legislature creates and the governor signs bills affecting HOA governance, but other than litigation there is no enforcement. We have become a litigious and apathetic society. Times have and continue to change!! Current HOA boards are pretty useless, imo. Most directors have little or no knowledge of Colorado law pertaining to HOAs, let alone their own governing docs. Owner apathy doesn't help. Executive members of the board need to be knowledgeable of their HOA covenants, as well as local and federal statutes that govern Colorado HOAs. ALL HOA directors need to clearly understand that the 'fiduciary duty' of a director means he/she is not above the law, ie., asking for permission vs forgiveness, and are responsible to ALL owners. Legislation that takes into account the demographic of a community, not "one size fits all" legislation. Ability of a board to remove a director with an affirmative vote of all remaining directors. Years of attempting to update governing documents that are over 50 years old.

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No Responses



STORY TELLING TOOL

Lack of Homeowner Maintenance and Covenant Enforcement is Affecting Our Property Value

author: Gabi

We purchased our house in an HOA to preserve the value of our investment and be part of a well maintained community. Unfortunately, we are informed by our management company that the HOA and our Board no longer have a lot of tools to enforce our covenants. In my opinion, all the homeowners in our community should comply with the covenants and the Board should be allowed to held owners accountable. It is not fair to the owners that are compliant with the HOA covenants to contribute with additional funds for delinquent owners or for maintance the HOA has to perform on behalf of owners that refuse to maintain their properties.

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| No Responses |                |                 |

STORY TELLING TOOL

Task Force First Meeting

author: Astrobootes

re: HB23-1105 (V) AN ASSOCIATION SHALL NOTIFY ITS UNIT OWNERS ABOUT THE TASK FORCE BEFORE THE TASK FORCE HOLDS ITS FIRST MEETING.When is the first meeting scheduled?

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No Responses

## STORY TELLING TOOL

### Lake Sherwood HOA

author: Cheryle

We have owned our home for 33 years at this address. We have followed the regulations given to us when we purchased the home that are the HOA's rules and regulations. Our home is located on a curve of the street, Brookwood Drive. It makes backing out of the driveway extremely dangerous due to limited visibility on both sides-north and south directions. To further the danger, the drivers speed down the street at all hours! We have asked the city and have signed petitions to have speed bumps added to our street. I am sure the HOA has been made aware of this as well. Nothing has been done. Just this week, I noticed a street further east that has had speed bumps put down on their street. Of course, part of that street lines a wealthy section of homes. Maybe that makes a difference. I hope not. Speed bumps need added to our street before children are hurt or accidents happen. The next thing is our HOA dues have increased at least \$400 since we bought the house and we have not seen what the HOA has done for any of the home owners. We repainted our home about 4 or 5 years ago and submitted our colors to the board. We expected an answer within 6 weeks. No answer so I started calling after finally getting a number to call. Another 4 weeks passed before I got an answer and I found out that the board of 4 never did vote on it but 3 did and then the person I had been talking with voted for us too. This is not how it should be taken care of. I know of 3 other families that didn't even bother with submitting their house colors to the board for approval. The colors should have been approved though. There is no consistency in our HOA that I see. Thank you.

Visitors **0**

Contributors **1**

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No Responses

## STORY TELLING TOOL

### Failure of Leadership by the Governor

author: Robert Racansky

• I first discussed H.O.A. issues with my Congress Critter -- I forget his name, but I hear he's the Governor of Colorado now -- 11 years ago, on August 29 2012. • I met him again about half a dozen times over the next three to four years, until he made it clear to me that he was not interested in hearing about H.O.A. issues. • Since becoming Governor in 2019, he has done nothing to help H.O.A.-burdened homeowners. Instead, he simply waits for the legislature to send him flawed bills to sign. • There are things he could do by Executive Order, which I have already written for him; click → here ← to read it. • Although the statutory deadline for appointments to the HB23-1105 H.O.A. Homeowners Rights Task Force was August 01 2023 -- 30 days ago -- he still has not appointed the members he is required by law to appoint. At this time, we have not received all the appointments, but have received some of the appointments. Click → here ← to read the e-mail I received from DORA this morning.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### President Eagle Cliffs Merged Association

author: Jeanie Hand

I am serving my 2nd term as President of our HOA. I had previously served for 5 years from 2012 to 2017. It's a tough job, but rewarding when you have a good community association management company, and you are assigned a professional manager who is knowledgeable and responsive. We have suffered in the past from a lack of this support, but now we have a company that meets our needs. We are a small community of 41 units (23 patio homes and 18 condos). I believe HOAs serve an important role in keeping a community looking good and feeling good. Yes, there is the occasional disgruntled owner who thinks the rules don't apply to them, and they can be difficult to deal with. The role of the community association manager plays a very important role in dealing with these situations. In our community, however, the majority of the owners really care about keeping up appearances to enhance our property values. That to me is the most important function of an HOA.

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No Responses

## STORY TELLING TOOL

### Not easy. How can government help?

author: Carol Green

I've lived in several HOAs over the years and have been on two HOA Boards. This last time, I volunteered to get to know my neighbors better and to help build a sense of "community" among residents. It's a community of about 300 condo units built in the 1960s. In short succession, a number of disasters struck -- gigantic insurance premiums with little advance warning, supply chain problems running up the cost of major projects, three water line breaks. To shorten the story, our Board is struggling with maintenance deferred by prior boards and prior reluctance to adequately fund reserves. We are open with owners about our situation, and we will pull through because of a conscious effort to be as transparent as possible and to find constructive balance between maintenance needs and our owners' financial situations. Our community will be the better for it. If I have any suggestions to offer it is that Boards must keep up with maintenance and maintain proper funding, while at the same time being scrupulously open about any difficulties. We need help from state agencies, not blame. More education of Board members and professional managers, more training in how to maintain mutual trust. The less "us vs the m" mentality we foster, the better. We are all in this together, and I believe the role of government is to support, prepare and provide guidance equally as much as to clamp down. Our citizen Boards need support. Please ask how state agencies can assist, as well as develop regulations.

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No Responses

## STORY TELLING TOOL

### Water conservation vs. 60% livable plants in your backyard

author: jtsimms

I live in the Mesa Pines North section of Canterbury Crossing in Parker and redid my backyard this summer. We wanted to minimize the amount of grass and plants to reduce our water bill and the yard is on a slope so most of the area is unusable anyway. My HOA has a rule that is not enforced for existing yards which states I need 60% of my yard covered by livable plants. I sent them pictures of houses in my neighborhood, some of which are all rocks and a concrete slab for a patio, and asked them why I'm held to this standard. I was told I could file a complaint against one of my neighbors if I wanted to and they gave me a link to the form. Every summer we hear about how important water conservation is yet I had to design a yard I did not want and deal with \$300 a month water bills to keep the grass and plants alive. I hope this changes soon so I can redo my backyard without any repercussions from the HOA.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### "Courtesy" violation notices

author: Becky Hammer

My husband and I have received a "courtesy" violation notice after a neighbor submitted a complaint. This neighbor is having drainage issues on his property. He has the opinion that our landscaping has caused his issues. We have submitted the appeal to the management company, and it has been over 6 weeks waiting for an answer. The management company has indicated that they are waiting to hear from the District Manager before they can proceed. My primary complaint is that the management company has addressed a neighbor complaint as a violation. I feel that there should be a different process for complaints rather than issuing a "courtesy violation" notice. Before a violation is issued, the opposing neighbor should have the opportunity to respond to a complaint. The statement "we apologize for any alarm this communication may cause" does not help to alleviate the alarm. This process has caused undo damage between the neighbor and us. A violation notice should only be issued once it is determined that a violation occurred. Prior to that, the process should be a fact-finding request. I also find issue with that fact that the management company acts on behalf of the board of directors but in my instance, I don't think the board was consulted before the violation notice was sent out. Just a suspicion I have. I have enjoyed most of the aspects of living in a covenant-controlled community but this experience has left me wanting to move into a community not controlled by CCRs.

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No Responses



## STORY TELLING TOOL

### Over bearing control?

author: In Elkhorn

I am currently building in Elkhorn Ranch and have been active in the community since we first purchased our property in 2017. If I understand correctly, the declarant has maintained control beyond the allotted time and despite being "voted out" on an official vote - has remained the "final say". we have had various issues where the vote has been approved by majority homeowners for change and he - as an individual - has not allowed the change despite majority homeowners saying yes. Metal barns vs wood is one example. Another is that the neighborhood spent over a year working to change restrictions on animals - allowing for a few hens - we had enough signatures to bring it to an official vote last year (22) and we still have not seen this come to vote - in the meeting held, the words said by the "president" was that the declarant is personally vested in the neighborhood and will never allow chickens. This past year a homeowner sued the HOA and before the suit was brought to court, the HOA doubled our annual fees to "cover the costs" of the resulting increase of costs yet the case was dismissed and the fees remain as high - all while there is an incredible amount of reserves that could have been used. The HOA covers trash and makes sure every home is in line with the rules and that is all, yet it has been the key source for conflict - sometimes intense - and high turnover in our neighborhood. I have been paying HOA since we purchased our lot here but have not needed the trash service till this year - I have been paying for it the entire time - where does that money go and to what good?

Visitors 0

Contributors 1

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No Responses

## STORY TELLING TOOL

### Elkhorn Ranch

author: In Elkhorn

If I understand correctly, the declarant has maintained control beyond the allotted time and despite being "voted out" on an official vote - has remained the "final say". we have had various issues where the vote has been approved by majority homeowners for change and he - as an individual - has not allowed the change despite majority homeowners saying yes. Metal barns vs wood is one example. Another is that the neighborhood spent over a year working to change restrictions on animals - allowing for a few hens - we had enough signatures to bring it to an official vote last year (22) and we still have not seen this come to vote - in the meeting held, the words said by the "president" was that the declarant is personally vested in the neighborhood and will never allow chickens. This past year a homeowner sued the HOA and before the suit was brought to court, the HOA doubled our annual fees to "cover the costs" of the resulting increase of costs yet the case was dismissed and the fees remain as high - all while there is an incredible amount of reserves that could have been used. The HOA covers trash and makes sure every home is in line with the rules and that is all, yet it has been the key source for conflict - sometimes intense - and high turnover in our neighborhood.

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No Responses

## STORY TELLING TOOL

### Energy

author: BE

I live in Sunrise Ridge (Sub 2) - First off my association Board does not like me! I hold a Real Estate License. I was on the (Sub 2) Board for 5 years. I wanted to install a pergola over my cement patio because it faces west and I needed more shade on the back side of my home to keep my air conditioner from coming on constantly. My HOA looked into it and decided to ask an attorney for advice - Not sure what the attorney said but the answer from them was no and they charged me for their time to speak to the attorney! No other member has ever been charged when the Board needed attorney advice. I asked if I could plant a couple trees because there is room behind my patio, which is common ground, I said I would pay for the trees to be planted and pay for the maintenance of the trees every year. The answer was still no! Having an energy efficient home is what it should be about, not rather they like me or not! Board members should be for the good of the communities and more often than not it is the Board members and who likes who! Not a good way to run things - this should be changed!

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### Management Company Does Not Follow Up

author: PhilMauracher

2 years ago there were a series of accidents that destroyed 2 baby trees and a light pole. The landscaping was somewhat destroyed. After numerous complaints from me and others, that area remains to be re-landscaped. There are several diseased or dead trees in the neighborhood that the landscaping company does not address Reports to the HOA mgt company by me and many neighbors. Even the promise of an audit. Nothing.

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## STORY TELLING TOOL

### Egregious fines and lack of communication

author: SusieQ

I have been living in my condo for 29 years. Since we have had professional management (about 4 years), many residents have suffered from policies being interpreted differently than before. Everything is much more punitive and the board supports managements actions. One incident in particular got my attention. A neighbor who was renting her condo was fined \$500 for the actions of her tenant. I have no problem with that but the violation was nowhere to be found in our handbook that includes all of the policies. Residents were never told that this was a finable action. I talked with the President of the Board and he said that the HOA attorneys supported the action. I was never able to get an answers to my questions about how it works. I believe the board and management put this in the column of "egregious" but I'm not sure about that. It seems like for a very long time, legislation has been passed to support management and boards with nothing for residents even though we own our homes. I'm hoping to see some sort of resident Bill of Rights come from this Task Force effort. Also, a mandated communication policy would be wonderful. I've received one that I found on the internet and it was great! Thank you for this opportunity to speak out. I'm happy to work on these issues if you need assistance and/or voices.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Noble Park

author: Veryangry

Our neighborhood has many qualities I like. Its fairly quiet, the people I know take good care of their homes and yards and its slowly changing and becoming more concerned about water usage. Several individuals have transformed areas from grass to drought tolerant grasses, flowers and cobble stones.Finally The Board of HOA is working on a consensus before rebuilding the fence around our homes. (The fence has been discussed and has been in a state of falling down for the 20 years we've lived here). The semiannual Picnic gathering in a nearby park has never been very well attended. They board furnishes grilled burgers but it could be a much more inclusive and even gala event. How about a festive band, maybe jesters, dancers, balloons, games, and prizes? There are over 100 homes and so many people that could be involved. I get outside and know my 10 neighbors who live within shouting distance but would like to have a way to know others. Where does the HOA fee go?

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Legal Advice Given to the Board Should be Public to the Homeowners

author: K

Because the members of the Board are acting for and on behalf of the Association and Association membership is ultimately liable for all Board actions, Association members have a right to know what legal advice Board members are given and how it is used. Allowing this information in executive session feeds an "us versus them" mentality and furthers the Board and legal counsels propensity to see their job as controlling homeowners rather than working on their behalf. Legal advice given to the Board paid for by the membership and given to the Board in their official capacities should be public. Executive meetings to receive legal advice should be prohibited. Executive meetings are used to shield the Board and their legal team from scrutiny. Potential bad judgement and decision making, vindictiveness or the legal team conspiring to control homeowners should all be public. Association members pay the legal bills, the insurance for the Board and any monetary judgement resulting from Board actions. They are entitled to know if the Board is using good judgement and decision making and whether or not the legal team is acting in the best interest of the Board or the membership.

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No Responses

STORY TELLING TOOL

Very little participation by unit owners.

author: JMC

Many unit owners do not participate in HOA meetings. They do not want to gather information about issues associated with maintaining their unit or the area associated with the HOA property. Many believe that they live in country club subdivision where all services are provided, and dues for those services are minimal.

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No Responses



## STORY TELLING TOOL

### Let's get personal - it's our homes, it's our money, 2 highly charged emotional issues: Build a community not an HOA

author: JanetWren

I was president of a small area neighborhood in Denver many years ago, where little, if any, funds were raised but we built community, worked to get a park in the neighborhood and had little or no strife. Ahhh, those were the days! Today, I'm living a very different experience with an HOA that is focused on everything except building community. Instead of asking your neighbor for help, everything is a matter of hiring out the work, paying for consultants, experts, project managers and lawyers and complex management companies. I live in a townhome community of 32 owners. The units are aging but well maintained. For 50 years when it was time to fix a roof or a sidewalk or a common structure, we were assessed the fee. We had a board that took bids, remained transparent to homeowners and listened. Currently this same HOA board has made the decision to build a 'reserve account', requiring all homeowners to contribute \$14,000-\$17,000. A reserve account they say will mean we won't have assessments when it's time to make improvements. A "reserve study" made in 2023, stated it will be 7 years before any large assessment is due. That information gives all homeowners time to save up (earn interest) and pay the assessment when necessary. However, this board is not giving us that option. The only option suggested is to break up payments over the course of 5 years, in essence placing a lien on each homeowner for those 5 years - making it difficult to sell their home if necessary. And anyone moving from their home would not benefit from the 14 or 17K they invested in this reserve account. Homeowners should have the right to personally save for assessments and in so doing, earn the interest on those savings rather than the HOA profiting from interest earned from a 'reserve account.' HOA's should have the obligation to keep owners apprised of upcoming costs, assessments. Additionally, homeowners aren't allowed to step in when a board overspends until the next election. My current HOA board has overspent by 100K from the budget. And there is nothing non-board members are able to do about it, except wait 2 years for an election and hope to win 67% of the vote. I've learned complex management companies are not accountants. Additionally, the by-laws at this complex have made it nearly impossible to reject board decisions, or have a voice in the community. A vote of 67% of the homeowners is required to veto the board's decisions. Every non-vote is vote in support of the board's decision. Was there ever an election in history where 67% of the vote was achieved? We were told this percentage was intentional to allow the board the right to "get things done." Fifty-one percent is fair and attainable when an issue comes to a vote. This same board has increased HOA fees for the past 5 years by 75%. Realtors have said homes in our price range will lose a sale if HOA fees are in excess of \$500 a month. We now pay \$565. Regardless the efforts made to stop these increases we were never able to get the 67% necessary. By-laws need to be written on 2 pages, not 20. The simpler the rules, the easier it is to live with them. Rather than let's hire that done, let's build community that will help get it done. Rather than spend on lawyers to write, rewrite, and review by-laws, ask the community what they think are the most important aspects of an HOA. What do they want from an HOA. People will support what they helped to create. Humans like to help one another. HOA's need to build in 'helping' rather than 'hiring'. Saves money, builds caring. My current HOA board has overspent by 100K from the 2023 budget. And there is nothing non-board members are able to do about it, except wait 2 years for an election and hope to win 67% of the vote. I've learned neither board members, HOA's or complex management companies have to hire an accountant. Now there is one hire worth making. I recently requested documents about money spent during the year that were not covered in the yearly budget. I was sent a 5 page "policy request form" from the management company. My new neighbor had to pay \$6600 the first week they moved into their home because the HOA didn't reveal the upcoming assessment. HOAs (or at least many I've heard about) shut themselves off from the people they are there to support. Board meetings need to be in-person. Covid is over and the easiest way to avoid conflict, or discussion, or having your decisions questioned is to have a zoom meeting. Zoom promotes lack of accountability as do 'portal pages.' Meeting only on zoom, my board only advises of upcoming meetings (important or not) 2 or 3 days ahead and sometimes the same day of the vote. Voting which is not open to the whole community is done 'off line.' We're asked to leave the call and then

# STORY TELLING TOOL

the vote is taken. No transparency.Obviously, I've thought about and worried about this a lot. Thanks for reading (all the way to the end?? remarkable!") Changes are necessary and I want to help bring those changes. How can I be of service? Janet Wren

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No Responses



## STORY TELLING TOOL

### HOA flooded my basement and won't pay for repairs

author: Mike I

So, I live in a condo association, where there are about 25% townhouses, and half of those have basements. I am one of them. Came home from work one day 6-7 weeks ago, went into the basement, and there is an inch + of water in there. Called my insurance agent, he got a water extraction company out to us quickly. Spent the next 2 days removing all personal items from the basement and into the garage. We also started immediately attempting to figure out where the water was coming from: 1. Sewer backup from full bath in basement...nope, plumber verified, plus the water seemed clean and had no smell. 2. Plumbing leak...turned off main water valve for 24 hours, nope, water still coming in. 3. Property manager thinks it is from "all the rain and the water table"...but it hadn't rained at all in over a week and there was no issue when it was raining. 4. Neighbor behind my unit says he and another neighbor could hear water running inside the retaining wall 20 yards up a small hill from my unit. Call the Property manager, tell them there is a broken irrigation line. They send someone out to fix this, and now there is NO more water coming in and my sump pump is no longer running 24/7! My homeowners insurance won't cover outside water intrusion into the home unless you have flood insurance. When I ask for my costs for repair to be covered by the HOA, I'm told they don't cover inside damages, that this is on the homeowner...and when I say they should submit an insurance claim for it I am told that the homeowner is liable for their \$50K deductible??!! I attended the next board meeting and was given the same lame excuses for them to NOT cover my costs even though all parties are in agreement as to the reason for the water intrusion being their responsibility. They even had the gall to charge back their water extraction company's bill to me on my next monthly dues. All in all, we are out of pocket for \$7800 in services and repairs. Spoke to a real estate lawyer this week, and odds are not great that a lawsuit would recoup my costs and legal fees, so there is little potential for a positive ROI on taking that route.

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No Responses

## STORY TELLING TOOL

### Taxation Without Representation

author: rwhite3572

I support HOAs. I've seen the difference between communities that have them and those that don't. Those that do generally enjoy better marketability due to better maintenance. What I don't support is taxation without representation. Our HOA resides within a greater covenant community created by the Northgate Business Owners Association (NGBOA). Again, I support the concept. They charge an annual assessment to maintain the common areas along Voyager and Middle Creek Parkways in northern Colorado Springs. Costs are split 75-25 between businesses and residents. Since 2004, however, residential bills have doubled while the number of residents has more than quadrupled. How can this be? I don't know. Where does the money go? I don't know. What am I paying for? I don't know and I can't know because residents have no rights under the NGBOA charter. They have taken advantage of a loophole in Colorado law to impose taxation without representation. I wouldn't mind so much except I learned recently that not all residents are being charged assessments. Some are paying more for benefits presumably shared by all. How can this be? Taxation without representation. In March we sent a letter to NGBOA asking to be removed from the charter since our community is not directly adjacent to Voyager or Middle Creek Parkways and doesn't directly benefit from whatever they're doing. The NGBOA denied our request in August. This was after we wrote to our State representatives in July. To date they have not replied, nor did they answer in August when we sent a follow-up email. Our HOA wants to be released from this egregious and totally un-American situation. At the very least we want the loophole in Colorado law to be fixed so we can be represented. Since my State representatives are unresponsive, this is a plea to this organization to help us escape taxation without representation here in Colorado. Rick White 2023 President Deer Creek at Northgate Colorado Springs, CO

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No Responses



## STORY TELLING TOOL

### HOA's don't have to comply with the ADA

author: CShockr

In our HOA community, (Windsor Gardens), our HOA board states that they do not have to provide handicapped access to our outdoor pool as it was grandfathered since it was built in 1963, and they do not have to provide handicapped access to our indoor pool because access to that pool is for "Residents Only". Handicapped residents still have to pay full HOA fees for areas they do not have the ability to access and our HOA refuses to1. Allow handicapped residents to purchase a portable pool lift out of their own funds to provide handicapped access to our outdoor pool as it will effect our pool's grandfathered status and that the pool would have to be brought up to current code. This pool allows guests to swim in the pool for a fee and grandchildren to swim with their grandparents, which would exempt this pool as a "resident only" area not subject to ADA requirements.2. Allow handicapped residents to purchase a portable pool lift out of their own funds because the HOA does not have to comply with the ADA regulations in areas that are "Resident Only".We are a 55+ community and many of our residents have secured FHA loans to purchase their condos. Also, the association has had 30 years in which to upgrade the pools to comply with 1991 standards (as required by the 2010 reauthorization of the ADA) and nothing has been renovated in 30 years for fear of losing "grandfathered" status on the outdoor pool and not having to comply with the ADA on the indoor pool.My question to the task force is how long do we allow HOA's to deny access to common areas and assets that residents pay for, but cannot use because of these loopholes granted to HOA's. Discrimination on the basis of disability should be illegal for HOA's which have had over 30 years to mitigate access problems.And they are violating their own policies<https://drive.google.com/file/d/1GY1nYnxXnmc2YRG8oZkGSqKuecYeXJUE/view?usp=drivesdk>

Visitors 0

Contributors 1

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No Responses



## STORY TELLING TOOL

### Water Intrusion and Repairs

author: hoafails

I have had water intrusion since moving in in 2015 in the Highlands at Stonegate North. Shortly after moving in there was a hostile takeover of my board and this resulted in a new board and new management company, M&M Property Management. While the old management was trying to solve the water intrusion issues, the new board and management company have completely ignored the issue despite structural engineering reports saying that there were visible holes in the roof around all the piping, foundation issues, siding issues, decking issues, grading issues and more causing the water intrusion. They ignored records requests on the building and legal demand letters to solve the issues stating that they would get to it when they felt like it. Since then I have filed suit. Their argument is now that they fixed the roof two years ago, ignoring all damage caused by the previous roof throughout the home. They were forced to acknowledge with the rains this summer that there are foundational issues after their engineers witnessed water dripping from the ceiling and the floor soaked in the basement. There has been no water remediation beyond blowers for a few days. They also admitted that there were over two dozen townhomes experiencing this issue and that there were construction defects they were aware of. They demolished the basement bedroom exposing holes in the decking above the ceiling and destroyed the siding on the house sealing it with masking tape and plastic wrap that ripped the first storm we had after leading to additional damages in the basement bedroom. There is significant mold down there at this point as well as in the utility closet that houses the ventilation system. The room has been unusable for six months at this point making it impossible for my daughter to come home from college. They have also failed to put a furnace cap on the roof resulting in further water damage to my furnace making it unsafe. Currently I am experiencing mold toxicity and it is affecting my health, yet they continue to stall the court case ignoring not only me, but every other neighbor who has also had water intrusion issues. They tell each homeowner that it is the responsibility of their individual homeowners insurance despite being aware that the damage is caused by their negligence. They also have lied about the amount of insurance they have and the deductible and who is responsible for it. They claim poverty on the HOA budget. They have had to admit bad faith in my case because of this. They have been told that they failed to seal the basement bedroom and it is unhealthy living here, yet continue to stall and push back court. It is now scheduled for court in March of 2024 and I live in a home filled with mold that has been tested twice at dangerous levels and a furnace that is filled with dangerous mold and is rusted out. I tried every avenue to get these issues resolved before filing the lawsuit and at this point have spent nearly \$100,000 in legal fees and testing that I did not have to make them fix these problems. My house is unsellable and I cannot rent it or afford another home while paying for this one. There is no recourse other than a lawsuit and they use my own money to fight fixing the issues that have been proven over and over again are caused by their lack of maintenance of the common areas and construction defects. They actually took a settlement from the builder over these issues without ever fixing the problems. They also fail to handle shoveling snow, basic landscaping and other maintenance and there is no recourse for the owners here at Highlands at Stonegate North other than filing with the courts. Currently to my knowledge, I am the only owner with a lawsuit, but I know my neighbors are exploring their options with a class action lawsuit due to these issues.

Visitors 0

Contributors 1

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No Responses



## STORY TELLING TOOL

### Breach of Fiduciary Duty & Breach of Covenants

author: GCE

Our HOA is older-built in the late 70's (Fort Collins) and we were Larimer County until the 2015 City Annexation. Overall, our HOA has been relatively good about transparency of HOA documents, meetings etc. What they fail at miserably is landscape maintenance. The primary purpose of our Assessments is maintenance of Common Areas. We only have landscaping, and a few structures-fences and asphalt trails. No building type maintenance. Legally, there should be 'good faith' and 'equitable maintenance' of all Common Areas but this is not the case here. We literally have a North (124 homes) vs South side (129 homes) with major discrimination between the two. The South side homeowners are deemed 'less than' and treated as such. Our dues & reserves are sufficient to properly maintain all the Common Areas but the greenbelts on the South side are not due to: 1/ not in the public view; 2/ just a bunch of renters; and 3/ we're not spending money on 'those' people. Meanwhile they fully maintained private property for 28+ years instead. Legal action did stop the private property maintenance. We could literally pay a portion of our dues to have the City of Fort Collins do the landscape maintenance where ALL areas are treated the same-no discrimination. Even with HB-1137, it is easier to focus on Violations on individual property than take care of the Common Areas. Many violations are hypocritical when comparing the condition of Common Areas. That and the ACC requirements that seem mostly unnecessary; i.e.-paint, roof & fence replacements. We have no 'tract type' homes-all very individual lots and diverse buildings/lots etc.-which some of us like. HOA's are a microcosm of our society with much finger pointing and criticism of others with minimal caring & compassion that most folks are doing the best they can with the resources they have. HOA History being that they began in preventing non-white, non-Protestant people from moving into certain neighborhoods. The Fair Housing Act of 1968 stopped that but the overall sentiment of judging others still prevails. There is still a bit of NIMBY against some people moving in/living in by some homeowners. The theory of having Communities govern themselves makes sense on paper. The Reality of what actually happens is pretty much the opposite. Often the BODs prefer bossing people around wanting things their way. Most homeowners are pathetic until an issue affects them personally. Legal recourse is expensive and ineffective-IF you can find legal counsel willing to take on the political/emotional challenge. Our HOA is known to ignore Attorneys if they don't agree. Without 'teeth' any legal action or state bills are useless. I think HB-1137 is a good step forward. So many violations are petty & cruel. They are an easy justification for dues spent instead of doing proper and equitable maintenance of Common Areas for ALL residents to enjoy. Should DORA be funded & staffed to take this on? Maybe not. Counties may be a better option to fund & staff as they are closer to the Communities they would serve. Create mediation centers with impartial Attorneys as mediators that have legally binding results and real consequences of not abiding by the decisions. Maybe funding through county tax dollars...and fines for negligent HOA's? It's easy to say don't move into an HOA, but that can be virtually impossible in Colorado. Plus, they change over time with different BOD's, management companies, homeowners and changing economy & political attitudes. Homeowners should not have to be on the BODs to be treated fairly & equitably. Thank you for listening.

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No Responses



## STORY TELLING TOOL

### re "Breach of Fiduciary Duty & Breach of Covenants"

author: Robert Racansky

Even with HB-1137, it is easier to focus on Violations on individual property than take care of the Common Areas. Many violations are hypocritical when comparing the condition of Common Areas. That and the ACC requirements that seem mostly unnecessary; i.e.-paint, roof & fence replacements. We have no 'tract type' homes-all very individual lots and diverse buildings/lots etc.-which some of us like. - GCE, "Breach of Fiduciary Duty & Breach of Covenants", September 14 2023 The solution to this problem is ridiculously simple. But nobody in the state legislature has the courage, vision, nor political will to do it. Neuter the authority and power of H.O.A. corporations; limiting them 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 homeowners own → private ← property; regardless of what is written in the governing documents of the H.O.A. I have already written a draft of a bill to do just that, which you can read on Substack by clicking → here ← , as part of the "A Man's Home Is His Castle Colorado Homeowner's Protection Act". The common objection to this policy proposal is that the neighborhood rules need to be enforced. Maybe, or maybe not. But guess what? Restrictive covenants are one thing, and H.O.A.s are another. In order to enforce a neighborhood's restrictive covenants, it is not necessary to have an H.O.A. As "te xan99" put it better than I ever could way back in 2010, 13 years ago (emphasis added): I do understand your point about keeping up the deed restrictions, but careful, because you may be falling into a common error. Restrictive covenants are one thing, and HOAs are another. In order to enforce a neighborhood's restrictive covenants, it is NOT necessary to have an HOA. It is true that having a HOA can make it easier to enforce the covenants, in several ways. For one thing, you don't need to find a homeowner to be a plaintiff, although any homeowner will do and it shouldn't be that hard to find one if anyone's really interested. For another, if you have an HOA, you can bill all the neighbors and force them to help pay for the lawsuit. For another, you can enforce the collection of this bill with a lien against everyone's house. Finally, if the HOA wins the dispute with the homeowner whose grass is too high, or whatever (and the HOA always wins, because the rules are vague and discretionary and totally in its favor), the HOA has a lien against the homeowner for the penalties and legal expenses. As in, \$700 for the pain and suffering caused by the too-high grass, and \$15,000 for the lawyers. The question is whether all this is a good trade-off. Without the HOA, the neighbors have deed restrictions and any one of them (or group of them) can sue if someone violates the restrictions. The concerned neighbors will have to pass the hat to pay for the lawsuit, so they probably won't sue if it's not pretty important. They can always coordinate all this through a civic club, which probably will be funded by voluntary contributions, which are a pain to collect – but all these factors make it likely the lawsuits won't get out of control and people won't be losing their homes to foreclosure over silly disputes. Oil stains on the driveway, flagpole too tall, mailbox in non-approved location, shrubbery not up to snuff, miniblinds in front windows not approved shade of ecru – and I'm NOT making those up, they are from real court cases. My 50-year-old non-HOA neighborhood in Harris County had mild deed restrictions. The place didn't look like a manicured showplace with totally coordinated everything, but we kept the major problems under control. No management company, no law firm, no out-of-control Inspectors General on the board, no foreclosures, and no bitter divisions among neighbors. Every few years someone tried to convert the neighborhood to an HOA, but they always got voted down after a public campaign. It takes healthy local grassroots political involvement, which has the added advantage of strengthening the community for other purposes. But our lawmakers will never allow that will never happen here, because the State of Colorado has been hell-bent on replacing "community" with "corporation" for the past 30+ years, and has no intention of reversing this cancerous infusion of corporate culture and governance into our domestic lives.

Visitors **0**

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No Responses



## STORY TELLING TOOL

### Good article

author: Paige

In the Denver Gazette: [https://denvergazette.com/opinion/columns/column-respect-your-local-hoa-board-members-mike-rosen/article\\_a8acf949-50dd-5e4a-8b7b-dd56acca7010.html](https://denvergazette.com/opinion/columns/column-respect-your-local-hoa-board-members-mike-rosen/article_a8acf949-50dd-5e4a-8b7b-dd56acca7010.html)

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No Responses

## STORY TELLING TOOL

### Protect H.O.A. Board Members

author: Robert Racansky

However arbitrary HOA rules may seem, they are tough to change, and boards need to enforce them or risk becoming the subject of lawsuits from other homeowners. - Sarah Holder. "When the Homeowners Association Comes for Your Home". Bloomberg. September 14, 2023. There is a ridiculously simple way to protect H.O.A. board members from charges of non-enforcement or selective enforcement of restrictive covenants. Neuter the authority and power of H.O.A. corporations; limiting them 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 homeowners own → private ← property; regardless of what is written in the governing documents of the H.O.A. Rather than repeat myself, please see my earlier comment -- "re 'Breach of Fiduciary Duty & Breach of Covenants'" (Sept. 15, 2023) - for more details; including an answer to the most common objection to this policy proposal.

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No Responses



## STORY TELLING TOOL

### Testify before the HOA Rights Task Force

author: johncdean

2023-09-18 Task Force Members: I would like to testify before the Task Force on the basis of the white paper included below. Rgds, JCD

**White Paper: Re: Home Owners Association Lifecycle Framework**

Home Owners Associations have a 3 stage Lifecycle that may be generally described as:

- Stage 1: Developer** Stage 2: Transition Stage 3: Maturity

**Developer Stage 1:** The developer has total ownership interest (subject of course to financing and similar encumbrances) in undeveloped real estate. The developer has a plan that they wish to implement on the real estate. To execute on that plan, the developer must have the ability to set the terms and conditions of what will be developed. Typically these terms and conditions specify who is allowed to build on the property and the scope and aesthetics of what may be built on the property. These terms and conditions are determined solely by the developer and are incorporated into the HOA documents. The Developer creates and controls the HOA Board and Documents. The purchaser determines if the HOA Documents are acceptable before the purchase is finalized.

**Transition Stage 2:** At this point, the developer has sold the majority of the developed properties. Now the control of the HOA Board and HOA documents shifts to the purchasers of the developed property. During this transition, any remaining undeveloped properties are developed and sold. However, unlike the Developer, this transitional HOA Board has no financial interest in the properties being sold and should be limited to maintaining community property and ensuring that the final undeveloped lots are developed under restrictions compatible with the original HOA Documents.

**Maturity Stage 3:** This is the final stage in the HOA Lifecycle. The development is complete. The only financial interests in the development are the interests of the individual property owners. The developer is gone. The HOA Board has no financial interest in the development. The HOA Board and Documents should be focused strictly on the maintenance of any community property (parks, out-lots and the like). Individual properties must comply with the local governmental regulations but should not be subject to any interference from the HOA Board or Documents. At this stage all the rights of ownership are vested with the property owner.

**Suggested Model Legal Structure:**

- Automatic Removal of Restrictions and Prohibition Against Adding New Restrictions**

A restriction is anything that requires the property owner to use, not use, construct or maintain their property in a specific way. Requiring a specific building size, building style, building use, building color, building placement or easements would be example of restrictions. Once the property is sold by the Developer to a Purchaser, no further restrictions may be placed on the property sold. This will prevent anyone from encumbering a property beyond how it was encumbered at the time the purchase was made. If by pattern and practice a restriction is not uniformly enforced, it is considered dropped. After 10 years all restrictions related to individual property are considered dropped. Restrictions and dues related to community property continue. If a restriction is invalidated by any State or Local statute or final determination by a court, it is considered dropped. Once a restriction is dropped it is considered removed from any Documents; it may not be reinstated. If the HOA Board tries to enforce a restriction that a property owner is able to show has been dropped, the property owner's costs including legal fees shall be paid by the HOA Board.

**Dues, Liens, Fines and Penalties**

The only property lien that is allowed is for unpaid HOA dues. The lien may not be foreclosed upon and may only be collected when the property is sold or transferred to another party. Interest (at 10% compounded annually) and lien costs would be part of the allowable dues lien amount. The HOA Board has no authority to level fines or penalties. Code violations or similar issues should be referred to the local government authorities.

**Property Owners Voting Rights**

Any significant action of the HOA Board including changes to the Documents or rules enforcing those Documents must first be approved at the annual in person public meeting by 2/3 of the total number of homeowners present at the meeting for submission to all of the property owners. The action must then be approved by 2/3 of the property owners within the 60 days following the annual meeting (where the submission was approved) or it fails. These voting rights may not be removed, reduced or modified.

**HOA Board and Committee Removal**

The HOA Board (and any HOA Committees) may be removed at any annual, in person meeting, by a vote of 25% +1 of the property owners present or represented at any meeting. The HOA Board (any any HOA Committees) may be removed by a petition for removal endorsed



## STORY TELLING TOOL

by 15% +1 of the property owners. Public Policy is against public policy to restrict property use for a long period of time (rule against perpetuities) or to enforce ownership restrictions when pattern and practice clearly indicate the restriction/ownership has lapsed (adverse possession). It is against public policy to take the use of property without just compensation (lack of consideration), and any additional restrictions imposed after the property is sold by the Developer is a taking which lacks consideration. As a matter of public policy, the judgment of the property owner which has a direct financial interest and incentive should supersede the judgment of the HOA Board which has no direct financial interest or financial risk. As a matter of public policy, if the HOA Board through inappropriate action or inaction negatively impacts the property owners property value, that loss in value including costs and attorneys fees should be paid by the HOA Board. As a matter of public policy, all property rights should vest with the property owner after 10 years. After 10 years, only community property should be managed and maintained by the HOA Board.

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No Responses



## STORY TELLING TOOL

### HOA are necessary but need to include the community

author: Jessckramer

I live in a townhome community in south east Aurora. I recognize the necessity of an HOA in my case as the outside of the town homes must be taken care of and a lot of that area is community area. My issue is with the HOA being slightly underhanded to ensure that the screen is pulled over residents eyes and mismanagement of HOA funds. My husband and I moved into our community in 2020. Upon moving in, we found out that the HOA has not been putting funds away properly and as a result, the roofs that the HOA was supposed to maintain and care for, could not be maintained by the HOA. This fell to the homeowners to then make a claim against their personal homeowners insurance in order to replace the roofs. This was a non negotiable. We were required by the HOA to make that claim, despite the fact that the covenants state that the roof is the HOA's responsibility. Then there is the issue of snow removal. I have photos of the snow from last year. We were unable to safely leave our cul-de-sac on foot due to the amount of snow and ice that had caked all walking surfaces not maintained by the homeowners. We brought this to the HOA's attention. We were told that because the sidewalks appeared clear from the outside of the community, it was fine. The HOA never came into the cul-des-sac or the interior of the community to verify the complaint. We ended up doing it ourselves despite having to continue to pay for snow removal. We put in an ARC request for our deck. The paperwork we submitted stated that we would hear back with in 30 days of the request. It took almost 60 days to hear back from the HOA and even then we received a letter that had a list of items we really didn't understand that they wanted clarification on. We decided to abandon the project in the mean time because it was almost September by the time we heard back and we couldn't see being able to finish the project safely within the 60 days we specified. On top of that, we think the HOA came by to take photos of our deck but we were never told if it was them. We had a woman show up around 1800 on a weeknight evening. She snapped several pictures and literally ran away. We are assuming it was the HOA, however, our requests were ignored when we asked if it was someone from the HOA. We would have loved to meet the individual and answer any questions she had. To this day, no complaints have been filed against us so we can only assume it was the HOA taking photos. That brings us to a recent event in which the HOA decided that all homeowners would have to carry an H03 or H05 policy, meaning that the HOA would no longer cover any portion of the insurance. My husband and I were fine with this since this was affecting all homeowners, meaning that everyone was in the same boat. However, repeated requests to see about a decrease in HOA fees have been shrouded in secrecy and round about comments. The removal of the insurance policy held by the HOA yielded a 25% decrease in needs for the budget. By their own account they current have \$250,000 to \$ 500,000 in reserves. With such great numbers, you would think that they would reduce the HOA fees. After the last board meeting, it sounds like they are considering an increase in fees despite the fact that they have reduced their overall costs. We also found out that the HOA fees are covering redundant services. For example, the HOA is currently paying a company to come out and take care of the dog stations in addition to paying the landscapers to do the same tasks. This feels like a mismanagement of everyone's money. And that is just one example. HOA meetings are held monthly, however, incorrect Zoom ID's are sent out so you cannot attend the meetings. Comments and questions are glazed over during meetings. The most recent meeting we were met with laughter from board members about an "insurance faux pas" that cost the community money. What worries me that is budget increases are voted on by the community. 50% of the community has to be present in order to vote, otherwise HOA fees automatically increase. If the wrong Zoom ID is sent out, that bars people from voting, thereby silencing their voice. In terms of communications, we are currently being blocked from sending e-mails to the HOA. They are returned as undeliverable. We have received frantic emails, in one case notifying us of a bear in the neighborhood when the bear was actually 45 minutes away by car and then received a snarky email, not apologizing for the miscommunication but rather shifting the blame. It can sometimes take the HOA up to 60 days to answer basic emails such as about trash removal. I am currently paying \$312 in HOA fees monthly. I realize that my story isn't nearly as horrible as some, however, the HOA I live with is a mess and needs to be better re



## STORY TELLING TOOL

gulated. Update: We went to the most recent HOA meeting in person. We watched as the HOA actually began gaslighting residents about questions. For example, one resident asked about missing meeting minutes since he is unable to attend meetings due to his work schedule. The HOA explained that they were there, he just wasn't looking. My husband and I quickly explained to the neighbor that we had contacted the HOA with the same question and never received a response. Turns out that they had posted the meeting minutes several months after the meetings were held, just days before the in person meeting. They refused to acknowledge the e-mails we sent and made it seem like we were crazy. Furthermore, we found out that the new insurance requirements were not mandatory and cannot be enforced if the house is paid for. This means that, in our townhouse community, we could be living next to people who have no HO3 or HO5 coverage, meaning that we could be in a lot of hurt if something happens. Our super lovely treasurer then laughed and told everyone that the price of the insurance coverage only affected those who had paid off their homes, otherwise the cost was added to the mortgage which doesn't affect anyone apparently in that case. My husband and I are now paying close to an additional \$1000 monthly because of the HOA fees and the insurance increase, but of course, it doesn't affect us according to the HOA. I really think the task force needs to start looking closer at these HOA's. At what point are HOA's held accountable for their inability to manage the most basic things. I have e-mails in which the HOA informed the community that they were working with the task force to ensure that their interests were being upheld....not the interests of the residents but the interests of the HOA. If that is the case, it only strengthens the abuse of power by HOA's. Something needs to be done.

Visitors **0**Contributors **1**CONTRIBUTIONS **1**

No Responses

## STORY TELLING TOOL

### Board Member

author: JERB

The HOA regulations are too complicated for a layperson board. This is a moneymaker for attorneys. Also we should be able to terminate an HOA with a simply majority vote rather than a 2/3 majority.

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No Responses



## STORY TELLING TOOL

### A little help here!

author: Intentionally\_Blank

I became a Board member of my HOA to advocate for the best interest of all owners. Our HOA has a checkered history including theft from a Board member's partner and preferential treatment and services for select Board members. Several events transpired at our Annual Membership meeting, in July. Our Board consisting of one person increased to six, our property manager terminated services and we had a massive hail damage claim to move forward. One of the owners called a meeting to order by looking at a new resident from his building and said "I'm not here to pick up on your wife or anything" Next, he introduced a contractor who presented a proposal to fix our roofs, paint and repair siding. Our HOA insurance policy has hail damage deductible in the amount of \$12,500 due from each owner. Our next Board meeting I spoke up about the proposal we received to fix the roofs. I objected to a line item in the proposal indicating cost for interior work is attributable to the property manager. The interior work was only for one owner's building, there is no cap or estimate of cost and we no longer had a property manager. I emphasized the interior work is the owners responsibility and questioned the damages because my building, has similar leaks. I told the Board member that I have receipts from all the drywall supplies I used to repair my water damage over the past several years and I could submit them for reimbursement. He said No. I suggested we have 3 -4 contractors present proposals and as a board vote on the best one. A second contractor presented a proposal and no real specifics about the work to be done or how depreciation was determined. Not having time to read this proposal I motioned to take the proposal home and vote after we had a discussion at our next meeting. A minute after the meeting in the hallway the Secretary calls for a vote on the proposal and everyone including me raised their hand. I raised my hand in objection to the vote, and was counted as a vote for the proposal. It turned out that our HOA did not have the down payment to accept the proposal but the contractor lowered the down payment. Before the next meeting I prepared a list of points to discuss from the proposal at the next meeting. I was told we don't have time. I asked the Board member if the new proposal will be reflected in the adjuster's report, to which he said yes. I did not get to speak about the proposal and asked about the other contractors estimates to which I learned was No. A second vote on this proposal was called, I raised my hand in objection and was counted as a vote for. I have still not received the final numbers from the last proposal that I need to send my insurance company for HO6 coverage. In fact I was not allowed to read the 2nd proposal final copy nor do I have oneWorks about to begin and I've just learned the new contract which I never got to see until after the voting states it uses the same numbers from the first adjusters report. I look to the new contractor's contract that stipulates 2 pages of fine print rules that could be applied to charge to owner during work. No guarantee that costs won't exceed the deductible. Any objections need to be filed in a different county court than our property. I am the only member on the Board who doesn't have some questionable expense be paid by the Board. Sewer repairs for one member, interior work for another that should not have been paid. I expected to be part of a Board making good decision and instead I'm now under the control of a contractor who made it clear the customer is responsible for the terms in the contract. Instead of details about the work to be done, I have two pages of ways I can be fined or penalized. The HOA laws passed to protect homeowners have been skirted. Despite new laws affording more protection and the right to cure before a penalty I'm subjected to system I have no legal protection. If I object to some frivolous fine or penalty from a contractor I could try to take a case to the county the work is done and the contractor says nope contract says our county. I go to the contractors specified county and they ask where the complaint occurred and that's where I'm told file. The good intention of new legislation can't even be evaluated when a law firm advises how to avoid it altogether.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### Issues with CCIOA Loopholes and Lack of Structure

author: dsptchs

We reviewed the governing documents of our HOA before closing on our home, and everything seemed straightforward and reasonable. The presence of an HOA wasn't something we cared about either way; we did not seek one out, but we didn't have a choice, either. While we've never had issues with violations, and our HOA's monthly dues are incredibly low, we've found the Board is filled with people who do not treat our neighbors with kindness or care. The Board members tout the myth that "HOAs protect property values" as an excuse to prioritize property over people, and it has resulted in some truly vicious and authoritarian behavior. I have a constant background anxiety that someone on the Board will suddenly decide they don't like something about our home, or that Board member misconduct will create legal consequences resulting in fines passed onto homeowners as "special assessments". My HOA is exempt from the majority of the CCIOA due to an allowance for small/limited expense communities. Our Board absolutely abuses that exemption and it's clear some of the Board members think this means NO laws apply to them at all. (Note: C.R.S. 38-33.3-116 and 38-33.3-119 grant an exception for Limited Expense Communities, making them exempt from all the statutory requirements in CCIOA, except for Colorado Revised Statutes 38-33.3-105 to 107.) This exemption means most of Colorado's newer legislation attempting to protect homeowner rights does not apply to us. In order for any new legislation to apply to my HOA, it needs to be amended specifically into C.R.S. 38-33.3-105 to 107, and I hope the task force can emphasize this point - or even suggest repealing the exemptions in C.R.S. 38-33.3-116 and C.R.S. 38-33.3-119 entirely - in the report it presents to the general assembly and governor's office. Limiting HOA authority to shared/common assets only would protect homeowners while allowing communities to retain their autonomy over their communal resources. I hope that, in addition to suggesting restricted HOA authority, the Homeowners' Rights Taskforce can further propose to legislators the creation of increased regulatory structures to help the Boards of HOAs function reasonably and fairly. Board members are volunteers who need to be trained and onboarded just like one would be at any other job. There needs to be some sort of accountability and consequence for HOAs that abuse their power and overstep. Providing the HOA Center with the ability to receive complaints, investigate those complaints, and to have the regulatory authority to issue fines or other consequences for unreasonable conduct would help reign in Board members who are ill-equipped to manage the responsibilities granted to them. Homeownership is increasingly difficult to achieve in Colorado and I hope the state will step into the responsibility of ensuring HOAs are not creating even more hurdles between its constituents and increasingly scarce housing security.

Visitors **0**

Contributors **1**

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No Responses

## STORY TELLING TOOL

### Unauthorized reserve fund transfers

author: JGB

HOA President has moved funds from Reserve to Operating Account on multiple occasions, totaling approximately \$97,000 without board vote or approval, or written notification to the community, allegedly to pay operating overages. The transfer totals were mostly in even dollar amounts (3 out of 4 transfers) & were for a time listed on the balance sheet as "due to reserves" until the board later on voted to eliminate that line item from the balance sheet, wiping out \$73,000 from reserves

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No Responses

## STORY TELLING TOOL

### Harrassment

author: rightisright

As a former board member i am harassed by current board members who have sent me 4 violation for which there are no rules. The do not quote a rule when sending a violation notice. My landscaping that I have personally planted and maintained has been destroyed at the direction of a board member. Some shrubs were 19 years old that I have watered, fertilized and maintained at my own expense. They were beautiful shrubs and improved and accentuated the whole community. The board and the Property Manager refuse to respond to homeowners emails or questions. This is a put up and shut up board because we don't care what you want, we will do whatever we want.DORA is a huge disappointment, they cannot do anything. There is no one to complain to because DORA has no authority whatsoever. What is the point of having Regulatory Agency that can't regulate.

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No Responses



# STORY TELLING TOOL

## Two Sides to the Coin

author: Guy

Even though Colorado Law requires home buyers to confirm, by signature, that they have been presented with the governing documents of any HOA into which they are entering, some homeowners do not read or certainly do not remember what they read and are shocked by the constraints under which they have agreed to abide when they purchased their home. This is not a flaw in the laws that govern HOAs nor is it a flaw in the HOA concept or structure. In addition to maintaining community-owned property, the HOA exists to help homeowners maintain the value of their property (that largest single asset). The HRE HOA Design Guidelines specify a number of constraints on homeowners from paint colors to fence design to the installation of playground equipment to prohibitions on industrial activities in the home, to home-owned businesses to parking of recreational vehicles to the storage of non-operating vehicles. These are aimed at maintaining a sense of harmony throughout the community – not forced indenticality. With fifty-five homes, no two are identical. This is an important part of the HOA Board’s responsibility. It is worth noting that our HOA Board has rejected fewer than one homeowner requested change or improvement per year. It is also worth noting that the HOA Board is now trying to revise the HOA governing documents to remove the more egregiously constraining guidelines which were originally drafted by the developer. Some homeowners, even when they are aware of the HOA governing documents and the constraints and guidelines therein insist on acting in violation of those constraints and guidelines to which they agreed at closing on their home. HOA Boards must deal these issues. If the HOA Board does not act, it opens the door for any violation of community guidelines. Such violations can adversely affect the value of other homes in the community. Colorado law makes it extremely difficult to change or amend the HOA Covenants. We require only a minor fraction of homeowners to constitute a quorum for our annual meeting, and the Board regularly has to personally invite attendance. Colorado law requires a significant majority of homeowners agree to Covenant changes. This is onerous. There are changes that need to be made to provide homeowners with options that benefit them – options that did not exist or to address issues that were not recognized in 2004. These include, but are not limited to, the acceptability of external satellite antennas smaller than a meter and fireproof return fencing (fencing that attaches to the home) to mitigate threats such as posed by the Marshall Fire. The Green Valley Ranch HOA which was in the news for some reported egregious actions is almost 100 times the size to the HRE HOA. Legislation applicable to Green Valley Ranch HOA will not necessarily be beneficial to the HRE HOA. One size never fits all. One of the specifics called out on the Task Force website is the foreclosure policy. I suspect that one of the major issues to be reviewed will be the policy of an HOA foreclosing on a home, selling it to pay off liens and then keeping any residual funds beyond the payment of the lien. I will observe here that Colorado governments operate under the same policy. The goose and the gander should operate within the same set of rules. If, as I believe is appropriate, an HOA is required to return to the owner all funds in excess of the lien, then all Colorado governments should also be compelled to return such funds to the owner. I think that the Task Force members should devote significant time and effort to considering the potential unintended consequences of any recommendations included in their reports. People do not and will not behave the way expected when legislation is passed or regulations created. They will behave in whatever manner they deem most beneficial to them. I understand that homeowners want to be able to do things with their property subject only to statute, but they did sign the HOA awareness documents at closing – they knew or should have known, and the other homeowners in the community should not be adversely affected because one homeowner wants to paint their house in a neon purple paisley motif and install a satanic altar in their front yard (yes, that’s hyperbole).

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No Responses



## STORY TELLING TOOL

### HOA Members are neighbors

author: rlinquanti

HOAs will always have abusers, and complainers. Too often, the fact that after developer turnover all HOA members are neighbors is forgotten. A person who violates published rules is annoying to neighbors who have their expectations. A person who does not pay an assessment is putting their financial burden on their neighbors To pick up that share of the costs, while benefitting from the community, the roads, the common areas, the amenities. HOAs are not deep pocket corporations. They are just the other people in the neighborhood. This is the other side of the story about abuses.I suggest that most HOAs should not self govern. And no, I do not own or work for a management company. But those companies have systems and financial safeguards, which would do much to avoid theft.

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No Responses

## STORY TELLING TOOL

### Small HOA strapped by HB22-1137

author: George

Some homeowners do not pay their Dues or noncompliance fines. Our HOA assessment dues are only \$25 annually. We have no common areas no maintenance performed by the HOA. 146 homeowners. Our Bylaws, Declaration of Covenants and Reasonable Governance Policy are concerned only with Compliance to the Covenants and Architectural guidelines. We have a self-governed volunteer board, monthly board meetings and a members Annual meeting. With the passing of HB13-1276 and now HB22-1137 the governing policies cannot be rewritten in a way that our HOA has any way of collecting past due assessments. Owing \$25 dollars for the year the rules are still two 30 day cure periods and a 6month payment plan. Collection agencies will not start a claim until the past due is \$300. That equates to many years of delinquent payments before collecting is possible. The same with noncompliant fines which are few and far between. For us they are too small of an amount to be collected, Yet are needed in our check book to pay for the huge amount of USPS mailings that are required in the new rules for multiple and ongoing contacts with the homeowner members about dues and meetings. Is there something the board is not aware of in our situation? They have communicated this to the members, and even legal council I does not have an answer. We continue to need updating to Colorado State requirements without knowing what to do.

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No Responses

## STORY TELLING TOOL

### Legislative overreach

author: lynndougherty

The Colorado Legislature has already over regulated HOAs with the recent laws that have been enacted. Every HOA has been required to pay attorney fees just to make sure their documents comply with these new laws. The cost to our HOA was \$500. Complying with these new laws could be even more costly. The homeowners end up paying these additional costs. Legislators need to realize that all HOAs are not out to take advantage of their members. Our HOA Board is very cognizant of its responsibility to the homeowners. Our Board strives to be transparent and maintain open communications with all homeowners. Our Board also strives for compliance through education of and communication with its members. It has worked very well. There should be a better way to punish the bad actors. Look long and hard for better solutions.

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## STORY TELLING TOOL

### HOA Task Force Input

author: Frank Wille

I am the Secretary of a small self-managed HOA in Colorado Springs. There are many types and sizes of HOAs in Colorado. No doubt there are bad actors. However legislation that impacts all HOAs fails to recognize the good ones. One size does not fit all. Based on this latest status update, it appears the charter of the Task Force commissioned by HB 23-1105 has expanded. Many of these "stories" are unsubstantiated complaints that make me question the credibility of the data that will be used to generate the final report of the Task Force and potential legislation.

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No Responses

## STORY TELLING TOOL

### Flooding for the past several years

author: iceytina21

My husband and I moved into an hoa community in October 2022. We were completely unaware that there has been ongoing flooding concerns happening since at least as far back as 2016. This past year, we have had a couple instances of water filling our window well and spilling out into our finished carpeted basement. The second time this happened was June 2023. It hailed and rained very hard, and within 15 minutes our entire window well was filled, and water was very liberally waterfalling into our basement. It filled up a corner section so much that water was standing and pooling up out of our carpet. Our HOA had a vendor come that evening to set up a large dehumidifier. The dehumidifier ran for around 8 days non-stop. A good portion of carpet had been rolled back. Even when the vendor came and took the dehumidifier out, there were still moisture readings and part of the carpet and carpet pad was still damp. We have not been able to use our basement going on 3 months, as of this story. The HOA told us they would have 2 different vendors come and submit bids to fix our completely demold my basement. I also was not aware that the current management company manager my HOA has had for the last few years at least has either been incompetent or negligent or both in carrying out their duties. They have left minimal to no notes for a very long. A few months ago, the hoa fired them. And now we have a new manager with the same management company. Though she seems to be trying hard, the previous manager's years of negligence have created a monstrous web of loose ends and broken connections. Every month I go to my HOA meeting and I'm basically told by the manager that every week she contacts the vendors to remind them to go and make a bid for my basement work. I have seen no one in months and there has been no one to come out and run another demold spray to keep the mold down in my basement. I have been informed by a neighbor that has lived here since 2016 that her unit has flooded a few times and that she knew the previous owners of my unit, and that it has flooded more than her unit. This is our first time to live in an HOA community, and our experience so far has been incompetence and negligence on both the management company and the HOA; the management company that they were allowed for so long to not take proper notes and to drag their heels and ignore previous submitted notices and warnings from at least a couple homeowners about the need to fix the flooding issues; and negligence on the part of the HOA is that they were unaware or didn't look into the incompetence of the previous manager fast enough and deep enough. That quite a few of these issues happening for the last several years is because of them. Routinely, I have also learned that regular contracted vendors to do landscaping and gutter cleaning have not come faithfully. The gutter cleaning has especially thrown fire onto this issue of flooding. The gutters have not been cleaned properly. This past scheduled time, they were not cleaned at all. We are very frustrated with the situation we are in so much so that the next time we purchase a house, we will try to find one that is not in an HOA neighborhood.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### HOA Board of Managers Fails to Comply With Governing Documents

author: Shadow

The Board of Managers of our HOA recently decided to cancel the Annual Members Meeting. Both the date and location of the Meeting as required by the Association Bylaws. Then they went further and denied Members the use of Proxies; established a new date for the Meeting several months from the required one; announced they would no longer allow Members to recommend changes to the Bylaws from the floor and hold the Meeting-not in person as required in the Bylaws, but by Zoom attendance. Substantiating and verifying who was qualified to vote and procedures to ensure proper voter validation was not provided. Essentially, Members are faced with only one option that most can not afford. That option is to hire an attorney to force compliance with the governing documents or change them by adhering to the process outlined in the governing documents. The best solution is to give DORA the power to investigate HOA complaints and enforce compliance of Governing Documents.

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No Responses



## STORY TELLING TOOL

### HOA's able to skirt ADA compliance

author: CShockr

Even after 30 years to comply with the ADA in our 55+ community, our board still skates around ADA compliance by stating they do not have to provide reasonable accommodations for disabled individuals in areas they claim to be "for residents only." It's time to close this loophole and force HOA's to fully comply with the ADA in all areas of housing and common spaces.

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No Responses

## STORY TELLING TOOL

### Best Community Financial Practices or Narrow Self Interests?

author: Neuromate

Best Community Financial Practices or Narrow Self-Interests?The Covenant of our HOA, as with so many others, directs the Board of Directors to uphold a fiduciary responsibility to safeguard the financial well-being of the whole community. Really? Consider the following story about our HOA: Since the completion of its' building in 1982 only 2 Reserve Fund Studies have been conducted; both studies rated the Reserve Fund as being 17% sufficiently funded to avoid risking a Special Assessment. There have been no increases in HOA fees in 13 of the past 15 years. This record, despite growing evidence of infrastructure deterioration, neglected services, and poor repair decision making, e.g., roof replacements without replacing the draining systems at the same time, or to replace failing staircases. There were three fires over the course of 2 years in which the HOA used Reserve Funds to repair damages immediately;' some of which were the owner's responsibility. During the protracted process to recuperate funds from insurance carriers and owners, the HOA lost its' ability to meet operating expenses. The Board of Directors secured a 15-year \$2.4 million dollar loan, removed the live-in Grounds keeper position, and sold the HOA owned housing unit, to stabilize its' financial position and conduct some safety hazard construction replacements. The Community has lost its' financial independence; at present 23% of its' income goes to debt management. The Board of Directors did not file for FHA re-certification knowing the 51% owner-occupied requirement could not be met. Yet the management company continued to describe the community on its' website as well beyond the minimum level of owner-occupancy\*. Over the course of the past two years there have been significant changes in the Members of the Board, most recently there has been a change of Management Company, and a significant increase in HOA fees for next year will be up for discussion at the next Board Meeting. What has not changed, and is unlikely to change, is the exclusivity of financial decision making and practices being implemented effectively by 3 members of the Board of Directors\*\*.Notes: \*Westwind Management Website - Meadow Hills 1 Community Description: 252 Total units; 82 Rental units; 170 Owner-Occupied units. \*\*5-member Board, with quorum vote of 3 to decide any financial decision via the Covenant. This became an issue when the \$2.4 million dollar loan was introduced; a 62% vote of the 252-member community was required to override the Board's decision.

Visitors **0**

Contributors **1**

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No Responses

## STORY TELLING TOOL

### Mary

author: Bestm

Our HOA was built in 1960-1970's, it is old, no money was set aside to do maintenance and repair till about 8 years ago. We had to do assessments for roofs and many were not happy. Some moved away. Other people have bought places here because they were cheaper than the other newer ones, now they are complaining our HOA fees are too high, but we still do not have the money needed to do upgrades on fence and replace roofs, replace and repair asphalt driveways, maintain pool and landscape, so we have to do assessments which upsets people. I think they bought here because it was cheaper, not realizing it was going to cost them to maintain, the older structure. I think realty company's should have some responsibility to inform potential buyers of rules and regulation of the HOA, as people move here and have never read the rules, have no idea that they have to pay for upkeep of outside etc. it's difficult to get board members to stay on as they get tired of taking the blame for expenses, that are questioned over and over.

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## STORY TELLING TOOL

### Who Are The Stakeholders?

author: Robert Racansky

When the Founding Fathers wrote the Declaration of Independence, they did not ask for King George's input. So why is an "H.O.A. Homeowners Rights Task Force" made up of parties whom consumers of H.O.A.-burdened housing need protection from? i.e., H.O.A. managers, H.O.A. attorneys, H.O.A. board members, and developers. To add insult to injury, the "homeowner advocate" position has been filled by a board member of the local chapter of the Community Associations Institute; the lobby organization for H.O.A. managers, H.O.A. attorneys, and other H.O.A. vendors. A task force to review issues related to a non-profit association of "homeowners" should be represented by homeowners "with no" conflicts of interest linked to the for-profit entities that benefit commercially from the dues paid by the non-profit members of the association. I refer to the for-profit declarants, developers, and contractors (commercial management and service providers) who carry extraordinarily lopsided influence over our non-profit homeowner communities. - Gary Helfeldt, written testimony regarding Colorado House Bill HB23-1105, "H.O.A. Homeowners Rights Task Force", February 16 2023

The Colorado Department of Regulatory Agencies (DORA) has an incredibly distorted opinion of who the "stakeholders" of H.O.A.-burdened housing should be. In 2019, Governor Jared Polis directed DORA to lead a stakeholder process that will complete a comprehensive review of CAMs [community association managers] and HOAs. The Executive Director will consider, develop, and make recommendations on how to promote effective and efficient regulation of CAMs and HOAs, including the following: A. The licensure of CAMs, considering recommendations from the 2017 DORA sunset report, and whether licensure is needed to protect consumer safety and is cost-effective; B. Approaches that improve transparency among HOAs; C. Methods to reduce costs and improve the transparency of HOA fees and fee schedules; and D. Strategies to promote homeowner rights and consumer protections through an evaluation of the Colorado Common Interest Ownership Act and other related acts or rules. - "Executive Order D 2019 006", May 31 2019

In response to the Governor's order, DORA conducted a "Stakeholder Survey". • Open Responses # 1 (Received through July 31, 2019) • Open Responses # 2 (Received through August 30, 2019) • Open Responses # 3 (Received through September 30, 2019) • Open Responses # 4 (Received through October 31, 2019)

Who does DORA consider to be the stakeholders in H.O.A. corporations? If you think that it would be the actual homeowners who pay the costs and bear the risks, you are wrong. Very wrong. H.O.A. managers, board members, and attorneys - those that consumers of H.O.A.-burdened housing need protection from - made up a larger share of stakeholders than H.O.A.-burdened homeowners : 42.3 % vs 38.3 %. And why are real estate brokers - another group whose interests don't necessarily coincide with homeowners - considered stakeholders? DORA claims that its mission is "protecting consumers". But it is an impossible conflict of interest when the agency considers stakeholders to be those that consumers need protecting from. After conducting the stakeholder survey, DORA published its 2019 Report Concerning the Governor's Executive Order D-2019-006: Directing a Stakeholder Process to Examine Community and Homeowner Associations (December 2019). Although the Governor ordered DORA to produce recommendations about • the licensure of H.O.A. managers • improve transparency • reduce costs of H.O.A. fees, and • promote homeowner rights and consumer protections only the last four paragraphs on the last page are about "Recommendations regarding strategies to promote homeowner rights and consumer protections through an evaluation of the Colorado Common Interest Ownership Act and other related acts or rules". Because the real stakeholders in the policy making process are not the homeowners who bear the burdens and pay the costs, but those who profit off of them. It's a demonstration of how the inputs that go into the entire process of making H.O.A. law are skewed, and not in favor of homeowners. Replace the current passive State Paradigm with an active one beginning at the point that a common ownership development is established. All the developments in question are creatures of statute. As a consequence, the government has a special responsibility to protect the rights of those living in them. Owners are entitled to and desperately need a willing and activist State agency with the proper authority and responsibility to act publicly for the owners. It is important to recognize that these are two crucial and separate concepts. The designated State agency must act publicly and unequivocally in the own

## STORY TELLING TOOL

ers' best interests. Most importantly, no agency can have- or deserves- the owners' trust if it is willing to work behind closed doors with any trade group lobbying in the interests of those profiting off of associations and which actively opposes any meaningful owner rights.- Edward R. Hannaman, "Homeowner Association Problems and Solutions". Rutgers Journal of Law & Public Policy. Vol. 5 No. 4 Spring 2008. At page 718. Emphasis added.

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## STORY TELLING TOOL

### H.O.A. Members Are → Not ← Neighbors

author: Robert Racansky

the fact that after developer turnover all HOA members are neighbors - rinquanti, "HOA Members Are Neighbors", September 30 2023 Wrong. Some H.O.A.s -- especially condominium associations -- have a high number of non-resident investor owners. \*Non-resident owners can make up a large plurality, or even a majority, of owners. Some owners are even corporate entities and not natural persons. The interests of non-resident owners do not necessarily coincide with the interests of the resident-owners who live in H.O.A.-burdened communities. e.g., For investment owners, H.O.A. fees are a tax write-off and/or a cost passed on to their renters. But for resident owners, especially seniors and others living on a fixed income, rising H.O.A. fees represents a hardship that could make their home unaffordable. e.g., An investment group that owns a majority of units can -- and do -- take control of an H.O.A., with disastrous results for the residents. e.g., An owner trying to organize neighbors to take some form of collective action will have a difficult (and expensive) time doing so when a large plurality of so-called "neighbors" are not residents. I speak from personal experience. \*\* What percentage of owners in each H.O.A. is a non-resident investor owner? A corporate entity? The State of Colorado does not track such information, because our policy makers do not want to know the answer. At the very least, our legislators should consider making it illegal for non-resident owners to be Directors & Officers of so-called "Community Associations" / "Common Interest Communities". \*\*\* Which are really corporations, not communities. But if we are going to pretend that H.O.A. corporations are communities, they should at the minimum be governed by those who actually live in the community.\* As far as I know this has not yet become an issue with single-family home H.O.A. corporations. Yet. But with private equity investment firms like BlackRock and Vanguard buying large swathes of housing, give it a decade or two.\*\* For example, click → here ← for a "Motion of Continuance" I filed on behalf of owners opposed to amending the Declaration. In most of the cases where the non-resident owner was a corporate entity, I didn't even know who to contact. Organizing owners, especially when a large plurality -- I think it was above 40% -- are non-residents, to take collective action is something I never want to do again.\*\*\* This policy proposal should also be applicable to Metro Districts.

Visitors 0

Contributors 1

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No Responses



## STORY TELLING TOOL

### Nonresident owners rights?

author: MonicaNY

After reading Richard's remarks about corporations, buying up many units, and then impacting the quality of life for the local resident homeowners, I wanted to share this tidbit. Apparently in a condo that I own in Florida, we do have rental restrictions and a minimum rental term of three months. It's in a beach community, so there are a lot of winter snowbirds coming down. If I rent my unit out for the three month minimum. I have to give up my rights to the common areas, like the clubhouse and pool, and those rights are, then transferred to the tenant for use of those amenities. So we have a harbor area with about 50 boat slips, and if one of those boat owners decides to rent out his apartment, he has to remove his boat. Regardless of whether the Renter brings a boat or is supposed to use the owners Boat, he cannot keep his boat on the dock if he rents out the apartment. Interesting, right?The owner still has voting rights, but he just cannot use the amenities. We also have a limit of any one owner can only own up to three apartments in the 400 unit development.

Visitors 0

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No Responses

## STORY TELLING TOOL

### Potential homeowners should have to sign the house rules that they understand and will abide by them

author: MonicaNY

I owned a condo in Breckenridge Colorado, I have one in Florida and I live in New York. I have a lot of experience with co-ops and condos. We don't really have a choice per se, but they operate similarly. At each of those places I had a copy of the house rules prior to signing the contract, and when it got closer to the closing date, I had to be interviewed.(in NY and FL) By the board members. It was less of an interview -more of a meet and greet,- but one of the obligations was that I had to discuss the house rules with the board and then sign the letter, saying I understood them and agreed. It really minimizes the issues later on, when someone says I didn't know! Because there is no reason not to know. Might be something to consider. Knowing where the guest parking is, knowing who to send your monthly, check to, when elections are held, are there, committees for projects, all those things are really helpful in creating a sense of community. And when you think about it, people come from all walks of life and all industries, and have all types of work experiences that could be so helpful to the board. Not everyone wants to be on a board, but to be a volunteer for specific project, that would be very helpful.

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## STORY TELLING TOOL

### Amateur Hour and Power Struggles Abound in HOAs

author: HOAIssues

It would be nice if there were just one unifying problem within HOAs. Unfortunately, there are far too many. For starters, HOA attorneys should be required to represent the HOA as an entity. Instead, they represent the Board of Directors. Their involvement often helps foment dissension and encourages authoritarian processes. They help write the HOA laws and they make money explaining the laws and/or often sending threatening letters to homeowners. HOA attorneys also turned themselves into debt collectors, charging their exorbitant attorney fees to homeowners already facing the prospect of foreclosure. Many times neighbors are willing to help work out these problems by establishing a payment plan instead of jumping to foreclosure, BUT since the attorneys make a lot of money foreclosing on properties that is their preferred method of collecting. Is this really how people want to treat neighbors? Financial disclosures are required but often financials are not given and many times when given are incomplete. An open books policy should be required to ensure homeowners are properly informed of financial decisions being made on their behalf. What exactly is the justification of hiding financial information? If HOA Boards take the time to build community and work together with homeowners almost any reasonable and necessary replacement, repair or maintenance will be approved. Problems are created when HOA Boards exceed their authority, don't plan adequately and/or keep homeowners in the dark. Even developers are disallowed from adding common elements without holding a meeting of the membership to approve new additional elements. HOA Board of Directors should be held to the same standard. There are too many incidents of Board of Director "pet projects", such as additional pickleball courts, bocce, basketball courts, gazebos, etc. being approved without a vote of the membership. These new elements, which were not in the original plan, require maintenance, replacement and/or repair in perpetuity! Election of officers must be trustworthy. Proxies especially for elections must be disallowed. Private ballots must be secured by ballot box and properly counted at a public meeting or possibly electronically submitted and counted by an outside independent source. Changing the Declaration should require a positive vote of 60% of the membership. The current threshold is too high. I hear complaints about neighbors not understanding the rules, yet Boards often don't understand their responsibilities. Board training should be required. It's not that difficult.

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## STORY TELLING TOOL

### HOA Board Violates Policies

author: BillThorn

As the owner of a condo in Southeast Denver and consequently an HOA member, I was involved in a dispute with the HOA Board of Directors. The HOA in question held an election for the purpose of recalling a member of the board of directors. This election was not conducted in a proper manner and was in violation of the by-laws of the HOA and in violation of election procedures prescribed in the CRS. The election ballots were sent out a week or more before the board meeting where the board member who was being recalled was given a chance to defend himself. People were able to vote to recall him before he had a chance to present his side of the case. I sent the Board of Directors a "cease and desist" letter, which was ignored. I did not even receive a response from their attorney. I was then informed by my attorney that I had no standing to sue since there was no financial remedy to be had. The remedy I was seeking was a proper and fair election, not a financial reward. In the process of trying to force a fair election, I made the startling discovery that no one in state government is responsible for the proper conduct of HOAs. All the agencies I contacted, and I contacted quite a few, claim that it is not their responsibility. There is an agency that is set up to "monitor" HOAs, but no one wants to call the HOAs to order. The city tells me they don't either. It seems to me that if HOAs are quasi-governmental agencies and that they are supposedly bound by the CRS, that there should be a way to hold them accountable for following their own guidelines WITHOUT having to resort to the expense of taking them to court. I have invested several thousand dollars of my own money trying to force them to follow their election guidelines but have been told that since they ignored my "cease and desist" letter, I have no standing to sue since there is no financial remedy (just an issue of fairness and honesty.) Why is there no agency or department to which improper conduct by an HOA can be remedied?

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No Responses



## STORY TELLING TOOL

### Life Plan Derailed for Years

author: jwb

This story isn't entirely new for DORA, as I've submitted complaints and such over the past few years, but I wanted to share it again in this form. We are currently in litigation with the HOA, after 4 years of non-cooperation to build a house on a vacant lot we own, so it is still unresolved. Years ago, the now wife and I were planning a future move to a ski town from the city, and in 2015 I bought the vacant lot in an HOA, as the HOA's rules seemed to be quite reasonable as written. In 2018 we were married on the property, and planned to make it our future permanent home. In April 2019, we contacted the HOA with a preliminary report of what we wanted to build, questions about building rules that were unclear from the HOA documents, and also to request a site visit with the HOA board a couple months from that point. As we are starting discovery, it appears that the property manager only forwarded the email to the HOA's architect, and didn't even bother sending it to the board until July of 2019, so we were mostly ignored for 4 months. In August 2019, we met with 2 board members, including our neighbor who had just joined the board, to go through our proposed build, with the primary goal to confirm the location of the house, as the lot has a limited area at the front of the lot where it is reasonable to build, as the middle/back of the lot is aspen grove, is sloped, and also has underlying shale close to the surface. During the site visit, it was confirmed that it was fine to locate the house right up to the front setback, but one board member (self proclaimed "I wrote the rules and know them better than anyone else") became aggressive when we said we were planning to use the full 35 feet of height allowed by the rules without a variance, claiming that the height limit was only 30 feet. We explained that the county had a different height rule, with a different measurement metric, that was 30 feet, but the HOA's height rule was indeed written as 35 feet, but were just met with agitation. We confirmed in a follow up email that the location at the front setback was fine, and proceeded with our preliminary plans based on this feedback. The HOA also said they would "expedite" our plans, given the 4 months delay from April to August. In November 2019, we submitted preliminary plans, and only days afterwards the HOA sent out proposed changes to the building rules that dropped their height limit from 35 to 30 feet. We waited the 45 days that the covenants allow for the HOA to respond, and since we did not receive a response on our preliminary plans, emailed the HOA that we would continue to final plans based on our preliminary plans to try to be ready to build in spring 2020. We received aggressive responses from the HOA that the 45 day rule in the covenants did not apply to preliminary plans, and that our preliminary plans were incomplete because they did not include everything needed for final plans. Days later, they changed the height rule from 35 to 30 feet (despite the covenants requiring "uniform rules and procedures" for architectural control), and told us we needed a variance for our height after they retroactively changed the rules. A friend who is an attorney attempted to help us out, and instead of continuing work on our final plans, we spend the next 6 months going around in circles with the HOA before we realized they would not cooperate at all. In March 2020, our attorney was in a call with their attorney and the same board member who insisted the height rule was 30 instead of 35 feet, at which point the story changed that the height was not the issue, but the house location, and that it would block our neighbor's view of the mountain. I did a basic view analysis, and sent it to our neighbor (on the board), who said it looked fine to him, and he forwarded it to the board. For the next 3 years, the HOA and their attorney insisted that the view analysis I provided was inaccurate, and that our house would block our neighbor's view, without providing even so much as a picture as any sort of evidence or analysis. We received various arbitrary statements that we could drop the height to 30 feet, or move the house back 15 or 20 or 30 feet, but that would only increase the chances of approval. By July 2020, we realized it was futile to try to get any sort of answers from the HOA, and so continued with our plans. Since we had delayed from January, people were no longer available to work on them (COVID didn't help), so instead of a few months to get the final plans done, it took about a year. I also made various information requests in accordance to CCIOA, and the HOA provided some information, but refused to provide much of the information, such as internal communications related to their actions with our



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preliminary plans. Some of the most important information I requested in 2020 and 2021 still has not been provided. In August 2021, we submitted final plans. We received a notice of rejection from the HOA's attorney, based on that our plans were incomplete among other things. We were missing two minor details on the site plan (construction boundary, and that a small retaining wall would be rock), so I sent over these updates. At the end of October, we received a final rejection of our plans, claiming that we failed to request a height variance for the rule that was retroactively changed after we started the plan process, the impact to the neighbor, and other things, and failed to move the house or drop the height. We did drop the height slightly, and also dug it in about 3 feet further to try to mitigate the board's concerns, but they didn't even acknowledge that we made changes until early 2023. We also explained that the changes they demanded would mean we would have to completely redesign the house as far as we were concerned, and were unwarranted given that we had zero variances per the rules when we started in 2019, and had even met with the HOA before submitting plans to confirm the location and height, but they just continued to stonewall us. In May 2022, we had a law firm send a demand letter, and also information requests, many of which were simply repeats of the refused information requests from 2020 and 2021. Despite giving the HOA's attorney a 2 week extension on the information requests beyond the 30 days allowed by CCIOA, we did not receive any of the information on time, and much was again refused. Our attorney asked for justification for the refusal, and was ignored. We still have unfilled information requests, some more than 3 years after we first formally requested information. In addition, the HOA has failed to hold board member elections in 2021, 2022, and 2023 in accordance to the bylaws. I ran for the board in 2022, since I had people tell me I should try to get in and fix things, and was one of 7 people running for 7 open positions- all positions were expiring. The HOA board failed to have a community election, reelected themselves, told me they would not elect me, and instead appointed someone else a month or two later. They did talk to me directly for the first time in 2 years (from June 2020 to June 2022 I communicated with the HOA's attorney, and the property manager, but the board itself never responded directly), and said they would contact me quickly and try to work things out. It took 1.5 months before they even contacted me, we met with a new board member on the property a bit later, and were told we could resubmit plans to the new board. After taking some time to get our plans from 2021 back to resubmit (the architect kept them instead of the HOA, despite the covenants only allowing "limited use" of an architect), we resubmitted plans the beginning of November 2022. We again waited the 45 days per the covenants, and didn't have a response. Finally, in January 2023, we got a short letter saying they were "working diligently" on our plans, but needed to have an independent view analysis done. This view analysis we were told months earlier in June 2022 was started and would take a month or two to complete, but still hadn't started. Finally, in March 2023, 3 years after we provided our view analysis, the new view analysis came back, and confirmed the one I provided in 2020 as accurate. At this point, we were expecting to simply receive an approval note, but no, the HOA and attorney continued to do everything it could to prevent us from using our lot. They changed the building rules once again in March 2023, increasing the deposit from \$2000 to \$8000, and also changed the deposit rules that instead of a deposit to get a building permit, with no time limit from approval to start of build, that required the deposit immediately and loss of the deposit after 12 months. They initially tried to get me to agree to a settlement statement that forced the new rules retroactively, and also required me to sign away many of my rights as a property owner, including the right to information requests as a requirement for plan approval. When my attorney sent back what I would want in the settlement agreement, they flat out refused it all. They then tried to send me an "approval letter", which was in actuality a signature required legal document that again forced the \$8k deposit, and said I would lose the deposit and all plans approval if building wasn't started in 12 months. Due to the excessive, 3+ year delay from the HOA, building costs have roughly doubled as well as interest rates (possibly increasing our costs by \$1 million), so we are not currently in a position to build like we were



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in 2019-2020, and we have made this known to the HOA. These new, retroactive rules would effectively set us back to having nothing in 12 months, and be out \$8k, so it became clear they still would not cooperate reasonably, so we filed a court complaint, which is just getting going now. Overall, the HOA failed to follow its own rules, tried to retroactively force new rules on us more than once after we submitted plans, has delayed us 3+ years, which threw our overall life planning into disarray. We still moved in 2021, but instead of having a place to move to, had to quickly find housing in a terrible, COVID market, with the stressful decision of whether to rent temporarily and hope the HOA would cooperate, or overpay for one of the few places on the market where we could live for the medium term. Luckily, we decided we could not trust the HOA to work with us, and managed to buy something that we could live in for a while. When we started the process in 2019, we were married less than a year and thinking about a family on our wedding property, and now, still without an approval of our plans, have a 3 year old and passed our 5 year wedding anniversary. The HOA has also refused to fully provide information requests per CCIOA, some of which are more than 3 years outstanding at this point. The HOA has also failed to hold elections for the past 3 years, and has instead self-elected, despite this being included in our court complaint. Instead of happy memories of our wedding on our property, it is now just something that depresses us, and if building costs don't come down, we may never be able to afford to build at this point due to the excessive delay from the HOA. The state of Colorado needs to do some serious cracking down on HOA's, as they can have enormous negative impacts on citizens. We have heard many other horror stories from other people, from this HOA as well as other HOA's, including people who have moved from their longtime homes due to harassment from the HOA. The fact that citizens have zero recourse other than an expensive lawsuit to hold HOA's accountable is simply unacceptable, full enforcement of CCIOA needs to be handled by the state, otherwise HOA's will simply do whatever they want knowing that the majority of people have no resources to fight them in court. Fines and punishments also need to increase drastically, and more transparency required. Unless something qualifies for an executive session, all emails, texts, etc from HOA boards, everything should be required to be provided to members. In addition, instead of only an option to provide communications with an attorney to the community after a matter is concluded, HOA's should be fully required to provide all communications and such with the HOA's attorney to the members, so that members can see what their money is spent on. For litigation, it can be delayed until the litigation is concluded, but should be required for anything that has concluded. HOA's currently in a way have more power than local governments, as they cannot be held accountable for their actions through reasonable means, and have the ability to absolutely destroy the quality of life of the citizens who live in HOA's. I realize that most HOA's do not act in this way (I was on and off an HOA board for a condo complex several years ago, so know how one should operate), but the ones that do harass, discriminate, and negatively impact their members need to be forcefully held accountable by the state. Otherwise many, many Colorado citizens all over the state will continue to suffer needlessly because their government has failed to take action against these HOA's that are destroying their lives.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### HOA Lifecycle: Permanently Shifting the Control from the Board to the Homeowners.

author: johncdean

I would like to present this white paper in person to the HOA Homeowners' Rights Task Force. My contact information is attached to my registration info.

**White Paper: Home Owners Association Lifecycle Framework**

Home Owners Associations have a 3 stage Lifecycle that may be generally described as:

**Stage 1: Developer**

Stage 1: The developer has total ownership interest (subject of course to financing and similar encumbrances) in undeveloped real estate. The developer has a plan that they wish to implement on the real estate. To execute on that plan, the developer must have the ability to set the terms and conditions of what will be developed. Typically these terms and conditions specify who is allowed to build on the property and the scope and aesthetics of what may be built on the property. These terms and conditions are determined solely by the developer and are incorporated into the HOA documents. The Developer creates and controls the HOA Board and Documents. The purchaser determines if the HOA Documents are acceptable before the purchase is finalized.

**Transition Stage 2:** At this point, the developer has sold the majority of the developed properties. Now the control of the HOA Board and HOA documents shifts to the purchasers of the developed property. During this transition, any remaining undeveloped properties are developed and sold. However, unlike the Developer, this transitional HOA Board has no financial interest in the properties being sold and should be limited to maintaining community property and ensuring that the final undeveloped lots are developed under restrictions compatible with the original HOA Documents.

**Maturity Stage 3:** This is the final stage in the HOA Lifecycle. The development is complete. The only financial interests in the development are the interests of the individual property owners. The developer is gone. The HOA Board has no financial interest in the development. The HOA Board and Documents should be focused strictly on the maintenance of any community property (parks, out-lots and the like). Individual properties must comply with the local governmental regulations but should not be subject to any interference from the HOA Board or Documents. At this stage all the rights of ownership are vested with the property owner.

**Suggested Model Legal Structure:**

**Automatic Removal of Restrictions and Prohibition Against Adding New Restrictions**

A restriction is anything that requires the property owner to use, not use, construct or maintain their property in a specific way. Requiring a specific building size, building style, building use, building color, building placement or easements would be example of restrictions. Once the property is sold by the Developer to a Purchaser, no further restrictions may be placed on the property sold. This will prevent anyone from encumbering a property beyond how it was encumbered at the time the purchase was made. If by pattern and practice a restriction is not uniformly enforced, it is considered dropped. After 10 years all restrictions related to individual property are considered dropped. Restrictions and dues related to community property continue. If a restriction is invalidated by any State or Local statute or final determination by a court, it is considered dropped. Once a restriction is dropped it is considered removed from any Documents it may not be reinstated. If the HOA Board tries to enforce a restriction that a property owner is able to show has been dropped, the property owner's costs including legal fees shall be paid by the HOA Board.

**Dues, Liens, Fines and Penalties**

The only property lien that is allowed is for unpaid HOA dues. The lien may not be foreclosed upon and may only be collected when the property is sold or transferred to another party. Interest (at 10% compounded annually) and lien costs would be part of the allowable dues lien amount. The HOA Board has no authority to level fines or penalties. Code violations or similar issues should be referred to the local government authorities.

**Property Owners Voting Rights**

Any significant action of the HOA Board including changes to the Documents or rules enforcing those Documents must first be approved at the annual in person public meeting by 2/3 of the total number of homeowners present at the meeting for submission to all of the property owners. The action must then be approved by 2/3 of the property owners within the 60 days following the annual meeting (where the submission was approved) or it fails. These voting rights may not be removed, reduced or modified.

**HOA Board and Committee Removal**

The HOA Board (and any HOA Committees) may be removed at any annual, in person meeting, by a vote of 25% +1 of the property owners present or represented at any



## STORY TELLING TOOL

meeting. The HOA Board (any any HOA Committees) may be removed by a petition for removal endorsed by 15% +1 of the property owners. Public Policy It is against public policy to restrict property use for a long period of time (rule against perpetuities) or to enforce ownership or restrictions when pattern and practice clearly indicate the restriction/ownership has lapsed (adverse possession). It is against public policy to take the use of property without just compensation (lack of consideration), and any additional restrictions imposed after the property is sold by the Developer is a taking which lacks consideration. As a matter of public policy, the judgment of the property owner which has a direct financial interest and incentive should supersede the judgement of the HOA Board which has no direct financial interest or financial risk. As a matter of public policy, if the HOA Board through inappropriate action or inaction negatively impacts the property owners property value, that loss in value including costs and attorneys fees should be paid by the HOA Board. As a matter of public policy, all property rights should vest with the property owner after 10 years. After 10 years, only community property should be managed and maintained by the HOA Board.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### Artificial Grass still being denied

author: ColDrSunshine

In a state where water is a premium and the advancement in artificial grass is so good that you can rarely tell it is artificial until the winter months, I would think there wouldn't be any issues installing artificial turf. However my HOA has denied my request (pictured here) because CO law says they can't deny placement in the "rear" of the house but they don't consider this the rear of my home. Ambiguous terms are allowing the HOA to continually play judge, jury, and executioner. This area certainly isn't the front of my house and it can't be seen from the road or even behind my house (and the area is completely fenced) so their point of refusal is ridiculous and merit less unless they just don't want turf installed. They have no problem if I wish to place grass here but not artificial turf. This was designed as a play area for my grand children which keeps them separated from the firepit and pools but now I can't do anything because of a difference of opinion on what "rear" actually means!!

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses

## STORY TELLING TOOL

### HOA/Custom Management Group troubles

author: Lina

My husband and I own a first floor condominium at [REDACTED] in Aurora. June 12th of this year a water leak developed causing continuous water intrusion into our unit through the month of June, for most of July and the first part of August. It was not until mid August that a leak detection company identified a water leak from a common drain line. The leak was repaired but the board and management company have not moved forward with any plans to replace significantly damaged exterior siding and worn roof. By the time plumbing repairs were completed, the rainy season had ceased. In the meantime, our unit sustained significant damage due to the spread of mold which has also affected adjoining units. The association is accepting financial responsibility for restoring the unit but by failing to replace terribly damaged siding and worn roof, they are not in compliance with established covenants. Neglect of common exterior surfaces will produce similar circumstances next time we experience a rainy season. The value and desirability of our property as well as the general health, safety and welfare of the building inhabitants is being adversely affected.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Dealing with a homeowner who refuses to comply with Covenants

author: BillB

Most stories tell of a homeowner abused by HOA boards. But, our HOA of 100 single homes has a homeowner who under the new 22-1137 law, has accumulated the maximum fine, but still refuses to correct a simple landscape light violation. The previous threat of foreclosure has been removed and court action seems excessive. Court action would destroy the community "good neighbor" relationship the board would like to foster and maintain. There needs to be a solution to this. Thank you

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No Responses



# STORY TELLING TOOL

## Recommendations for HOA rules

author: ckreiman

Comments for the Homeowners Association Task Force. I am a resident of a HOA community and a past Board Member and Treasurer of our HOA. Fines: Establish a standard of "reasonableness" to limit HOA fines, through legislation if necessary. Collection procedures for unpaid fines should conform to those applicable to other types of debt collection. Uncollected fines should be secured by a lien on the property to be collected upon sale of the property. I believe that HOAs should NOT have the power to foreclose on a property solely to collect unpaid fines. Administration and Communication: To save administrative costs, owners should be authorized to agree to receipt of all required documents and notices electronically; mailing of hard copies would be required only for those who do not authorize electronic communication. Develop a suggested format and template for HOA financial information to owners that shows operating expenses and capital expenses separately, with the amount of monthly dues allocated for each. Model Annual Budget information should include: beginning of year balance of reserves available for capital projects; description of proposed capital projects; acknowledgement of the need to fund unanticipated projects; and a best estimate of whether the end of year reserve balance will increase more than 5%, decrease more than 5% or stay within 5% of the beginning year balance, given anticipated capital expenses, compared to allocation of dues to reserves and expected earnings on reserve balances.

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## STORY TELLING TOOL

### Make HOA board meetings public and meeting minutes available

author: tpack

I have the unfortunate experience of being illegally fined by my HOA board. Our covenants state that any landscaping must be approved by the Design Review Committee. When making my landscaping changes, I submitted my proposal to the DRC and have, in writing, an approval letter. I installed my landscaping exactly as described. A neighbor did not like the improvements I made and joined the DRC shortly thereafter. Subsequently, in 2023, the HOA started fining me. They fined me immediately, without an opportunity to fix, and did not deliver the letter via certified mail. They continue fining me and at tempting to intimidate me, after I've spent thousands on the landscaping, and will not acknowledge the original DRC approval. Our HOA board and DRC meetings are held in private, without notice to members or invitation to attend, and meeting minutes are seldom taken. HOAs should be required to take detailed meeting minutes and make them available to all homeowners. This will improve transparency in decision making and will publicly hold HOAs accountable to their decisions.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### Please Examine Abusive Practices in HOAs and Evaluate Causes

author: HOAIssues

Knowing of numerous homeowners who believe they were: 1. unfairly treated by their HOA Boards, 2. unable to obtain appropriate documentation, and 3. among other slights were dealing with HOA Boards who didn't follow proper procedures and often used the HOA attorney to intimidate the homeowner, I would ask the HOA task force to address several questions. Is there commonality in these cases where homeowners are emotionally and/or financially damaged? What is it about the power dynamics and legal structure of HOAs that allows a group of decision-makers to harm others? Many homeowners have valid concerns about the decisions made that directly affect their lives. Yet, the "powers in charge" choose to ignore their duties and often disparage those questioning their authority. It has been publicly observed that HOAs are receiving a transfer of unrestricted municipal powers, which are easily corrupted by the lack of oversight. In addition, HOAs are becoming increasingly unaffordable. Many of the complaints about HB 1137 are based on the simple request of notifications that cause an increased cost of postage and staff time. Yet, there is a cost of doing business inside the legal structure of an HOA that is not understood and/or desired. As well, the cost of added facilities and infrastructure costs (sidewalks and roads) are increasingly being transferred to homeowners in individual developments. HOAs with extensive recreational facilities are beginning to have the look and feel of private country clubs. There are indications that those living in newer HOAs will not support municipal or county recreation because they are already paying higher taxes to the Metro District for their added amenities and/or new schools or retail centers. The continued maintenance of roads and sidewalks and who pays is coming into question. There does not appear to be coordination between the State, county, and developers regarding increased traffic on State highways and county roads to accommodate increased residential developments. In the past four weeks there have been three FATAL accidents near our home. The two-lane roads are dangerous with blind spots, wildlife and entry points into the county roads and State highways where drivers are substantially over the speed limits. I could go on. We are witnessing the abdication of Municipal and State coordination with the transfer of major responsibilities to developers. There is little interest in homeowner input in any stage of development or in the administration of HOAs.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### Overcharging dues

author: Amberbrady333

Our HOA has 26 units. We are a 3 block area in Townhouse Row in Aurora. thousands of units are around here. Our original HOA was robbed by the builder so then they outsourced us to a management company that has steadily increased our dues from \$90 a month 20 years ago to now \$219 a month. My husband is our sole earner as I am disabled and he was laid off during COVID causing us to fall behind. Now that he is working we are paying an extra \$200 per month to get caught up. I have probably repaid the amount we originally owed twice now but the fees are what I'm still paying down to the tune of approximately \$5000. And now due to our cement settling severely mice have gotten into our garage as well as our neighboring unit. The pest control came and can begin to correct this and said it will even provide about 2 years of protection in the areas the mice are getting into the garage. But our claim has been denied by the board. I'm paying for past dues and I feel that is why they are refusing to approve the claim. There's no way I myself can come up with this money as I'm making so many payment plans to catch us back up on utilities, HOA, car payments, etc.... But heaven forbid the HOA pays out \$1395 to help out 2 of the 26 units. We have no amenities at all. Half sized streets that are in terrible condition. We are not allowed to park on those streets because the HOA has deemed that. We have half sized drive ways so you can't park there. We had 3 handicap spots but they took one away and told me I couldn't park my car there because they felt it didn't move enough and so they declared it was being used as storage not parking. Even though it left twice a day everyday of the week to take my children to and from school. But since they didn't see it move it must not have moved right? I feel there need to be limits on what dues can be based on the number of units and amenities. I could understand us paying \$219 a month if we had a playground and a swimming pool. But we do not. We have asked for them and been denied every time. I previously served on the board but left because I felt the management company was pushing more and more money and the people serving on the board were not thinking for themselves and just doing what they want. Maybe because they do not understand the issues and want to do what a professional is telling them. I don't know, but as a former accountant I know there is a better way. Our roofs were paid for by insurance this last time so where is all the money we supposedly saved up to pay for the new roofs? HOA's will force more people on the streets and Colorado is already bursting at the seams so let's fix this problem before no one in the lower class can afford to live in Colorado.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### Provide a pathway for single family, detached homes to exit HOAs and Colorado Common Interest Ownership Act

author: Liam of Broomfield

I believe Common-Walled, Common-Roof and Shared driveway and shared garages, as in Condominiums, Townhomes and Apartments Conversions need HOA structures and Community rules; however, single family detached homes do not need this restrictions. HOAs protect the value of your single family homes is NOT a veritable or proven statement, as much as the Real Estate and Community Property Management industries would like you to believe. In the 45 years of purchasing residential real estate as primary residences and investment properties, the rule for success has been "Location, Location and Location" and Bill Clinton's famous "It is the economy stupid". Never has the investment theory been "HOA and Deed Restriction" times three! If you need confirmation, compare the Denver areas (four towns) between the boundaries of Hampden Ave on the South, Yosemite Street on the East, 60th Ave on the North and Kipling Street on the West, mostly all single family, detached neighborhoods, mostly ALL homes increasing in value as well or not better than HOA communities. The same could be said of the Boulder area (Table Mesa, Highway 36, Valmont and 9th Ave). A recent trend in real estate sales is to point out the property is NOT in an HOA. The Colorado Legislature needs to cut the baby (CCOIA) in half and provide detached homes the right to self determination and exit HOA chains and a path Free and Clear Title. Once an HOA is annexed into a town or city, or five years after the Declarant has relinquished control to the homeowner, 66 and 2/3 percent of the homeowners must vote to OPT IN to the HOA for another five years. This cycle should continue very five years. Give the 1,000,000 or more voters the right to spend their family budget as they best see fit. It is my opinion, homeowners are a major economic driver in local communities and these homeowners' interest need to be considered going forward. To include new communities under CCOIA, the developers propose and transfer preposterous common ownership of monuments, playgrounds equipment lots and roundabouts deed titles to the HOA Inc. these titles could be transferred to a Planned Unit Development preservation district established under an LLC with shareholders matching the number of units in the former HOA Association or Sub Associations. My opinion is based on multiple adverse experiences involving community management companies (CMC); Unjust Enrichment by the CMC after increasing the \$79 monthly assessment to \$158 in order to facilitate its buy into a local real estate company; \$750,000+ bookkeeping embezzlement; placing \$500,000 of Reserve Funds in the market place, in contravention of Colorado laws; failing to consistently enforce CRR resulting in homeowner law suits. As long as the CMC increases the monthly assessments, taking part of those fees and play consultants to influence the next legislators to place the HOA entity and CMC above the interest of the individual homeowners, the madness will continue.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses

# STORY TELLING TOOL

## Reasonable Accommodations

author: slampo

I am a disabled vet, I have energy and balance issues. I am trying to make my home accessible.The HOA flat told me NO. When I tried to have my request heard as a Reasonable Accommodation they told me their attorney told them they did not need to honor a Reasonable accommodation.Two board members have made changes to their landscape that involves changing the plot plan. I was denied because I was told I could not make a change to the grade plan. Both the board members have built retaining walls in their backyards. One has removed soil at their foundation. This is not just a denial on reasonable accommodations but they are discriminating as they allowed their own modifications.Note I am not asking anyone to pay for these improvements, these will be accomplished to my home which is a single residence. I have a fenced yard. All HOA Board Members and Managers need to be required to have Reasonable Accommodations' training along with training on how you can't approve things for yourself and denies your neighbors. ADA and housing complaints can cost a community any such violations need to come out of the boards and management companies pockets not the other homeowners.When this is all said and done I am not sure I can stay living in my home as I am being shunned by my community.

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| No Responses |                |                 |



## STORY TELLING TOOL

### Iron Horse

author: Dr. Harry A Cooper

Iron Horse I am the owner of a condominium unit at Iron Horse Condominium and have owned for about 17 or more years. I served on the board for about 8 years. Iron Horse has become a hostile place to live especially due to the actions and words of our board president and the board of directors, who are her cronies. Due to the president and the board, my place of joy and happiness with my children and grandchildren has been ruined. Every time you mention something to the president, which she does not believe in or disagrees, you get a fine. I have never gotten an actual bill for these fines due to the fact if you have any monies owed to the HOA, you are not a member in good standing and therefore are excluded from any condo voting. This is a clandestine way of keeping her position as president. Being president has always been a volunteer position but acting through the board, hired a management company that she is employed with, and is receiving compensation in contradiction to our governing documents. This is even in light of a defective disclosure of a conflict of interest, which occurred after engagement of the management company and effective date of the agreement. When I confronted her with this, I never received a response but did receive severe warnings that I inappropriately contacted the management company which is her employer. Other instances, include when we attempt to figure out why work done to our buildings has not passed inspection, we are advised we cannot communicate with the "association's contractors." Just another attempt to stifle speech and oppress homeowners. The board president took it too far, when she provided that we cannot speak to Winter Park officials about Iron Horse. Which she clearly has no authority to prevent. Also, the garages of H and J were in horrid condition with holes and haven't been painted in years. I showed her my garage. She even stated that she would have provided me with rollers and brushes. I painted my garage, as I take pride in the upkeep of our property. She then fined me since my garage was a semi gloss green and no matte. However, she initially complemented me on how nice my garage looked. She charged me for having to have my garage repainted but she was already finally having some employee repaint the garages. She also said I had to pay \$100 cash to have my garage sensors lowered by 2 inches for safety measures. I could have easily done it myself. It is my opinion that this money never reached a condo account. The president makes sure that at the C and D buildings where she resides are perfect. She had new carpet installed and then shortly later had it cleaned. She charged the H and J buildings to pay for this as to their square footage and compliance with the 315 amendment. We have had zero maintenance in the H and J buildings. No cleaning, power washing, and replacing stairwells. The steps leading to the elevator had two railings. One was broken and now we have just one. Our windows were in horrible condition and a pane of glass actually fell to the ground almost hitting an employee. We personally paid \$37K for new windows. The most clear injustice, was the filing of multiple infractions/fines and selective enforcement of restrictive covenants, all of which were filed a couple days after an attorney representing my wife and I filed a records request pursuant to CCIOA. The president and board's actions need to be addressed. There are multiple lawsuits in grand county, due to the president and board's arbitrary, capricious and retaliatory conduct. The above is just touching all the injustices placed upon a group of owners at the Iron Horse. We are extremely grateful for the task force and hope serious regulatory and legislative changes can be made through this process, to curtail further oppression and injustices. Dr Harry Cooper

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### #banHOA fines

author: Robert Racansky

Comments for the Homeowners Association Task Force. I am a resident of a HOA community and a past Board Member and Treasurer of our HOA. Fines: Establish a standard of "reasonableness" to limit HOA fines, through legislation if necessary. - ckreiman, "Recommendations For HOA Rules", 21 October 2023, emphasis added Depending on the legislature to "establish a standard of 'reasonableness'" is hopeless. See, for example, the recent comment below about "reasonable accommodations": I am a disabled vet, I have energy and balance issues. I am trying to make my home accessible. The HOA flat told me NO. When I tried to have my request heard as a Reasonable Accommodation they told me their attorney told them they did not need to honor a Reasonable accommodation. - slampo, "Reasonable Accommodations", 23 October 2023

A better and much more simple solution would be to ban non-judicial H.O.A. fines, regardless of what is written in the governing documents of the H.O.A. corporation. Without the authority and power to assess fines, an H.O.A. corporation would have the same recourse to enforce the rules that homeowners currently have: file a lawsuit prove their case in an Open Court of Law ask the Court for injunctive relief and/or monetary damages This is what is known as an equity of legal remedies. If non-judicial fines are really necessary to ensure compliance with the rules, then homeowners should be allowed to assess fines against their H.O.A. corporation when the H.O.A. violates the rules. But we know that will never happen, because nobody in government is seriously interested in an equity of legal remedies between consumers of H.O.A.-burdened housing and H.O.A. corporations. That is why the authority and power of H.O.A. corporations to issue non-judicial fines is statutory, regardless of what is written in the governing documents of the H.O.A. Colo. Rev. Stat. § 38-33.3-102. Legislative declaration. (1) The general assembly hereby finds, determines, and declares, as follows: (b) That the continuation of the economic prosperity of Colorado is dependent upon the strengthening of homeowner associations ... by increasing the association's powers to collect fines, and enforcement costs; Colo. Rev. Stat. § 38-33.3-302. Powers of unit owners' association. (1) the association, without specific authorization in the declaration, may: (k) (i) levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association. In 2017, I offered a Resolution to the Boulder County Democrat Party (B.C.D.P.) to ban H.O.A. fines, which they refused to even vote on ..... because then B.C.D.P. Chair Mark Williams is a believer in heavy-handed privatized corporate governance to keep his neighbors in line. From: Mark J. Williams (Boulder County Democrat Party Chair) Date: Thu, June 01, 2017 Subject: Resolution prohibiting HOA's from imposing fines To: Cliff Smedley (B.C.D.P. Resolutions Team Chair) My concern is that this discussion is going to go all over the place and that we won't have a way to reach consensus. I personally don't support the Resolution because, as the former President of a local HOA, we found that in a few cases it was only the possibility of a fine being imposed that moved folks to taking actions that benefited the entire community. I met in person with State Representative K.C. Becker (Democrat - Boulder), who was the House Majority Leader at the time, asking for support. She refused. From: KC Becker Date: Tuesday, June 06, 2017 at 11:16AM Subject: Re: H.O.A. : B.C.D.P. Resolution To: Robert Racansky Regarding your resolution below: I think you are asking folks to adopt a policy on an issue they may not have much personal experience with (since we don't have a lot of HOA's in Boulder) and if they do have personal experience with HOA's, it may not be negative. So adopting such a broad policy might be difficult. It also may not be enough of a priority to include. I'd also say that adopting this policy may not really aide your efforts in any significant way. I'm sorry that I cannot support adoption of this resolution by the local party right now. Best, KC Becker House Majority Leader Colorado House District 13

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Contributors **1**

CONTRIBUTIONS **1**

No Responses

## STORY TELLING TOOL

### Mayor Joy Cooper

author: Mayor Joy Cooper

Thank you for giving condominium owners and HOA Boards a forum to share their concerns and issues. We are owners of a condo in Winter Park Colorado for over 20 years . Our full-time home is in Florida, where I serve as the Mayor in the city of Hallandale Beach. I have served for over 22 years in my capacity as an elected official and have become very familiar with the condominium issues. Our city of 40,000 has over 100 condo and co-ops. Sadly I am very familiar with the Champlain Tower collapse in Surfside Florida and was actually selected to serve on Broward Counties 40 Year Building Safety Taskforce to evaluate building safety issues , the inspection process and evaluating the weakness in condo laws that lead to many condominiums neglecting their buildings. We bought at Iron Horse when it was a Hotel /condo. Over the past years many things in the market changed. Due to the advent of vacation rent by owners many went self managing their units and the building was transferred into a condominium building. Due to the make up of the property, there are two 10 story buildings that are comprised of one bedroom, and a few two bedroom units (C&D) and there are two other buildings that are three stories comprised of two bedroom larger unit.(H&J)The current board president ran with the goal of changing the way that our assessments are calculated. They used to be on pillow count then they moved to one bedroom two bedroom,. For a few years they could not agree and then they moved them to square footage . While everyone agreed that there should be equity within how assessments and maintenance is calculated once 315 passed on the state level the board who is comprised of all owners from C & D manipulated the process to the extent that H&J buildings are paying for supermajority of maintenance and assessments on areas they are considering common. we do not even have access or use them The way 315 was crafted provided loopholes within these calculations. That combined with the total controlling power of those with C&D units have created total inequities in assessment and maintenance . In addition to these issues, the current president had fired, five different managers and management companies. Last year they hired a new company. without fully disclosing the hiring the president's intent was to not only serve as president of the board, but as the paid property manager In addition, her husband serves as chair of the finance committee. This is certainly a conflict of interest. This should not be allowed and should be included in any legislation. It should include a preemption that anyone serving on a condo HOA nonprofit board shall not be able to manage and collect a salary from the association. While this is referenced in our bylaws and we have yet to receive any vote by the board it is not against Colorado law. In addition, there is no requirement for a manager to be certified in any capacity . This law should be changed specifically for larger properties. I understand that Contro managers are used to be required to carry a certification. There also should be regulations on building inspections required like there is in Florida. We had balconies and stairwells buildings in H&J that were neglected to the point they were falling down and red tagged . Currently there was finally a stairwell reconstructed with contracts, executed by the board with no building expertise that is now red tagged as it was built defectively Dora is to be following electric and plumbing permitting . I could not find any permits filed for material changes to our buildings . It's just quite difficult to do when you're in Denver and miles away. There needs to be stricter laws for inspections, permitting, and set milestones for buildings . There needs to be stricter laws for inspections, permitting and enforcement mechanisms in place. If anyone on your committee would like to discuss my experiences as an elected official here in Florida or to elaborate on our experience with our HOA I welcome the opportunity. Certainly if I lived full-time in Colorado, I would've enjoyed participating in person in your meeting.

Joy Cooper Iron horse condominium unit [REDACTED] in Winter Park Colorado Mayor of, Hallandale Beach, Florida 954-[REDACTED]

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### CCIOA Lacks Specificity To Hold Non-Compliant Boards Accountable

author: Andrew Mowery

One of the key reasons the HOA Homeowners Rights Task Force needs to consider overhauling CCIOA is that it almost deliberately lacks specificity that would allow a homeowner to use the Courts to enforce CCIOA (or the Non-Profit Act, or HUD/FHA law/rules) to have a successful claim upon which relief may be granted. Because disputes with HOA Boards (or even CAMs or the HOA General Counsel itself) may only be resolved with private litigation in the current design, a combination of lack of specificity or lack of statutory claims combines with the Business Judgement Rule to make litigation cost-prohibitive, and largely unsuccessful. I say deliberately because we have attorneys within the HOA Industry who have just recently argued in *Topakas v. Wintermoor* that if Legislators wanted CCIOA or governing documents to be as strictly applied to HOA Boards as they are to homeowners, legislators would have created statutes with such specificity. In April of 2023, Orten Cavanagh Holmes & Hunt, LLC (OCHH) argued successfully before the Colorado Supreme Court in *Topakas v. Wintermoor* the following: "The General Assembly's failure to add certain language to a statute can indicate [ ] purposeful omission." *Id.*, (quoting *Neher v. Neher*, 402 P.3d 1030, 1034 (Colo. App. 2015)). The Colorado Legislature has amended Section -209.5 as recently as the 2022 legislative session, and has declined to create an explicit jurisdictional requirement for compliance with the same, despite expanding the jurisdiction of Colorado Small Claims Court in the same bill. (See House Bill 22-1137) The Colorado legislature is more than capable of creating jurisdictional limits if it chooses to do so. In Section -209.5, there is no indication that it intended to. There is no reference to court jurisdiction. The statute is instead focused on the regulation of private action by associations prior to taking legal action. "OCHH is a firm that represents thousands of HOAs in Colorado, as is quite active in lobbying the legislature on HOA law. They cite the process in making HB22-1137 into law by stating that legislators "declined to create an explicit jurisdictional requirement for compliance" while expanding jurisdiction for homeowners to use Small Claims Court. I was involved in that process, and that statement couldn't be further from the truth. The original language of the bill not only created explicit jurisdiction, it created limitations on the amount of legal fees these firms could collect (3x the amount owed). This firm and several others through a hissy fit - and I attended their webinars where they did so! In order to move them from opposition to amend positions, legislators appeased them by removing such language. So, it is therefore disingenuous for the same firm to argue to the Colorado Supreme Court that the legislators were either lazy or ignorant when creating the language of HB22-1137. In fact, a compromise was reached to get the bill passed. The problem here is that when we find an HOA Board that is non-compliant with CCIOA, their governing documents, or any other state/federal law, we first encounter the Business Judgement Rule. This rule allows an HOA Director to use ignorance of the law as an affirmative defense. Since there is no required training, education, or certification, a "volunteer" merely has to claim they they had no idea they were violating the rules or law. Poof - they can't be held accountable. The only way to pierce this defense is to prove "wanton or willful" actions on the part of Directors. But, now that the Colorado Supreme Court has rejected the Writ of Certiorari in *Topakas v. Wintermoor*, the Appellate decision stands. The Courts have decided that an HOA Board or Director can merely be compliant in a partial or "substantial" way - and that strict compliance is unnecessary. In other words, even proving wanton or willful actions is insufficient to prove non-compliance, because a Director is held to a different standard than a homeowner. Homeowners can and actually have lost their homes because Boards are allowed to claim a standard of strict compliance for petty violation such as grease stains on driveways, torn screens, etc (as we saw in Green Valley Ranch), but Directors have an easy out - they can be ignorant of the law or rules, and even when they aren't, they can say they kind-of-sort-of complied, and totally get away with it. How is it that we have attorneys who argue that when a homeowner signs the contract and purchases a home in an HOA, they agreed to every fine detail, but when the same homeowner volunteers for the Board, they get all this great discretionary latitude? Combined with the fact that a homeowner attempting to enforce rules on a Board isn't just up against the Board, CAM, and/or HOA General Counsel, but



## STORY TELLING TOOL

t also the well-funded Insurance Company that defends non-compliant Directors even when they know they have actually violated the law, it is nearly impossible for a homeowner of average means to follow through and endure the lawfare tactics that grind a homeowner until they are out of money or emotionally drained. It's almost like these attorneys acting as lobbyists have designed a system that has no intention of having homeowners fulfill their roles as the sole compliance officers. And, once Directors learn (or are taught) that they can't be held accountable, we then see a pattern of predatory behavior, discrimination, abuse, and outright lawlessness that cannot be checked by the available powers. The combination of proxy hoarding, vicious HOA politics, assigning of individual assessments, threats of legal action for defamation, and a slew of other weaponization of the HOA powers puts homeowners at an inherent disadvantage. And, no, it's not good enough to "run for the board" or "try to remove the director". At best, these are just ways to invite retaliation and be driven from your home for "getting involved". The system is broken. Fundamentally broken. In order for there to be any success, the HOA Task Force must take the time to listen to what OCHH is putting out there in plain sight - they are daring you to recommend specificity in CCIOA, so that homeowners have a clear path with a statutory claim upon which relief may be granted in the Courts (District, State, and/or Small Claims). They are mocking you while lobbying against this to your face, but then telling the very same Courts that if you wanted to, you could. It's long past time for Colorado Legislators to recognize that the Courts and the system of using the Courts is a fools errand. There's no intention for this to resolve disputes. It is a mere illusion of fairness or even democracy. There is no justice possible for homeowners, unless the matter is so incredibly egregious and well-documented that the Courts have no option than to let it move past a Motion to Dismiss. But, for the vast majority, this is where it ends. And, this, in turn, makes negotiating with Boards, Directors, CAMs, and HOA General Counsel difficult to impossible. Because they know of the power imbalance, they have no incentive to engage, let alone allow an actual dispute resolution process to resolve a dispute. They stonewall, hide or destroy documents, and often go on offense and in some cases send the homeowner the legal bill for having sent emails raising the issue. We have seen a few cases in recent years where the Legislature has, in fact, created statutory claims. In HB21-1229, for instance, there is a \$500 penalty if an HOA doesn't turn over certain documents. It's a good start. HB22-1137 has a statutory penalty relating to foreclosures done improperly. We need more of this. But, rather than parsing out section by section, the Legislature needs to contemplate a system that allows for enforcement of compliance on Boards that does not rely upon the Courts at all. I've recommended using Nevada as a model, and consider having some matters handled with administrative adjudication. It won't prevent the Courts from being used, but for the vast majority of common disputes, a \$30k ante is just too high of stakes for an average homeowner - if they can even find an attorney in Colorado to take their case. No Alternative Dispute Resolution system that relies upon the courts will work if CCIOA lacks specificity, the Business Judgement Rule allows absolute ignorance as a defense, and the Colorado Courts continue to allow partial or substantial compliance to be the standard for enforcement. I hope you will seriously consider these points as you consider your agenda for this HOA Task Force. I look forward to your comments and response at the meetings and hearings. Thank you for the opportunity to raise these issues.

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No Responses

## STORY TELLING TOOL

### HOA President

author: Luckygirl1986

The president of our HOA has abused her position for years. Her and other board members voted to allow themselves to use a work out room for their personal storage. She violates fire laws by blocking fire exits with her planters. She has one assigned parking spot, but uses 3 different spaces. After my partner passed away 18 years ago, she harassed and reported me for every little thing, I finally confronted her. While trying to talk to her, she removed her patio screen and slammed it into me, while pushing me backwards off the patio. (Patios and balconies are not included as our property.) I was so afraid of being seriously injured if I fell. After going home and calming myself, I called the police to file a report. The officer told her to leave me alone, keep her distance and not speak to me. No Contact! She continually talks to me when she sees me walking a dog and watches me and my friends when they visit. There's definitely something not right with her.

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No Responses



## STORY TELLING TOOL

### HOA abuses of power

author: Barbara11

HOAs exercise potentially tyrannical governmental power, but with none of the limitations, such as due process and equal protection. HOAs get away with abuse of power for three reasons, all of which can be changed by amending CCIOA. First, the decision-makers, typically board members, are protected from their misdeeds by exculpatory provisions that require proof of willful and wanton misconduct. All such provisions should be prohibited. The HOA industry will say, "Then no one will serve on a board." If someone will only serve if they are effectively immune, then they should not serve. Would you want to be operated on by a physician who agreed to do so only if he was exculpated from the consequences of his negligence? Second, a homeowner can succeed only by showing that the HOA acted arbitrarily and capriciously, which is almost impossible to prove. The test should be objective reasonableness. Third, a successful HOA recovers attorney fees, a risk few homeowners can bear. A successful HOA should recover its fees only when suing to collect dues and assessments. After all, most other disputes involve aesthetic debates and rule violations that do not implicate homeowners' safety. Local officials who enforce safety codes cannot recover fees.

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No Responses

## STORY TELLING TOOL

### I CAN'T SELL MY HOME and WE ARE FACING FORECLOSURE

author: Denise

I CAN'T SELL MY HOME and WE ARE FACING FORECLOSURE I am the oldest daughter and personal representative of my deceased Mother who was a resident of Fairfield Village at Quincy Reservoir community until March 31st, 2023. My family is enduring major hardships and setbacks brought upon by an ongoing unresolved roof claim for Fairfield Village. We had a contract to sell our home back in July and couldn't close when the lender backed out at the last minute due to the change in the HOA roof insurance policy when the coverage changed from replacement to actual cash value. Fortunately, another opportunity came to sell our property and we have a sales contract in play even though we will sustain heavy equity losses this time around. I must sell this property for my family or run the risk of going into foreclosure. At this point, we are not able to secure a closing date due to the unresolved insurance claim on the roof. We are unable to start a claim for the special assessment with our insurance company since we have not received an official "Loss Assessment Letter" from the HOA for our home at Fairfield Village. We must file the claim with our insurance company before we vacate and sell the property. Our buyers will not close without this commitment. In short, No letter ... No closing. We had to delay the closing by three months and rescheduled 3 times due to this problem and if this is not promptly resolved, it appears this contract will also be terminated. The loss happened in May of this year. In June there were a considerable number of people from the insurance company, contractor(s), etc. going thru the neighborhood. They were walking the properties and measuring the roofs, taking notes and communicating with one another, etc. There was a lot of movement but then it all stopped and the project seems in limbo. In doing our own research, we were told that there are several reasons for the delay: (a) there is a dispute between the HOA's insurance company and the roofing contractor principally regarding the size and scope of the work to be performed. (b) the adjuster hired by the HOA's insurance company has failed to submit the assessment for the loss report for the complex. As a result, a Loss Assessment letter has not been issued by the HOA. In our minds, this collective failure is due to poor communication, poor performance and utter lack of empathy for a homeowners situation. Barring any unpaid HOA fees, etc., no HOA should have the power to PREVENT YOU FROM SELLING YOUR HOME. The storm happened May 10th and today is October 24th, 2023 and we've been informed that they have NO idea when the claim will be settled. We've reached out several times and get no where.... WE FEEL THEY SIMPLY DON'T CARE. When I asked the HOA and Management Company to please calculate our unit's loss and issue a Loss Assessment letter since each unit has to be calculated individually anyway, I was told I was asking them to commit insurance fraud. Such arrogance. This inaction and delay should not be allowed and legislation should be created to inhibit an HOA / Management Company from preventing an owner from selling their own home due to these circumstances. Concerned Homeowner

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No Responses



## STORY TELLING TOOL

### My suggestions for the HOA Task Force

author: Chet Myers

Good morning, I had the opportunity to sit in on the Task Force meeting yesterday which began at 3:00 pm. I run a business, so I had to pop in and out occasionally for short periods of time. So I may have missed a few things. I currently belong to an HOA. Some years back I was a VP of an HOA Board. I was impressed by the knowledge set, discourse, and professionalism. My suggestions are two ...once the Task Force picks a method to approach the various issues, what I heard was an 'arbitration' approach under the DORA umbrella....once that decision is made I am suggesting that a limited pilot approach take place in two different segments types. The first being geographic area such as a zip code where the most delays, litigations and related problems develop. What we learn from this. The second being a mirrored opposite where a geographic area rarely experiences is and are low end of HOA issues that end up in court. What will we learn from this as well. Contributing factors and statistics related to the age of the HOA structures, how old are the buildings, municipal infrastructure, pests, pets, noise, neighbors, smells aroma, trash, parking and a plethora of other issues that arise. What are the top 3-5 core issues/causes. Let's get them categorized and ranked by count or severity. Limiting the team's attention to a few focuses on the onset will help create a model(s) to move forward. My professional background was with Fed Ex, as a problem identifier and solver, nearly 30 years. Thanks for an opportunity to provide input.

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No Responses



## STORY TELLING TOOL

### Enforcement CCIOA needed

author: Carol Stevenson

Licensing of Property Mangers- Polis is not in favor! See his comments below. Without enforcement nothing will be resolved! Most concerns can be settled by the HOA Board if CCIOA is followed. Suggestion of steps if Property Management were licensed and a place for enforcement. Concerns are taken, 1st HOA Board, 2nd if not cured- 3rd to Colorado HOA Information and Resource Center files concern data into a database, (Colorado HOA Center HB-10-1278, effective January 1, 2011), forwards to, 4th Dora has retired judges that understand CCIOA reviews, 5th Dora /Judge discuss ruling, and Dora make s final decision and 6th final decision into data base and notifications send to concerned parties. A fine structure will need to be developed and enforced. This would eliminate going to court, saving HOA's, homeowners time and money. Attorneys not in favor. Ways to Fund DORA- Currently every HOA pays \$10.00 fee to the State of Colorado when HOA files yearly tax records. Believes – Realtor's yearly licensing fee is \$50.00. What is the number of HOA's in Colorado - 10,000. \$20.00 HOA fee x 10,000 – would cover Dora funding, time, etc. Generates \$200,000-. What is the number of Property Managers in Colorado - 1,600. Easier for Dora to track PM. Licensing of property management - \$50.00 a year - would cover Dora funding, etc. Generates \$80,000.- Why not licensing of Property Management? Hair dresses, realtors, insurance, nail tec's, liquor stores, bars and more are licensed and have enforcement. In a written statement, Polis said an HOA shouldn't "drain a family or individual of their financial savings." The governor's office, in a news release citing The Sun's reporting, said HOA foreclosures also exacerbate Colorado's housing crisis. "These recent accounts are heartbreaking and deeply troubling," the Democrat's statement said. "I continue to urge HOAs to be more flexible — clearly, there is more work to do with the legislature and local communities to enhance the rights of property owners and protect people from being ripped off." Currently HOA's and homeowners are being drain of their finances going to court paying lawyers' fees and court time. Without enforcement nothing will be changed, and the Task Force time and suggestion/report given to Polis will be a waste of time and money.

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No Responses

# STORY TELLING TOOL

## Thank You !!! Now What?

author: Neuromate

While attending the Webinar I was heartened to hear that Connie Van Dorn had read all the stories before the meeting. The growing collection is now 15 web pages long, it means allot to know what one has to say is being heard. Submitted the story of our HOA from my POV some weeks ago under the title, "Best Community Financial Practices or Narrow Self Interest? And found the input by Richard Brown most relevant to our HOA's situation; i.e. management of Reserve and Operating Funds, Reserve Fund Studies appraisal and management. LOCK BOX on funds for emergencies and major infrastructure projects and a FIREWALL between Reserve Funds and Operating Cost Over-Runs, was like having a life line thrown out to us. Would like to hear about better models for managing Reserve Funds and Reserve Fund Studies.

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No Responses

## STORY TELLING TOOL

### Citizen Sub Committee

author: BillThom

The HOA to which I pay my dues every month has three members of the Board of Directors. None of the three live in the complex; they are all three absentee owners. They have little daily interaction with the members and are frequently unaware of the problems that occur within the complex. Their main concern is not the maintenance of the units, but the maintenance of the profitability of their rental units. In viewing the hearing of the Task Force yesterday, I perceived that nearly all, if not all, of those who serve on the Task Force were real estate professionals or real estate attorneys or HOA Board members. Their perspectives are informed by their professional affiliation. It would be an improvement if there were an opportunity for some input to come from citizens who have had conflicts with their HOAs and can speak from the viewpoint of a member of an HOA. This could be easily accomplished by forming a sub-committee of such individuals who could present their ideas and perspectives on the questions being addressed by the Task Force.

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## STORY TELLING TOOL

### Task Force Observations

author: gvito

I took the opportunity to sit in on the first Task Force Meeting via YouTube. I was disappointed to realize what I consider the typical homeowner who pays their assessments on time and follows the rules was once again, not represented. While the suggestion that disputes be resolved by alternative methods rather than in the courts, might be an improvement, my question is who will pay for that service? Certainly, any mediation service or arbitrator would need to be compensated. Please make certain that the HOA is not solely responsible for paying those fees. The homeowner and HOA ought to share the costs equally, otherwise the forgotten homeowners who don't need mediation will pay via their assessments. The suggestion that there needs to be more transparency in budgeting struck me as infantilizing adult homeowners. To assume that adults who have managed to purchase their own homes and obtained a mortgage to do so cannot manage to pick up their mail and read the yearly letter that includes a copy of the proposed budget and annual meeting agenda is ludicrous in my estimation. The notices for the HOA Annual meeting in my condo complex are posted in two bulletin boards on the complex, are mailed to each homeowner as well as emailed to them. Sending them via certified mail as suggested by some on the Task Force would once again be a fee that the homeowners who can manage to read their mail would pay for those who can't. My bet is that moving meetings to weekends would result in less attendance, not more. Finally, licensing of Community Association Managers does not sound unreasonable, but when one Task Force member suggested that self-managed communities should require their volunteers to be licensed, I had to laugh. Our association is lucky to have three volunteers currently serving, for the past six years only two homeowners were willing to serve. Who will volunteer to serve on a small, self-managed Board when they required to take classes to be licensed--no one! My final observation is that the trend I see is that the Colorado legislature is slowly killing HOAs. I would prefer they just do it all at once rather than piece by piece. I hope they will let those of us who live in condos know who they will bring in to manage the buildings and grounds once the HOA and its volunteers are driven out.

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## STORY TELLING TOOL

### Gio HOA Exterior Modifications Dispute

author: Vince G

My story is simply too long to type it out in this space - dating all the way back to Aug 2022 - and the issue is still in dispute and unresolved as of this date - Nov. 1, 2023. If I could be provided with an Email address, to which I might send the chronology of events, communications, and action between ourselves and the HOA Board and its Management Company, I would be pleased to do so with our story - and wish to do so - if an email address would be provided or any Task Force member's contact information would be given . Would appreciate any response you might have. Vince G - email: [REDACTED]

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No Responses

## STORY TELLING TOOL

### Religious Discrimination

author: Lore

I was penalized for having my yard decorations up too long. Sounds normal, but my decorations were fall & halloween (pumpkins, scarecrows, skeletons, bones). No blood and gore. My celebrations start in September and last through mid November. Technically, December 20, but we put up winter decorations in November. My neighborhood has several homes with Christmas lights & decorations up year round. Literally all year. The ticket the HOA sent me had a picture of my yard decorations, taken from inside someone's car. They had a Christian cross hanging from their rearview mirror. No one should be penalized for celebrating differently from Christians.

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## STORY TELLING TOOL

### HOA levied fine without hearing

author: Bro80104

All identifying information has been removed or blacked out from the story & photo in order to comply with moderation policies. Sawgrass Fines Me w/o Hearing See attached photo of the fine imposed unlawfully. As a result of pursuing a demand for accommodation due to inadequate insurance which the HOA defaulted upon in January 2023, I demanded they hold off accessing my roof until proper insurance was obtained. They wanted to get on top of the roof for the purpose of cleaning the roof Rain gutters. This could be done with ladders or a mechanical lift, and getting on top of the roof was dangerous. Because of the lack of adequate insurance, it put me at liability. Consequently, they fined me in the amount of the attorneys fees, for my protest of this action. Additionally, as a result, the HOA did, in fact, access the roof without notifying me, or arranging a time and place and violating OSHA regulations. Thus they voided the 25/30 year roof warranty, which was put on by a different contractor in 2017. Since I am a fully paid up member of the association and an owner of undivided interest in every area of common property and of limited common property for the townhomes, if this is not a fine, then, it is an unlawful assessment without 2/3 vote of the community to charge all members for these added fees. The HOA legal firm and its lawyers, as well as the HOA property manager, and the Board are incorrect. The lack of property insurance has been validated by several insurance agents and another Broker. As an owner of undivided interest in every area of common property and limited common property for the townhomes, if this is not a fine, then, it is a unlawful assessment without 2/3 vote of the community to charge for these fees. I already pay for these legal services through my monthly dues. The Association acts as an owners association for the townhomes, but selected a condo policy naming a group of buildings which does not include each of the townhomes by specific address as "additional insureds" as required by CCIOA.

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No Responses

## STORY TELLING TOOL

### Out of Control HOA

author: Rethea

"HOA Vendors: Please, Please Do Not accost the Landscaping or Snow Removal work crews or contact their businesses directly to complain about a service. The HOA was informed by the Snow Removal company that someone physically stood in front of a snow plow last year. This was highly dangerous and interfered with the work crew. Your Board of Directors were most apologetic to the ownership in order to keep them and receive a contract for the 2023/2024 season! Similarly, the Landscaping Company said they have had to be extra cautious with Pinery West due to the harassment from homeowners. Via a discussion with them, they do not have these issues with any of the other properties they service. Again, we were most apologetic to them and expressed how appreciative we are of them. Bottom line: If the HOA loses a contract with a vendor due to a homeowner's actions and harassment to the vendors servicing our Community, they will receive a "cease and desist" legal order and be held liable for the loss, as as per the HOA law firm" Also plowing snow to the sunny side of the street (mine) I move to this side for a reason!!

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## STORY TELLING TOOL

### Average home, average neighborhood, average HOA with unchecked power

author: Star42

When I first moved into my house, the neighbors immediately warned me about the HOA. They told me they get written up for every minor infraction, and they all suspected each other for turning them in to the HOA. There was a sense of fear and paranoia. Years later I learned that an inspector regularly drove around the neighborhoods, but people had mistakenly blamed each other. However, under this board, bills were sent on time, the website was updated, and maintenance requests were responded to quickly. It was stressful when the HOA demanded I repaint my house. We didn't have the money at the time and had to ask family for help. They limited the colors we could paint it to about 7 choices, none of which looked like our current paint scheme. Life under our current board is the opposite. No rules seem to be enforced (my neighbors let weeds grow waist high and burn tree branches in their backyard), the website is never updated, bills are sent late or not at all, we don't know when or where board meetings are, and maintenance requests are ruled on so late it makes them pointless because the season has changed and supplies have gone out of stock. If a maintenance request is denied, it is hard to get an answer on what needs to be changed to get it granted. We are fined late fees on bills that are more than 1/3 the price of the bill itself. I saw an assessment from 2022 that said my HOA had collected over \$3,000 in late fees that year. That is outrageous. It is a mystery what our dues pay for in the first place. We have no common areas. There are no benefits. The annual financial report usually says the money is used for snow removal, fence repair, and website maintenance. But all residents have to maintain their own fences and remove their own snow. The website has not been updated in years. With a diligent board, the rules felt oppressive and arbitrary. With a lax board, we pay money to be bound by unknown rules for no real benefit. Our HOA has almost limitless power, but no responsibility. We are charged dues and fees, but receive no benefits and have no recourse if the board members simply do nothing. We live by rules we don't get to vote on. When the rules change, they don't notify us or update the covenant rules anywhere we can see them. We don't get to know when or where the board meetings are. The board can take extreme amounts of time ruling on a maintenance request, but fine us quickly if our dues are late. I don't know if the money we pay is used for anything except sitting in someone's wallet. When I move someday, I will not move to a place that has an HOA. In theory, an HOA should make it easier to live in a community and address issues. Instead, it is a money-making machine with limitless power.

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STORY TELLING TOOL

Task Force Initial Meeting Comments - Many of these can already be fixed by HOA members!!

author: MW

HOA's are designed to be managed by the owners within their specific community. Many of the items you have put on your agenda to be 'fixed' could quickly be fixed by the existing homeowners making changes to the documents defining their community. How can this task force serve to educate homeowners on their EXISTING ability to make changes within their HOA?The initial meeting spoke to the association members who were dismayed by the way their community operates. That is the reason that HOA boards are comprised of volunteer community members. Please use this committee to focus on the statutory items which are causing issue -- (1137 for example) before creating a new list of burdens to be placed up on the volunteers who make up the HOA board.

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No Responses

## STORY TELLING TOOL

### Groundhog Day in the HOA World: We Need Another Governance Model ASAP

author: Ruth Carroll

I have been involved in HOA stuff for a long time. The image that flew into my weary mind as I watched the recent (Oct. 24 ) Task Force Webinar was: GroundHog Day.Why? The same problems have been described for years. False solutions have been described for years. Yet nothing, in the words of a Guys and Dolls song, "ever gets anywhere near where the trouble is." The trouble is the HOA Board model.It has been clear for a long time, to any sentient being, that the HOA Board model does not work. That putting 7 unqualified individuals in charge of a complex property, providing enormous group pressure to 'perform well,' giving them no accountability, and unlimited power --is a very toxic brew. No surprise that this arrangement has produced, from the get-go, a steady stream of ugly problems. I attended every one of the 4, long, official 2019 Stakeholder Sessions, which were supposed to nail the problems and provide "better consumer protections." (that's us, homeowners/consumers). Everything that was said on Oct. 24 (including the nonsense that the HOA Office couldn't possibly provide oversight) was said then. Then the Report from those Sessions came down and barely mentioned the endless homeowner anguish that was the main testimony: how the Boards abused their power and caused financial and emotional messes and pain.So much abuse. For so many years.The HOA Board model does not work. The evidence is all around us. I could write a book about all the abuse I've seen and heard over the years. But the mistake is to blame the Board. I have served on a Board. I assure you, from my background in the mental health field: the HOA Board brings out the worst in people. Board members are trapped in a complex, unique societal arrangement that renders them the OPPOSITE of what you would want in a guiding leader.I appreciated, very much, the dedication and sincerity of Representative Ricks. She gets it-- and she cares . I appreciated the sincere and knowledgeable words of Connie Van Dorn, who spoke for homeowners.But I felt dismayed. Instead of going into the problem, there was all this obfuscation. Why?Shouldn't the CAI Foundation be studying the terrible effects on a community from the HOA Board model and try to think up something better?

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No Responses

## STORY TELLING TOOL

### What I Would Like this Task Force to Address

author: Ruth Carroll

I am adding an addition to my just-published post entitled, Groundhog Day: We Need Another Governance Model ASAP. I ended that post with the request the Foundation that exists under CAI should study the phenomenon of the HOA Board model causing so much harm (financial as well as emotional). What I meant to mainly say--and I see that it's not obvious when you read it--is that this Task Force, having in their possession so much knowledge that the HOA Board model produces so much harm, should address this and discuss and explore other options, ASAP. Homeowners are not merely "stakeholders"--they LIVE in HOAs, these are their HOMES. Homeowners should be the first persons listened to.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### HOA Lawsuit

author: Kodi

Our HOA filed a lawsuit against us in April of this year, claiming we do not have ARC approval for a pathway, that's been t here for years, and is the primary entrance to the backyard of our home. We tried to communicate with them for months, wi th no response.the board failed to follow state law and their own policies per HB22-1137, regarding violations. They have i nundated us with falsified violations, changing dates and lying about how or who identified alleged violations. Their legal fe es are already in the tens of thousands and climbing, along with our own legal fees approaching \$30,000.00 to defend ours elves from this frivolous lawsuit. They have created numerous committees all hand selected appointments and even have " anonymous" committee members that no one knows what duties they perform. Meanwhile nearly everyone of their homes are out of compliance in one or many ways. Our HOA board through their attorney has now offered to drop their lawsuits a nd everything against us if we will just "SELL" our "HOME" of 6 years, the Home our twins, our Son & Daughter have grown up in, and uproot our family, somewhere other than Erie Village. If we are willing to do so, they said their insurance c ompany will pay us \$5,000 bonus upon the closing of the sale of our wonderful Home, a home that has won numerous Chri stmas Light contests year after years, we have Santa Clause visit for the kid's & community nearly every year, we had over 500 trick or treaters last year and planned on 700 this year, our home is fully decorated as professionally as anything you can compare too, in fact the party goers travel around our entire yard and home winding their way through those pathw ays, this year we cancelled due to current situations. This has been a several years (5+) Ongoing onslaught of lies, falsifying documents, planning and plotting to get our family out of "their" community with the HOA, knowing their end goal i s to try and get us to leave. We have submitted 2 ARC requests in the last year and a half, both were denied, either arbitrarily or what we believe is outside of the scope of the authority of the HOA. The board has tried to silence us at every turn, making accusations during open public meetings, then muting our mic so we can't defend ourselves, they report any a nd all comments we make about this in on any and all social media platforms, reporting our accounts, claiming we don't live here, or any other tactic to silence our freedoms. They have been part of countless (60+ calls) police reports against u s, they've (board members and their spouses) tried to have welfare checks against us, claiming I am a danger, and "will kill someone", even though they have no evidence to support their claims. This is bullying, discrimination, stalking, torturing an d torment on a whole other level, it seems to be the new form of "redlining". un-American, a violation of Civil Rights, the wo rst violation of a Family seeking Home ownership and community, a family that gives thousands of dollars in food, ice crea m, and entertainment through the year, a family that spend days, weeks cleaning up the community and doing the ice and snow removal work the HOA is responsible for. All the while this board has failed to fulfill their fiduciary duties, failing to mai ntain common areas to the standard they hold our property to, failing to ensure safe snow removal as outlined in the contr act, failing to maintain safe parks for our children, neglecting identified and reported hazards for years, just to name a few. They have chosen to spend tens of thousands of dollars of the community's money on a frivolous lawsuit against us instea d of taking care of the community and acting in the best interest of the community. This story is even more disturbing when you understand that the Law Firm spearheading all of this, and the attorney in charge of this 13 + years ago attempted "judi cial foreclosure" on my previous home over \$187.00 in past dues, this attorney then cost us tens of thousands of dollars of our legal fees, and charged to nearly \$25,000.00 in legal fees all over that \$187.00. The entire HOA board at the time in To dd Creek didn't even know this was happening. It was the president, the manager and this attorney.

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No Responses

## STORY TELLING TOOL

### No HOA foreclosures!

author: SueB

An HOA should not be able to initiate any type of foreclosure on a home for any reason. My son lost his Aurora home, which had a value of over five hundred thousand dollars, in a judicial foreclosure over an HOA debt of under \$2000. Yes, not a typo. Make the HOA file liens on the property instead, or initiate a civil case against the homeowners.

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No Responses



## STORY TELLING TOOL

### HOA members not being allowed to be sued laws need to change

author: Centennial resident

The law needs to be changed regarding the HOA and the members cannot be sued. My condo was involved in a fire in June. Since then, it has come to light they were aware the fire hydrant(s) were not working but choose not to spend the money to fix the hydrant. Would they have made that decision if they could be facing a law suit for the loss of personal property or life? This resulted in the fire burning for four hours and 10 families being displaced. No one has been allowed to enter the property since then. The insurance companies have also been denied access to the units leaving several families without being able to settle their claims. They also changed the locks on all of the units so the HOA cannot be bypassed. Typically, an individual would be able to sue for the loss of their property. I find it unfair that nothing can be done yet the HOA gets to do nothing due to the no lawsuit laws. No one has been able to retrieve their personal property. All residents have been expected to continue to pay the HOA fees despite not living in the home. How is this fair? All parties have had to find residence elsewhere and are paying double bills. They can put a lien on us but we are unable to fight this. I have tried to call several lawyers without being able to find representation. Last month at the board meeting they announced they have spent almost all of the money therefore they do not have enough to rebuild properly. They spent the money on hiring a personal investigator to determine the cause. They are not sharing the results due to the fact that the fire was their fault. It was caused due to them overriding the electrical panel. So here again we do not have a legal way to gain access to the report. My guess is if they felt they could be sued for overriding the system resulting in a fire they would not have made that decision. They then hired a company to audit everyone's personal property. They have a detailed report including pictures, location, and cost to replace all resident's property. There again they will not share with the residents who actually own the property. Yet the HOA fees/ the insurance we pay for through the fees paid for this audit. At the last meeting they announced they are going to hire another engineer in an attempt to say they can try to clean the main floor instead of rebuilding. Stating mold isn't necessarily bad. What about the wood rotting for 6 months that will end up being 9 months potentially. No one will be able to sell the home or rent the home in that kind of condition. So yet again they are falling back on the we can't be sued. I can be sued if I were to rent or sell a property in that condition. They did say if they cannot find an engineer to okay the cleaning instead of rebuilding, they will have to do that. I don't know where the money is going to come from. Without a doubt the money for another engineer will come from the money that should be used to rebuild. If this was their home or they could be sued if someone gets sick, they would not be using what little money they have on fighting the rebuild. I have also recently learned they are no longer Fannie Mae approved or conventional loan approved therefore if anyone wants to sell, they cannot. The conventional loans are not approved due to them not having 10% of savings or so I am told. The HOA's response is that's the banks deal not theirs. The condo association has multiple building some were not directly affected by the fire. They are the ones reporting they are unable to sell. I do not believe they have the 10% but where does one go for help? So, everyone is just expected to keep paying for property they don't want to live in? For how long will the residents be held accountable for property they do not want? The owners affected by the fire will also have to pay to finish the rebuild with no relief in sight and nowhere to turn. One resident offered to assist with finding better insurance since they were dropped and no one will insure the entire property. This is going to result in the home owners having to pay 200+ more dollars each month in HOA fees. The HOA will not work with our resident to attempt to get better insurance. We again find ourselves with no where to turn and no option to get out. It was brought up that the home owners insurance pay for the HOA members auto insurance. How is this allowed? They stated this is due to the fact that if they hire someone and they get in an accident on the property the HOA is responsible. I don't believe that is true. the HOA just laughed at the fact we are paying for their auto insurance. They report that the reason we were dropped is due to other claims not the fire, yet will not share what the other claims are. Could it be their personal auto insurance? Another resident i



## STORY TELLING TOOL

nformed them they cannot hire a particular company due to the fact that she has a restraining order against one of the employees. The HOA hired the company anyway and informed the person with the restraining order where our resident lives. It is not easy to get a restraining order. if there is an order in place there is a reason and should be enforced by the HOA to the best of their ability. I currently do not reside there due to being displaced. I have asked about her. Her neighbor reports she has not been seen since. Yet again I have to believe this is due to the no lawsuit can be brought against the HOA/ members. No one that could face charges would make that kind of decision. No one should make that decision despite legal consequences but here we are. They also supposedly also had a financial audit done in 2017 but never received the results. Only that they need to raise the HOA fees monthly. I have to believe if they were told they need to raise the rates. They would have received the results/ been able to share the results. Something is wrong with them not sharing the results. Nothing can be done though. (The rates range from 200 a month to almost 600 a month based off of the unit size). They also have not fixed some stairs on the property in 2 years due to the cost. It is being reported the stairs are out of compliance. I have been informed the stairs have caused a fall due to being out of compliance. Long story short there needs to be consequences for people's behavior. Unfortunately, some people do need consequences in order to act right and or in the best interest of the community they represent. People cannot be allowed to make decision that are not in the best interests of the community that can cause harm to others without consequences.

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No Responses

## STORY TELLING TOOL

### It's all personal in our H.O.A.

author: WV

Our H.O.A. President is a somewhat capable, but very opinionated and a controlling person. Because he appears thorough and strong-willed, other board members follow him blindly, never questioning whether his actions are proper nor legal. When I realized our board was hiring engineering work done by a board-member's own engineering firm, I pointed out that she must, at least, recuse herself from discussions related to that company. The board president moved her from board to architectural control committee and began treating me as his enemy. A couple years later, I noticed that our by-laws require board officers to serve a maximum of 3 years in any officer position. I pointed out that the treasurer had held his position for at least 12 years, because that is how long I had been in the H.O.A., and he was treasurer when I started building my house. Coincidentally, the president had a severe stroke, so, the treasurer moved to president. Black mark # 2 for me. I had questioned the new president. Now, the president placed changes on the annual ballot deleting term limits on officers. My third strike is when I asked the board to enforce our covenant that requires trees over 40' tall that shade a solar collector to be removed. The only reason I built here is that the covenant would protect my passive solar system, my south-facing windows that heat my house, from shade of neighbors' trees. Note C.R.S. 38-32.5-100.3 defines my windows as solar energy devices. But, not to know-it-all controlling board members, who never read and have no background in building. I have filed suit. The H.O.A. argued to the judge that they should be dismissed because they are not compelled to enforce covenants. The judge told them that is their only job! So, how is it all personal? Because I display a yard sign for each race in local elections, the board limited political yard signs to one per lot. I have asked neighbors if they got letters about their yard signs. "No," they said. But I got a letter asking me to remove all but one yard sign. Selective enforcement of rules by the board who claims they don't need to enforce rules. It's all personal! They are trying to intimidate me because I have questioned their unending, but selective, authority. If I were writing laws governing HOAs, I would limit their scope to taking care of common land, lakes, etc., and remove their power to govern neighbors. That is their real purpose, to provide the city with a way around managing a hundred "neighborhood parks." They could be useful and minimize corruption in that role. Thanks for reading.

Visitors **0**

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No Responses

STORY TELLING TOOL

In Need of Training

author: ClaudiaB

HOA Board - 2 or more volunteers with no training for the job. Where do they get that training? HOA Management Companies are hired but most do not help or advise the Board except on finances. Some Boards allow the Management company to take total control and that is when too many fines. Then the Management Company becomes the Board. There are not too many areas where you can purchase a home that does not have a HOA, some you would not like to live in. If most communities have HOA, there should be training for those volunteers. If not, some people will interpret the Governing Documents has they see fit.

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No Responses



## STORY TELLING TOOL

### Comments on Task Force Webinar - 10/24/23

author: Lovette

This Task Force has a massively difficult job! My comments are below: Member Van Dorn talked about when homeowners can speak. My feeling is that the "HOA Story" part of the website is sufficient for homeowners to make their issues known. Based on what I heard in the Webinar, the most important issues are already known to the TF. If you open a TF meeting to homeowners, you will have a very long gripe session with few accomplishments. The question is "How do you notify homeowners about this web site?", in order to make their concerns known. On the issue of dispute resolution, regardless of whether it is arbitration, binding arbitration, or whatever you want to name it, if the process has progressed to this point, it has already failed. If the legislature codifies how this should work, it will become a judicial quagmire. Laws should be written to ensure that the process SELDOM reaches this point. I have no useful ideas for you for things like parking fines, trash storage, etc. Inadequate Reserves: My own HOA Board believes that their "Fiduciary Responsibility" is to constantly cut costs, consequently, our HOA is grossly underfunded (and the property shows it). The CCIOA already says that the Board's responsibility is to operate, maintain, repair, and replace the Common Elements, but it does not contain any compulsory language that requires the Board to actually do it. I would further codify the CCIOA to REQUIRE that the Board execute this responsibility under CCIOA or face some type of sanction. The chances of inadequate reserves would then be greatly reduced. Homeowner Responsibility: As you recall, homeowner apathy was discussed. If I were King, I would codify that the HOA Board has the option of levying a fine to homeowners who do not vote in HOA processes. This fine should be a significant portion of the annual assessment but should be capped somehow. In my case, it might fund the entire shortfall in our reserves! But I am not King. Reserve Studies: Member Brown talked about funding reserves and about the reserve study process. I believe that ANY logical method (straight line depreciation, etc.) will work for the reserve study as long as SOME method is used. Even if I have a process that is flawed looking out several years hence, if it is providing some funding for future needs, it should in most cases be sufficient. If you take the time to create a 5 year plan EVERY year, you will most likely catch any significant errors and have a chance to correct them. "Let's just let the roof go one more year" is doomed to failure. I would codify a requirement for the HOA Board to perform and distribute the results of a reserve study every year. Also, the Reserve Fund is not money spent. It is an asset of the HOA and a robust RF will help to increase property values. Communication: I think this is the biggest problem between the homeowner and the HOA Board. If anything gets codified, it should be the required communications FROM AND TO the HOA Board. The Notice of Annual Meeting is not nearly enough. My two cents, Mike Lovette [REDACTED]

Visitors **0**

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No Responses

## STORY TELLING TOOL

### Insurance debacle

author: Les

The management company of Latigo HOA, of Castle Rock, in September, received a cancelation notice from the insurance carrier. This was not communicated to the board until nearly the expiration date. Then someone, not clear who, signed an insurance policy which was a 7 fold increase, and announced to owners that consequently HOA monthly due would increase from \$300 to \$820. Many residents are retired and on fixed incomes, and cannot afford that increase. Pending contracts for sale have been canceled, when prospective buyers learned of the increase. An annual meeting was called to approve or veto the budget three days before the meeting...a Zoom meeting. Proxies could be assigned, and given to persons who would vote to veto the budget, but at the meeting the Proxies were disallowed, and the management company claimed Proxies were only valid for the annual meeting...not the budget meeting. A semantics technicality. Of course, homeowners were livid. We were told that cancelation of the policy would require a 35% penalty, using the association's entire reserves. We were also informed that the new policy covered interiors, as well as exteriors., and we're required to provide our own interior coverage...essentially doubling up. The HOA is poorly managed, and this company may have made the association insolvent.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### Hostage to HOA!

author: Klassye1

2008 purchased a timeshare with BGV paid cash! for sometime now fees have escalated to the point of past what retired fixed income senior can pay. There needs to be an out when you don't owe anyone but must pay HOA fees to not loose your investment. every investment lets you sell or stay...when you have paid off the debt! The terms told at the start are not being honored. New regulations need to be considered and put in place for consumer protection! Thank you

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No Responses



## STORY TELLING TOOL

### dictatorship one lot one vote

author: Rod

This is my first time as a member of a homeowners association. I did not know there was one until after I bought the property. I am deeply disappointed and offended at the corrupt and defective way it is being conducted. The main problem is it is being run as a dictatorship. This association has twenty lots in it. The developer and family own eight lots, and some time ago he sold four lots to a business partner and they drilled natural gas wells on the property. The association's declaration gives the membership one vote for each lot they own. The gas/oil company proxies their four votes to the developer allowing him to vote with twelve votes. This is a majority of the twenty votes total and every vote goes the way the developer desires. The developer made sure the bylaws dictate there are only three executive board members. The developer put himself and his spouse on the board. At this time no one else will serve on the board since the developer with his spouse would outvote any one at a board meeting. The remaining eight members would like to be involved but have no way of doing so. This development was done in 2005. It would be helpful if after the developer's declarant status has ended the Colorado Common Interest Ownership laws would limit the amount of votes he/she may exercise has anyone time. Say 25 percent. In our case the developer does not live in or even close to the properties under the association. The gas/oil company does not care since none of them live on any of the properties either.

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No Responses

## STORY TELLING TOOL

### Unknown

author: Tiskapatton

The monthly maintenance fee upon purchase 1/2020 was listed as \$97., modified to \$116, then \$127 but just prior to the pandemic was increased twice about 71% to the current \$370. Had there been urgent repairs necessary maybe but... Additionally the board sold the community owned unit. After repeated email and repeated discouragement I no longer addressed the Meadow Hills I HOA Board. I have the original emails though I am now unable to read through them or determine how to proceed to convey my concern. The thought of just sending the emails to you casts me in a bad light. Once upon a time .

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No Responses



## STORY TELLING TOOL

### HOA Weaponization

author: WileyCoyote

We live next to a woman who used to be on the HOA Board. When she was part of the board, the HOA handed out severe judgements with minimal time to comply. They were more interested in punishing violators than resolving violations. We have been here 6 years and worked constantly on the house but over that time she has filed countless complaints with the HOA and even called the police and fire departments on us. None of the HOA complaints ever result in an action and the police and fire department left shortly after arriving and finding a small, tended fire in a patio chiminea not the open blaze threatening residence that had been reported. Still it continues. Worse, the woman has a group of friends who get together, drink wine and decide who they will assault next. So, when the HOA receives multiple complaints about the same issue, it appears to be a legitimate problem. Except that they always come from the same people and are always against the same people. We have called the HOA Management company and met with HOA but they maintain that they must investigate every complaint. Their investigation requires the accused homeowner to produce HOA design approvals, pictures, measurements, etc. to prove the complaint is invalid rather than the long forgotten American value that the accused is presumed innocent until proven guilty. So, we get a never ending list of baseless complaints and have to spend weeks providing evidence through correspondence with the HOA to have the complaints closed. The most recent batch of four complaints included two that had HOA approval and could have easily been verified by the HOA and rejected. One identified a bush blocking a city street sign which is the city's jurisdiction not the HOA's and could have been likewise rejected. The final was a trivial complaint about a temporary wrought iron fence around a flower bed which was dropped once we showed the HOA the offending fence. These required two weeks of daily communication, providing copies of the HOA approvals and we had to contact the city who agreed to move the sign rather than have us destroy a mature bush. Again, these resulting in no violations but we spent weeks defending ourselves. Since there is no adverse action to the women filing these complaints they find it amusing and it will not stop. We are being punished by the process but there is no parallel process to punish people flagrantly abusing the system. At this point our only recourse is to file a civil harassment suit which will escalate the current animosity regardless of the outcome. This could be easily resolved by the HOA having a consistent process focused on rejecting complaints rather than finding violations and enforcing them. Second, the HOA should track people filing baseless complaints, provide a notification that they are a nuisance after a second baseless complaint, level a fine after the third and continue increasing the fine with each subsequent complaint. It would stop.

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No Responses



## STORY TELLING TOOL

### Transparency and Accountability

author: whoownsmyhome

In the last two months, I've had the opportunity to look more closely at my HOA and how it works. Prompted by violations to be sure. When I purchased my home, I had no idea about the HOA. I was told the HOA was responsible for snow shoveling, trash pick-up, water and landscaping. All good things, I thought at the time. I soon came to find trash pick-up was the only consistent amenity. I was not told at closing about the imminent construction defect lawsuit and Notice of Claim was sent to the contractors four days after closing. Upon reviewing the record over the last two months, it's amazing what you find out! The lawsuit was ultimately settled and funds disbursed. However, according to the record there has never been an audit published. If the homeowner in my HOA cannot attend Board Meetings for very practical reasons, they are forced to get their information from a website. Sounds convenient! The website is operated by the management company. The same management company which has over the years been not exactly responsive. If you make it through the email, "I am out of the office on inspections", you will be gaslighted about whatever it is you are trying to alert them to. Water gushing out of the broken irrigation line? Three weeks later, you might get an email asking if it's still happening. Yes, it is, but that's the last time you hear from them. That duck tape fix by one of the landscapers is probably still there. Back to website. Meeting minutes are available on the website! Meeting minutes for a different HOA are included. Two records for meeting minutes are available for the current year. One applies to my HOA, the other are the meeting minutes for what I presume is another client of the management company. I am left wondering how much comingling of information is going on. Last month, the community manager admonished the homeowners for what appears to be a parking violation. The CCR and by-laws contain no language to address this particular violation which the community manager states will result in towing and since there appears to be comingling of HOA websites, is this meant for our HOA? It has "come to her attention" so I will do my absolute best not to "attend guest parking". The website contains the Financial Records! Apparently for 8 out of the last 12 months, the HOA has relied upon the use of "suspense accounts" to balance the monthly statement. For a relatively small HOA, ~250 members, ~\$50,000 seems to be unusual but I'm sure the management company has it under control. In doing my research, I attempted to be as fair as possible. I looked at many resources online. Customer reviews, good and bad. Complaints and how they were resolved. This website and various documents found here. One thing that stood out were the homeowners contacting the BBB to resolve issues about assessments. One complainant was trying to resolve a change with their bank account. The management company was unable to facilitate that change without assessing late fees and penalties after several months. The homeowner complains to the BBB after several months about the late fees and penalties and after several contacts with the management company. The management company in response, while correcting the errors also states they deserve the \$\$ for having to deal with the homeowner. Disrespectful to be sure but it also indicates the lack of accountability of the management companies to the homeowner. The website does not list who the Board Members are. In truth, I cannot find an "election" for several years. It appears Board Members are appointed. By Board Members. What you do find on the website is a complete lack of transparency. Boards can be controlled by a small group of people and become very insular. They become adversarial to homeowners and apathy sets in. Why bother going to a meeting when the Board has already decided what the future of the community is. Pay your assessment and don't ask questions. Violations become the Sword of Damocles. You must deal with a management company which has (and they know it) no accountability or transparency to the homeowner. The management company has the luxury of shifting responsibility when it suits them. Problem with landscaping, blame the Board Members without acknowledging the management company solicits and presents the bids to the Board. They in fact have more to do with choosing contractors than they wish you to know. I found it ironic written in meeting minutes, the community manager will give "authorization" to the Board Members and "will allow" owners to contact the Board directly about parking violations. The HOA model is unsuccessful because it does not reflect any balance between the homeowner and the Board and management company. When does the homeowner have legitimate

## STORY TELLING TOOL

recourse for non-performance? Can I, as a homeowner, subject the management company to fines and penalties for selective enforcement of the CCR? The homeowner has very little choice in the current HOA model. From my perspective, the HOA and community management has done more to dissolve communities rather than strengthen them.

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No Responses



## STORY TELLING TOOL

### Budget and Board Meeting

author: LRB

Because transparency about budgets was raised at the task force meeting, I thought I would let folks know how our process is going. Our HOA Board met last week to discuss, among other things, the budget. Because we were also discussing 2 policies, and our bylaws require that notice of board meetings where policies are going to be voted on be mailed to the homeowners, all homeowners received a letter notifying them of the meeting and where to find the agenda on our website. 3 board members (we currently have 2 vacancies on our board) representing 3 households were present. 4 other households were present. That's 7 households out of 87 in our HOA. Homeowners were given the opportunity to comment as well. Our annual meeting is in a couple of weeks where the budget will be discussed in detail. The letter notifying the homeowners of the meeting includes a statement on their right to veto the budget if they so desire (as outlined in CCIOA).

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No Responses



STORY TELLING TOOL

Task Force, Do You Have the Courage to Address the Real Issue?

author: Ruth Carroll

They say the status quo never disturbs itself. But how about if there is a mountain of evidence you have to purposely avoid and pretend not to see, in order to keep going in the same old way?There is a mountain of evidence that HOA Boards are unprepared, unqualified, overloaded with responsibility--and that Board members--as they tend to do in such situations--be have badly, unwisely, fearfully. Plus there is no adequate education or preparation for HOA Boards. But when troubles occur, as they invariably do!, the homeowners are blamed. The system is never questioned. What kind of public representatives would to allow their constituents to be victimized in this way and in fact, rubber stamp it as legitimate? How can this Task Force discuss anything else when the HOA system has harmed so very many decent citizens?

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No Responses

## STORY TELLING TOOL

### Task Force, Do You Have the Courage?

author: Ruth Carroll

I quote from the last "story" written here. "The HOA model is unsuccessful because it does not reflect any balance between the homeowner and the Board and management company. When does the homeowner have legitimate recourse for non-performance? ... From my perspective, the HOA and community management have done more to dissolve communities rather than strengthen them." "Community" is not strengthened by HOAs--AS THEY ARE CURRENTLY RUN. Efficiency is not strengthened by HOAs, as they are currently run. Every single person I know who lives in an HOA is acutely aware that community--meaning a feeling of purpose, that 'we're all in this together'-- is destroyed by HOAs, as they are currently run. The way HOAs are currently run, by HOA Boards, does not work because Boards do not know what the hell they are doing. And so they cause a lot of destruction. Task Force: do not waste your time haggling over non-essentials. Please, for the sake of the citizens of Colorado: address the issue of HOA Boards: either how to educate them FULLY, or how to get well-trained, licensed managers to run these communities. It can be done.

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No Responses



## STORY TELLING TOOL

### 2 Acre Rural-Residential Zoned Lots in an HOA - NO BACKYARD CHICKENS/PETS

author: LT

Our HOA is located to the west of Berthoud, in rural Larimer County. All lots are zoned Rural Residential, and are all 2 acres in size. Each house is now estimated to be worth over \$1MM dollars (a HUGE increase since people bought land/houses in 2004-2006). A subcommittee of four neighbors, each with recent chicken-keeping experience here in Colorado, was formed to research local codes along the Front Range to see how other towns and HOAs have adopted rules regarding backyard chickens. By "backyard chickens," we mean 8 or fewer birds, HENS ONLY, on these 2 acre lots. We liked Ft. Collins' method of the best - scalable bird numbers by half acre lot size increments (eg 6 at 1/2 acre, 24 max at 2 acres). We proposed language regarding coop size and materials (hardware cloth instead of chicken wire to keep out smaller critters, food storage, covered run to protect from hawks, etc.), and we have a trash service weekly already, so didn't see waste becoming an issue. No egg sales/stands, and following all applicable noise ordinances. 5 households were able to hold up the discussion and accused us of running the place into the dumps because of all the damage allowing chickens (8 or fewer) as pets would cause. People were already disgruntled because the architecture committee seems haphazard in enforcement and application of their own guidelines, and the Board pursues some complaints and not others, so a "Disband the HOA" movement started out of anger at the confusion so many were experiencing. The chickens catalyzed the conversation, but also got swept up into the whole deal, when all the (volunteer) subcommittee proposed was amending the current pet clause with regulations around backyard chickens (8 or less! no roosters!) on our large lots. So now we know more than half (but fewer than 67% maybe?) are all for chickens in the manner we proposed, but the loudest households are vehemently anti. They're saying we'd attract predators (we already have deer and elk and rabbits, so whatever eats them is already here), and that we want other animals (we never said anything about other animals). They're sending emails to the community with false claims and inflated fear mongering. We are likely going to vote on it. Even though the county allows 50 birds/acre, we are hamstrung by sloppy documents that prohibit poultry, which were written 20 years ago because the country required covenants so the developer could sell the lots. Where is a state law (similar to SB23-178) allowing us freedom of enjoyment and food production in our own lots?? We want to keep the neighborhood looking nice, and we want to work with our neighbors, but the handful of haters is preventing any modernization or flexibility between property owners.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### Task Force Needs To Be Held Accountable

author: Ruth Carroll

Lallis Jackson said that people choose to live in HOAs. She is dead wrong. NO ONE chooses to live in an HOA. The facts on the ground, simply, are: 1) there are few, if any, affordable properties that are NOT governed by HOAs and 2) No one is told they are moving into an HOA. Ever. (If they were told, they would look elsewhere. But there's no other place to live.) Lallis Jackson insists that "if people choose to move into an HOA, they should be responsible for obeying the rules, understanding their obligations, etc"--but this is misleading, wrong, and verging on immoral. If Ms. Jackson doesn't know by now, she should learn it immediately: No one who purchases a dwelling inside an HOA is told anything about HOAs. Did she read ANY of these letters and "storiers"? In quite a few of them, the author states that they simply bought the best house they could afford. This is false advertising. It is tantamount to gaslighting. This should be addressed. Otherwise, this Task Force is quickly devolving into the Mad Hatter Tea Party.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses

## STORY TELLING TOOL

### HOA's only get money from the owners

author: JS1978

There appears to be a real issue saying an association needs to do XYZ but then also trying to limit an association from being able to raise and or collect funds to perform those tasks. All of these tasks cost money and running an association costs money. The local government has stopped building parks, stopped building pools. They expect an association to have these amenities and to maintain them, but then are trying to limit the association's ability to manage these. Regardless whether a special assessment or regular assessment is issued the only way an association gets money currently is from the owners. You could require developers to provide x amount of dollars prior to turnover. However, that is also only going to come from the owners as the developer will simply increase the costs of homes to pass on the cost. The association cannot be responsible for people's personal finances. If we want to make sure people can afford their homes including the association costs we need to look at lending practices and actually make sure that a person can afford the house they live in. Whether that means increasing DTI requirements, requiring an upfront escrow to cover a certain amount of years of assessments that can be refunded at closing if it is never used etc...Ultimately though it seems we are trying to punish or force an association to try to handle social economic issues that are not within the control of an association.

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| No Responses |
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# STORY TELLING TOOL

## Transparency, yet again

author: whoownsmyhome

I sat in the webinar, via youtube, yesterday and came away with the sense that I have little hope the exercise is worth it. First, the prevailing idea that as a home buyer, you will stop the closing proceedings for an hour and a half while you read the HOA governing documents, by-laws, rules and regulations is unrealistic. Let's be fair, you're excited to finally be at that moment and it may be one of the most important financial decisions you will make. What if, once the offer has been accepted by the seller, there is an immediate transfer of those documents AND a year's worth of the meeting minutes? I would have taken the time to read those documents and quite possibly of known of the construction defect lawsuit being pursued by the HOA and quite possibly have made a different decision about whether this was the home for my family. I was not given the opportunity, by the seller, by the HOA or the real estate agent. Secondly, when members of the task force use the CAI Satisfaction Survey (89% love the HOA) be honest the CAI is a lobbying organization for community management. The Zogby Survey they use (CAI) does not contain (as far as I could find) the data set from which their results were derived. Rocket Mortgage also has a survey of 57% dissatisfaction and 43% expressing satisfaction. Third, as tragic and devastating as the collapse of the Champlain Towers South, the NIST report has not been concluded and the investigation is continuing. Preliminary evaluations (September 2023) are suggesting design deviations. The report is not expected until June 2025. Fourth, many HOAs have public facing websites. This is a very good thing. Even GVR has a public facing website and yes, you can look at their budget, financial statements and governing documents. I think after looking at their budget, one can say they are not your "traditional" idea of an HOA. A budget where the first income item is fines and ~\$440,000 is budgeted for attorneys. One thing they do extremely well is list the rules and expectations clearly and concisely. There are many but at least the homeowner knows exactly where they stand. Finally, the use of tropes and stereotypes are not helpful. Does it matter to any individual if they lose their home in foreclosure from the HOA whether they are one or many? To be cavalier in the attitude "it's only X amount" minimizes the trauma and loss to that individual and family. Be respectful, these are not just houses. I Google every so often, looking for that lime green house we are all so afraid of! I haven't found it yet. I did find a lime green door and oddly enough, I wasn't offended by it in the least. Perhaps tolerance is something we should encourage.

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No Responses



## STORY TELLING TOOL

### Goats and HOA Board

author: I\_Hate\_HOAs

I live in an HOA with 5-acre lots in El Paso County, East of Colorado Springs, just South of Shreve AFB. I was the first to build in 2011 in the Cottonwood Estates community of 24 lots. At the time of purchase, I was given the wrong covenants from the realtor - one from 1996 instead of the 2006 active covenants. The board formed in 2015. We had already broken numerous regulations. The HOA president's wife brought her grandchildren to visit our Nigerian dwarf goats on numerous occasions. The vice president's wife brought her children to visit our goats quite often. Nobody ever mentioned that goats were in contradiction with the covenants. At this point, I still didn't have a copy of the covenants. Not only were we not told, but the Board actually encouraged us to build our herd, by their frequent visits. We paid \$12K for a large shed to house our goats on our 11 acres (we own 2 lots). All of a sudden we're told we have to get rid of our goats. The board members started asking me what number of goats we would agree to reduce our herd. I later found out that they don't have this power. Rules are changed with amendments, not by Board action. If we reduce our number in this big shed, there won't be enough goats to keep each other warm in extreme cold. They would freeze to death. I got a copy of the covenants and noticed that there are violations all over the place. The Board has never pursued a single amendment to the outdated covenants, and they ignore regulation after regulation, other than our goats. Realtors have told recent buyers that there is no HOA, probably because they have a copy of the covenants and there are violations everywhere - HOA must not be active right? Now others have moved in, and they want some farm animals on their 5-acre lots and want their children to be part of 4-H. Hobby farms are perfectly OK according to the El Paso County zoning department. A committee has formed to put forth amendments to the covenants. However, they don't want to address enforcements. The covenants basically give the Board unequivocal power to enforce or NOT enforce (i.e. discriminate, play favorites, etc). If this community goes through the trouble to pass amendments, and update the covenants to the desires of the homeowners (2/3 vote), then the Board should enforce evenly and consistently, without the ability to pick and choose. But they want to retain this Dictator-like power.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Task Force Observations II

author: gvito

I watched the second Task Force Meeting last week and just read other observations this morning. First, it is clear to me that the forgotten person is the homeowner who pays their assessments and follows the rules. It seems the entire thrust of the discussion is to cater to those who do neither. It was easy to watch the expressions of the Task Force members when told that the mandates in HB22-1137 were expensive and were passed on to all the homeowners via monthly assessments. There was eye-rolling and headshaking. But, who exactly, does Representative Ricks, et al, presume pays? Our HOA spent hundreds of dollars for our attorneys to draw up the new policies mandated by 1137. It may come as a shock, but attorneys do not work for free. Certified letters are not sent free of charge. Our condo HOA is paying \$90 to a process-server to post mandated notices on unit doors. Again, the process servers do not work for free. Our Board consists of three women, to state that we should go to a unit door and post a notice that the homeowner is behind on assessments could put us in danger and our management company strongly advises against doing so. Finally, regardless of what others have written here, some people decide to move into an HOA community because that is best for their circumstances. I am a retired widow who moved from a single-family home to a condo because that is the best situation for me. It is obvious that some entity needs to manage multi-family homes. Exactly, who or what should do so if not an HOA?

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### H.O.A. Transparency : A Proposal

author: Robert Racansky

Current and potential investors can determine the value of a publicly traded company by its stock price. Current and potential homeowners have no way – zip, zero, nada, zilch – to determine the value of nor provided by an H.O.A. corporation. Or whether that value is even positive or negative. On May 31 2019 – more than four years ago – Governor Jared Polis directed the Department of Regulatory Agencies (DORA) to consider and make recommendations to increase transparency within the homeowner associations that govern half of Colorado's population. I hereby direct the Executive Director of DORA (Executive Director) and the Director or the Division of Real Estate to lead a stakeholder process that will complete a comprehensive review of CAMs [community association managers] and HOAs. The Executive Director will consider, develop, and make recommendations on how to promote effective and efficient regulation of CAMs and HOAs, including the following: A. The licensure of CAMs, considering recommendations from the the 2017 DORA sunset report, and whether licensure is needed to protect consumer safety and is cost-effective; B. Approaches that improve transparency among HOAs; C. Methods to reduce costs and improve the transparency of HOA fees and fee schedules; and D. Strategies to promote homeowner rights and consumer protections through an evaluation of the Colorado Common Interest Ownership Act and other related acts or rules. Emphasis added. You can read the entire Executive Order → [here](#) ←. DORA released their 2019 Report Concerning the Governor's Executive Order D-2019-006: Directing a Stakeholder Process to Examine Community and Homeowner Associations on December 31 2019, which you can read → [here](#) ←. DORA's recommendations were such a resounding success that four years later, the first public meeting of the H.O.A. Homeowners Rights Task Force spent about ½ hour discussing how to increase the transparency of H.O.A. fees and budgets. HOA HOMEOWNERS' RIGHTS TASK FORCE. DORA\_Division\_RealEstate – DORA. Streamed live on Oct 24, 2023 This is a simple problem to solve, or at least mitigate to a very large degree. Publicly traded companies are required to create, publish, and file with the Securities and Exchange Commission (S.E.C.) a prospectus. A prospectus is a formal document required by and filed with the Securities and Exchange Commission (SEC) that provides details about an investment offering to the public. The prospectus can help investors make more informed investment decisions because it contains a host of relevant information about the investment or security. In areas other than investing, a prospectus is a printed document that advertises or describes an offering such as a school, commercial enterprise, forthcoming book, etc. All forms of prospectus exist to attract or inform clients, members, buyers, or investors. - Investopedia Today, prospectuses are most widely distributed through websites such as EDGAR and its equivalents in other countries. - Wikipedia H.O.A. corporations should be required by law to regularly produce – say, on an annual or quarterly basis – a prospectus-type document, file it with an appropriate state agency; probably the Department of Regulatory Agencies (DORA) in this case, or the Secretary of State's office which is responsible for registering corporations. Such a document should be available to the public without restriction, from the H.O.A. and/or the State. This would allow current owners, and potential owners, access to much of the information they require to determine the financial status of an H.O.A. corporation. By filing it with a State agency on a regular basis and making the document public, it would also make it difficult for an H.O.A. corporation to retroactively alter and falsify certain records. The State should determine and enforce a uniform format for such documents, so that potential home buyers can easily compare the prospectuses of various H.O.A. corporations. While the exact contents and format are to be determined, information in this document should include, but not be limited to: a) amount of assessments ("H.O.A. dues"), both current and historical, per unit; b) other sources of the H.O.A.'s income (e.g., fines); c) budget information, both current and historical; d) information about the Board of Directors; e) information about the management company and law firm and other vendors; f) past and pending litigation; g) list of violation notices and fines issued by the H.O.A. corporation; h) with some provision to protect the privacy of the individual homeowners; i) list of liens filed and held by the H.O.A. corporation; j) list of foreclosure actions by the H.O.A. corporation; k) the governing documents of the H.O.A. corporation, including but not limited to 1) the Declaration 2)



STORY TELLING TOOL

the CC&Rs3) the Bylaws4) any other rules and policies) quantify by how much the H.O.A. corporation has enhanced (or harmed) the values of the properties under its governance, so homeowners and potential buyers can make fully informed decisions about their real estate investment.Publicly traded corporations are required to file regular disclosure documents with the Securities and Exchange Commission so that investors can make informed decisions. Given that a buying a home is the largest investment for most people, there is no reason that H.O.A. corporations should not be required to do the same.If our legislators are serious about increasing the transparency of homeowner associations – and I do not for one second believe that they are – then they would require that this type of information be easily available to members of the public before they even begin the process of buying a home. And available to our law makers so that they can use the information to craft legislation and measure the success (or lack thereof) of the laws they pass.But that will never happen. Because the last thing that the H.O.A. industry special interests who govern half of Colorado's population, and our public policy makers, want is informed and empowered homeowners.

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No Responses

## STORY TELLING TOOL

### Making greiving eaiser

author: camp

On October 16 2023 my father, Roger Povilus died. He owned two properties in Boulder CO which my sister and I will inherit. Unfortunately on October 26th one of his tenants discovered that the heat was not working, and I went over on the 27th to investigate. It turns out that there was a water leak that had dripped onto the unit's boiler and made it inoperable. I immediately reached out to my insurance and the building's HOA. My insurance told me that they needed the HOA docs. The HOA told me that they were unable to provide me with the governing docs because I was not the official owner. In order to be made the official owner I need the death certificate, and potentially a letter from probate court. This will take at least 8 weeks. In the meantime I am having difficulty communicating and coordinating with the HOA and my tenant has had to use space heaters for over two weeks. HOA governing docs do not need to be kept secret and transmitting a few kilobytes across a wire costs basically nothing, Why are HOA docs not required to be public and posted online?

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### A Question for Representative Ricks

author: Robert Racansky

non sequitur. noun. A conclusion or statement that does not logically follow from the previous argument or statement.[www.youtube.com/watch?v=Z5k8hRj6iNc](https://www.youtube.com/watch?v=Z5k8hRj6iNc) HOA HOMEOWNERS' RIGHTS TASK FORCE • DORA\_Division\_RealEstate - DORA streamed live on October 24, 2023 During the first public meeting of the H.O.A. Homeowners Rights Task Force on October 24 2023, Colorado State Representative Naquetta Ricks (Democrat – Arapahoe County) asserted that the licensing of H.O.A. managers is necessary because of the financial crimes they commit. @ 1:16:26 The second regulation that is necessary right now based on all of the feedback from constituents and H.O.A. dwellers and people here is the licensing of H.O.A.s and Community [sic] Managers. Currently I am a mortgage broker. I'm licensed to operate here in Colorado. And realtors are. Appraisers are. Everyone is. And within Colorado, with all of these people who dwell within Common Interest [sic] Communities [sic], and these H.O.A. management companies are, there's a plethora of them, there's no licensing. We need to be able to manage them. There's been cases where H.O.A. management companies have run away with the monies in the account, that people have been duly paying on time. And then all of a sudden the H.O.A. management company leaves, and all the funds in account is gone. So those poor homeowners are left without any money to pay for assessment, for repairs, or anything like that. So we really need to start regulating that. And that is something that I think we need to vote on as far as whether or not that needs to happen. But that is something that has come time and time again from homeowners. @ 1:17:44 This begs the obvious question. Why aren't these criminal H.O.A. managers being hunted down by law enforcement, arrested, prosecuted, and required to make restitution?

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



# STORY TELLING TOOL

## Test

author: Kdeadwy

Test

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No Responses

STORY TELLING TOOL

Hands Tied by Metro District

author: Kdeadwy

We have lived in Sterling Ranch (Littleton) for over 5 years. We have many of the same issues as others who have posted their stories. It is frustrating to have little say in how the rules are defined. Granted, they go through the motions to make it APPEAR as if the homeowners have input, but very few of the comments/recommendations are ever adopted. If the family that runs the development doesn't agree, they have enough influence with the other non-residents on the board to have them voted down... the ratio of resident to non-resident board members is laughable. Our biggest concern is that because this development is governed by metro districts, there is no legal recourse when something truly underhanded transpires. Because our home was one of the first ones built and because many of the contractors were not educated on how the two-water-meter approach was to be implemented, our house was built with a glaring construction defect, through no fault of our own. The CAB recognized that it was a defect, but decided for some reason they would \*not\* be holding the builders accountable to correct the defect (we have documentation), and they came up with an alternative proposed solution. We naively believed that the proposed solution was underway and would resolve the issue. Unfortunately we were informed JUST AFTER the 2-year statute of limitations expired that the trial of their proposed solution would not work, and we were told we had to incur the cost to repair the defect ourselves. Otherwise, we would be held out-of-compliance for the water covenants. Fortunately, the 150 or so property owners affected banded together and fought back hard enough to get the CAB to provide a variance to the water covenants and we did not need to spend the \$10,000 to fix the construction defect. During this battle, it was extremely frustrating that original board members acted like they were unaware of the situation, blamed it on the builders not overseeing construction properly, claimed it was an inspection issue, etc. At the moment, we have the variance for our property, but were advised that this could change at any time should a future CAB board vote that the variances are no longer agreeable, for whatever reason. Because our development is governed by metro districts, we have been advised that we cannot sue the CAB or metro districts. Our hands are completely tied by something that was done long before we purchased our home. We are not suggesting that metro districts should be sued frivolously, but when something like this occurs, the homeowners should be able to receive financial compensation, allowing them to make the changes necessary to meet the covenants for the neighborhood. UPDATE: Thank you for pointing out I had posted this to the wrong task force, I have moved it to the correct one.

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No Responses

## STORY TELLING TOOL

### To: Hands Tied by Metro District

author: MD and HOA Homeowner

There is a critical nexus between many HOAs and Metro Districts, hence two different task forces created under HB23-110 5. You might want to take a look at Engage DORA and "stories" for the Metro District Task Force's consideration at: <https://engagedora.org/metropolitan-district-homeowners-rights-task-force> If you would like the Metro District Task Force to learn about your Metro District experience, you could re-post your story there. (You'll find other Sterling Ranch Metro District stories/commentary there.)

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No Responses



## STORY TELLING TOOL

### HOA Board System is a Faulty Product

author: Ruth Carroll

Dear Task Force Members,I have read every story submitted here, re: the HOA Task Force. Many--most--sound angry.This is not a surprise. They should be angry.The original founder of CAI, Byron Hanke himself, stated around 2000, that the industry itself was doing fine, making money for attorneys and managers and vendors--but the homeowners themselves were NOT doing fine inside --and something should be done. That's a long time--and lot of homeowner suffering--ago.Many times in American history, a product has been found to injure or harm those persons using it. And then laws and standards are passed to protect the consumers. Think about asbestos. Cigarettes. Cars without seat belts. The product had been found to harm--not everyone--but sufficient numbers so that people in general needed to be warned of the pitfalls of that product and provided ways to mitigate it.The HOA Board model produces harm. As the model is currently set up-- individuals charged with tasks they're wholly unqualified for, are given total responsibility, unlimited power and placed under a bright light of group pressure--all too often, an HOA Board devolves into bullying, ignorance, shifting of blame, wasting of money. The evidence that the HOA Board model produces the worst sort of human behavior is everywhere and undeniable.To blame that behavior on the people themselves, rather than look at what causes it, is--at this point--unconscionable gaslighting.You either need to fully educate a Board--which is no 5-hour or even all-weekend affair! It's a serious undertaking!--or devise a system where these properties are managed by highly skilled professionals. NOT the unlicensed, predatory management companies that currently abound.I write these words with great frustration and sadness.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses

## STORY TELLING TOOL

### Wut? We don't need any transparency

author: whoownsmyhome

It's that time of year again. Assessments are under the tree. My HOA has only doubled the assessment, so I'll think of that as a gift. We got the email on Friday with the information about the increased assessment and notice of a Budget Ratification meeting. We are not being told why we need the increase, in fact, we aren't even being given a budget summary. I am tired, come to the meeting and you will be given a "packet". That makes me very comfortable about voting but then since the ratification can only be overturned by 80% of the homeowners, my ability to understand the need for an increase is really moot. The physical posting of the "notice" doesn't even give the location of the meeting or the time. It seems pretty clear what the choices are. Now, the increase maybe perfectly reasonable but somewhere between plunking down 500K and NOT joining the Board, I have lost the ability to think like an adult and must be treated like an idiot. HOA - just sign the checks and let us think the hard things.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### Current State Law Provides Too Much Protection for HOAs and Metropolitan Districts

author: dprato

I would like to preface this message by saying that I am currently a Director on the Board of the Heritage Ridge Metro District in Berthoud for the past 3 years. I have also been a public-school administrator for 28 years now retired. I believe the current laws in Colorado provide far too much protection to these organizations but I do believe they should have protection against frivolous lawsuits. The current laws and covenants protect Boards and Management Groups by not holding them accountable to any oversight agency or rules governing reasonable rules of conduct. They are literally protected from any kind of punitive action short of committing a crime and are free to act inappropriately while at the same time being able to fine residents and attach financial burdens to their homes. The only method residents currently have is to replace Board members in elections and in this District, they are discouraged from doing so by being told that it will cost \$10,000 to run an election and as long as all positions are currently filled it will save the District money not to run. This act promotes stagnation and inhibits changes in operating procedures and promotes nepotism. Remedies to these types of situations are as follows. There needs to be a Government agency in Colorado that has the authority to actually do something when inappropriate behaviors by Boards are reported. They need to have the power to investigate and levy fines against districts that are abusive of their powers and not transparent with residents. They need to establish a State training program for new Board members. They need to develop a process of legal actions that can be taken by residents when abuses of power become obvious. In short, no government agency should be so completely unregulated or untouchable as is the current case with HOA's and Metro Districts. There is absolutely no control over them whatsoever and this promotes many of the notorious practices within these organizations. I would very much like to be contacted by someone on the committee to elaborate on my findings.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



## STORY TELLING TOOL

### SOS

author: Rod

Sharping of sabresSOSI received my 2023 HOA assessment in October and almost passed out. It was due in 24 days and I did not have the amount the board was demanding. Then I get another notice there is going to be another large assessment due January 1st. It was time to do some studying. Sixty one percent of the budget was attorney and management cost. Twenty nine percent for reserves and ten percent for operating cost.What I found out was that as new laws were being passed (primarily hb22-1137) to bring down to reality some of the out of control HOA boards, it had unintended consequences. My HOA board, which is made up of two people, the developer and his spouse, started sharpening their sabres. This included hiring a attorney to set up a narrow board, bylaws and polices that all reflect fees, fines, and foreclosures. All of which is being paid for by the members who did not want any of this in the first place because we cannot afford it. Now we are stuck with a money pit.I do appreciate the legislature trying to look out for the regular folks. However the same HOA executive boards that needed to be reigned in just hired attorneys and managers to set up and get ready for fees, fines, and foreclosures, and passed that bill down to the membership.Now I am faced with a 30% increase in property tax and an increase in HOA cost so high I cannot even calculate it in percentage.One of the things driving this madness is the system heavily favors those with lots of money resulting in ownership of many lots. With 12 lots owned by multi millionaire/billionaire companies out of 20 total lots the remaining membership has no say what so ever. Even though they outnumber the rich. I am not sure if you could assign a mil levy cap based on the value of all the properties added together and then apply the mil to the total. Then that figure could be divided by the number of properties to have an equal assessment amount.Another problem is the only mechanism to fight the corruption is to file a law suit and that is extremely expensive as well.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### Karyn

author: anabelle

I received an email notice this morning at 6a.m. informing me of a meeting at 1pm today. The meeting is called by our HO A Board which is going out of office at the end of this year. We have a new Board elected. The current Board is calling this meeting to recall the HGMD Board, duly elected this year, because they are having problems negotiating with them. This is the first notice of this meeting and it's purpose. They give no mention of providing zoom attendance. It seems as if they are trying to sneak something over on our members. Especially calling this type of meeting to hire a lawyer and provide an other election which will cause big expenditures. Especially activating this motion at a time when many of our residents are out of town for the winter or the Holidays. I am sure that they have not had time to contact non resident owners. Is this type of action legal?

Visitors **0**

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CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### A Manager's Perspective

author: kchrist8

I'm an HOA portfolio manager in Littleton Colorado. I manage 8 of them. Been doing it for about 8 years and take pride in my work. Seen some horrible things done by volunteer board of directors that I'd call slumlords in open meetings if it didn't get me in trouble. Almost all of my other volunteers are good though and would pay for a neighbor's grocery bill if they asked them to. As managers, we have to bite our tongue and go along with most of what a ruling board of directors does in order to protect our paychecks for our company and self; I'm personally glad I put a foot down and got a client taken off my portfolio for their HOA Board's actions though. This brings me to HB 22-1137 and a question. HOAs cannot fine for noise but apartments can. HOAs cannot fine for rules for 30 days but apartments can evict for lease violations in under 30 days. HOAs cannot evict tenants at all if it's a rental and HOAs now must sue if a tenant or owner destroys the property in excess of \$500. Apartment and rental deposits are well over \$500, by triple at least. HOAs must pay for the return receipt, certified mail cost, of at least \$9.00 and posting fees of process servers, which all income from HOAs come from the monthly, quarterly or annual assessment billing (paid by deeded homeowners). HOAs and the management company get a 7-day window to follow up and fine a homeowner. Any rental building would get more leeway. How is this fair? Answer is it isn't. HOAs have to refer residents to calling the police for noise which is much more hostile than sending violation notices and fines. We can send a warning letter or letters and that's it... In writing our state legislature about this concern, I was advised to "read the HOA documents and contact local authorities or my HOA for assistance on noise complaints". The response include reading the "Bylaws" that deal primarily with voting, that HB 22-1137 had nothing to do with noise complaints and running HOA meetings along with other documents like rules and regulations. Guess what, a noise violation/complaint is in the HOA governing documents and rules. Honestly, we (HOA Managers) are going to give up without help and guidelines that are appropriate to protect the people (homeowners and tenants) that call us daily. We used to be licensed then you took it away. Yes you. It was taken away and I know many, including me, were very proud of earning that... There's a lot about fair housing in the United States. It's a great ideal. Everyone should have a home to go to if they work hard at any job. Apartments and condo communities are a necessity for this to exist in our country. Not everyone wants a 4-bedroom and 4-bathroom house to maintain while living in it. Cost of living dictates housing availability and affordability. The underlying point is that legislators and people don't understand HOAs in general. Many times, they associate their management company as an HOA. They'll get 200+ pages of closing documents and the realtor tells them to call XYZ if they have a question about the HOA. HOA's are already required to provide annual education to homeowners but how many do it...? I encourage you all ON THE TASK FORCE to read the basics (Decs, articles, bylaws, rules, design guidelines, sb 100 policies, etc.) ... and laws that helped HOAs such as CCIOA and the SB 100 policies to make an informed recommendation on how to protect homeowners/consumers; make pros/cons lists for the items. The only thing I see in HB 22-1137 that helps homeowners is that volunteer board of directors have to sign something to send a neighborhood member to collections. All the certified mailing, door postings, and treating property owners like little kids in timeout for 30 days is ridiculous. This was written for single family communities with homes being foreclosed upon for weeds and other covenant violations, not condos which make up a good 1/3 of the HOA portfolio in Colorado. Can you imagine giving your neighbor above you 30 days to take the leaky garbage to the dumpster...? IMO, everything else is a con in this bill as it is slighted toward single family communities; you all make your choices. The county and cities give almost NO leeway on time to cure matters. How do I know, well they cite HOAs too. Why treat HOA's so far differently than other property owners in respect to standard maintenance obligations. Honestly, I'd move to another state just because of HB 22-1137 but am staying due to my immediate family being here. I love helping people with their homes even though they seldom see it that way. I've had so many angry calls about the cure letters that it makes me not want to pick up my phone after emailing them out, which is good though as they don't have to cost \$ by USPS...

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### HOAs work when Owners, Boards & Mngt Do Their Part, A Quick Perspective from a Sr. Board member of one of the largest true HOA in the State

author: eschoenheit

First and Foremost. 90% of owners do the right things all the time. They pay assessments on time, maintain and repair their home are great neighbors. They abide by the CCRs and rules which 95% of the time are the same as local City Codes. 2-3% are late on their assessments but take care of their home and are good neighbors, 2-3% have minor issues but are trying and do make progress with simple reminders. 1-2% have a hard time living in a Community in an urban setting. &lt;1% are nightmares to their neighbors. Their are personal stories and circumstances behind all the issues which the Boards deal with on a weekly basis. Good boards and owners communicate and resolve issues. Some owner refuse to communicate and some go as far as to threaten others with harm. Some owners need help (singles, and seniors and deployed) and that help is there. Board member offer and provide free help but cant do everything or pay assessments. Some owners don't understand that when they buy their home they have to maintain it over decades if they live in the community that long. (even the mortgage holder and his insurance company require the same) Assessments are no different then local taxes to provide for services and maintenance of the Community. Some residents think the City is on the hook to maintain things which is far from reality. The City can barely maintain its own property. Both HOAs and Metro have to maintain themselves over decades longer then most owners will ever live there. Fighting with select owner to pay assessments costs so much money to even collect modest sums. Owners that pay their assessments should not see their assessment rise as a result of owners that refuse to pay and meet their obligations under the CCRs. Under 1137 those responsible owners are eating tens of thousands in certified mail fees for those delinquent owners. Boards are owners as well and don't want to see assessment rise any more then they should to keep pace with inflation. We have kept ours below 3% per year for the last 20 years but that is become near impossible with inflation and owners that refuse to pay even on a 18month payment plan of \$25 a month. How many warning letters, late letters, posted notices and lawyer demand letters are necessary before going to collections/court? We send no less then 6 letters and a posted notice all of which cost money. This fact has been lost when it comes to drafting knee jerk legislation without full stakeholder input. Over the years I have personally dealt with every conceivable issue with owners, Management, and Legal companies. I still get surprised. There will always be friction between the HOA and the Management and Legal company due to the non-profit to for profit relationship between those entities. That fact always seems to get lost. Managing a large Community costs money. Board members are unpaid but do tremendous work. Most owners don't know or appreciate all the things that Board are responsible for. Its not unlike a small City Government and the large Metros are just that. All these requirements and process are actually written into the State, County and City law for managing Communities and that property the HOA or Metro owns. This is not just some ragtag system processes. When you start making a bunch of small changes that are not synchronized you have adverse affects on other system processes. (make it harder to collect assessments= less assessment income= less funds to maintain the community= increase in common assessments a vicious do loop). Mngt. Companies need to get paid but they have to do so in a manner that is not predatory on the HOA or the owners or break budgets. The HOA Board have a duty to supervise and control that. Same goes for legal companies. They perform a needed service. Board members and Mngt personnel don't have time to sit in small claims court for hours and days on end with 50 owners who wont pay there assessments or fix their houses that are falling apart. Who is going to sign up for that? Completely unfeasible. Engaging legal costs HOA money upfront that is needed elsewhere. Owner communication. Select owners don't read their government documents, they don't read City Code and have no idea how to maintain a home or live with others. When they get a simple now 30 day warning notice they freak out, blame everyone else under the sun or make nasty threats. How is having a dead dog carcass in your back yard, 1ft tall 3ft diameter of dog feces in the yard, 5ft tall weeds, setting your neighbors fence on fire, snakes in your back yard, rats and vermin eating your neighbors solar system, bullet holes in your home, trees falling on your neighbors house, shattered windows, junk disabled cars stored on the street and in the front yard, chop shops in the garage, dump



## STORY TELLING TOOL

ing oil in the street, farm animals running wild in the street, killing goats in your back yard, setting the greenspace on fire by tossing ashes over the fence, urinating on your neighbors home, houses that haven't been painted in 16years with bare rotted wood, bare dirt yards, trash piles around the home, grow houses, not paying your assessment for 2yrs on your rental since you lived out of state and the list goes on (and on) any ones else fault but that owner? Boards deal with all those and more and just ask for timey and polite communication to get things resolved. I have dealt with these issues for years and th e owners that promptly communicate things get resolved before ever having to involve any fines, legal or the police. No on e wants to call the police on their neighbors as that escalates things, police are busy chasing murders and other felonies, T hey don't have time to deal with HOA business. City Code enforcement are so understaffed and work only from a complain t based system. They have no interest in caretaking an HOA. Unless you have sat in a Board members position its easy to cast stones. Their are good Boards and no so good Boards. Owner have a voice and can serve on the Board if they want, They can vote. Many owners choose not to vote not unlike our local, state and national elections. That is a sign of the time not a fault of the HOA or its construct. Look at the good models for best practices, If there are no so good Board or Manag ement Companies out there work with them to resolve issues. Establish a HOA and Metro mentorship program for those H OAs and Metro that need help and guidance. The system is not broken but all systems can be improved. We all have a par t to play.

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# STORY TELLING TOOL

## Granny

author: Elfie

Very long story - starting when I bought my townhome in 1995. It was in foreclosure and the Realtor filled out the disclosure saying there had been small seepage of water in the basement family room BUT it had been resolved. When the rains came in the spring, my basement was flooded. Discovered that the builder had never installed the french drains that were required because of the high water table, took 4 years of complaining and finally engineers were hired and the drains were installed throughout. Problem resolved until 2019 when some boys took the cover off the drain and filled it with rocks - flooded basement again. HOA took care of having it dried , new pad installed and carpet cleaned. That was the last time the drains were flushed out. In the mean time, there has been multiple disagreements with the HOA board over neglecting to have any oversight on contractors they hire, spending money on unnecessary things while what should be taken care of is ignored. When we had new roofs installed in 2019, the contract was for \$1,275,497.73 and was for ALL ROOFS INCLUDING CAR PORTS. There is over 30 east/west facing car ports and none of those were done. One of the board members tried to investigate it after I talked to her about it and she was accused of harassment and never could get information on it so after she moved away, I tried to get the other board members to investigate why we actually paid more than the original bid. Was told by one member said she didn't have time, another said " well the insurance company said it was o'k, another said he would try to look into it. NOTHING WAS DONE. Thousands and thousands have been wasted over the years and because I ask questions, the board doesn't like that. We had a sink hole that formed in the empty lot - took the board two years to finally get it filled. Again, no oversight. The company that filled it claim they used 8 ton of crushed granite, 8 ton of gray granite, 3 ton of rip rap and 4 cubic yds of sand. I didn't take a tape and measure but guessing it was probably 3X3X3 or so. According to google, that size hole would take about 237 pounds of fill. We were charged \$7,433.42 . Then there is the apartment connected to our clubhouse. Some one turned the heat off and a pipe broke and destroyed the interior. Long story on all that, but it has now been vacant for 33 months at a loss of probably \$2400.00 per month rent. The board treats it like it's their private property and none of our business. So, now I am in a real dispute with them. This past spring when we got the heavy rain, my basement flooded again. The management company sent a company out to place fans , cut the pad out and dried the moldy carpet. When I complained about that, they said it was homeowners responsibility and refused to reimburse me for the cost of removing the moldy drywall and carpet. The records show they have taken care of other homes before but not only refuse to take care of mine, they retaliated by sending me a bill for \$12,142.86 for a gas line repair that had been done 5 months before. Another case of no oversight on contractors. They claim they replace 40' of line, said there was 3 leaks, Xcell said there was one. The management company refuses to give me an itemized list with separate costs. Home Depot has the 1" gas line kit with 100' for \$239.00. I found in the financial records we had paid a different contractor in 2021 \$244.00 for an underground gas leak. Bottom line is that it's still not settled. When they finally got a company out to flush the drains, they spent 2 full days in front of my home and took out huge bags of debris to get it running again. Something really needs to be done to protect homeowners. I have tried to get the board to do the right thing, they refuse to talk to me personally, instead they hire an attorney AT THE HOMEOWNERS EXPENSE to get me to go to mediation. They could care less that I would have the expense of an attorney . And now, we have the new budget meeting and were informed we are getting yet another increase in dues. I was paying \$110.00 per month when I purchased here and will now be paying \$410.00 and can expect another increase next year. What is the answer, I'm not sure, but one thing I am sure of is that people are being priced out of our homes with taxes and fees. HOAs might have been a good idea when they started but like everything else, there is real abuse going on.

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## STORY TELLING TOOL

### Recognize the positive efforts by HOAs and how homeowners are part of the solution

author: SSDD

I have been a volunteer HOA board member in 3 different HOAs across two states, and I am currently in a HOA board member in Colorado. These have all been in subdivisions with stand-alone homes so I am commenting from this perspective. Where I see HOAs fail is HOA board members forget they are representing their entire subdivision and start to pursue their own personal agenda and/or tend to be very rigid with HOA rules. I'm not certain how to improve this, but I have always been a proponent of interpreting HOA rules and regulations as the spirit of the law, not the letter-of-the-law. I feel in general there is a focus on issues HOAs cause with homeowners. I want to ensure there is also a focus on issues HOAs (and HOA management companies) have with homeowners. Through my experience, majority of HOAs work as intended who volunteer board members have a genuine interest in having a great community for all its members. What I've observed there is always a very small minority of homeowners that feel nothing applies to them and point fingers at the HOA (and others) why they can have significant lack of property maintenance. Note I'm not talking about random lawn not being mowed, some weeds, yard maintenance bags in the driveway for a while, trash cans left out for a few days, and so on. Although small repeated and multiple offenses over and over can add-up, I referring to larger stuff like big trash items left in the yard, defunct cars parked in the driveway for many months, yard completely dead and full of weeds, fences collapsing, and similar where such items have decent to significant impact on others' property values. Moreover, I've also observed that some of this minority has a tendency to harass HOA board members and employees of any management company the HOA board may be using. This harassment tends to be in the form of repeated e-mails and phone calls making all sorts of non-supported accusations. I agree there are certainly some HOAs that could use assistance with properly representing their homeowners, but I want to ensure we recognize the positive work HOAs are doing and how homeowners are part of the solution as well.

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## STORY TELLING TOOL

### Go hug your volunteer HOA board members

author: SSDD

I posted an earlier story to recognize the positive side of HOAs and how homeowners are part of the solution as well. To add to this, here is additional insight from a volunteer HOA board member. To be frank, most homeowners are just simply lazy when it comes to their HOA. Usually their only interaction with the HOA is when they complain about something or get a letter stating they need to address an issue. They pay their HOA dues and believe all should be perfect. What they don't realize is most HOAs are headed by a group of volunteers working to keep the best interest of all spending decent amount of their time doing so. Moreover, this volunteer HOA board is typically making considerable efforts to minimize costs to all even if the HOA has a management company to assist in these efforts. Most homeowners also don't realize if everything was handed over to management company and the HOA board removed, the HOA dues would likely double. HOA boards and HOA management companies are made-up of people, and people (including homeowners) are not perfect so not everything always goes as planned. All homeowners have a part in ensuring their subdivision is a great place, not just the volunteer HOA board. It's not enough to just pay your assessment and they complain about something when it's not to your liking. It's easy to complain, anyone can do that. What takes a bit more effort is to identify a concern and then contemplate at least one possible solution. Complaining about something is just that, complaining. But identifying an issue with a thought on how to fix it, is expressing a genuine concern. In summary, most homeowners have no idea the day-to-day efforts volunteer HOA board members deal with. And before you complain about something HOA related, you may want to stand in their shoes first.

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No Responses



## STORY TELLING TOOL

### HOA's need oversight- some are not operating within the laws

author: Patricia

I have attended several of the Task Force and DORA meetings and it seems that some of the members of the Task Force do not understand that the homeowners are not just a bunch of whiners & we are having very real issues. Our HOA has passed Special Assessments for frivolous projects, claiming the projects were on the Reserve Study. After finally getting a copy of the said Reserve Study we saw that these projects were not on there. The HOA management company would not answer questions from the homeowners and eventually the manager told me that the homeowners were misinformed. This was after they passed the vote for the Special Assessment, which was done illegally, counted the votes and supposed proxies out of view of the homeowners. The projects were then "steered" to a certain contractor & they would not produce any competing bids upon request. We also requested bank statements, copies of payments to this contractor, etc. but the HOA will not show us these documents. They have also taken money out of our reserves to pay this vendor because not all homeowners have paid the special assessment. All of this and other issues have been reported to the Attorney General since July 2023 & we have not heard anything back from anyone. As someone else has submitted on here, there might be laws in place but who is going to hold these HOA's accountable & who will advocate for the homeowners?? All of our concerns have been dismissed at our community HOA meetings, which many of us have been attending. We need help & we need it now as they are just going to keep robbing us blind. They are already trying to drastically increase our dues for 2024 because they took the money out of our reserves but will not show us the documentation.

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No Responses



## STORY TELLING TOOL

### Missing \$700 K from HOA funds

author: ClemensJA

My HOA has a large reserve fund which the Covenants require be kept invested. The Board in fact has never invested this money in any way, despite having a published policy requiring it, signed by the current Board president. He says he is too busy to possibly invest this money for several years (it has been sitting in a non interest bearing account for the last DECADE). We have no way to force the Board to invest this money aside from a very expensive lawsuit that homeowners cannot afford. Our dues have increased 214% with no increase in services. We have no amenities to finance, and the HOA only does weed pulling and snow removal, at 300% the going rate for contractors. They have violated State CCIOA laws multiple times, are guilty of vote harvesting and harassment. HOA's do nothing to increase resale value per recent research, and there is NO reason for this HOA to even exist. There are concerns of nepotism in awarding contracts for snow removal and HOA management. We are being charged \$5k a year for "Legal Fees" without any explanation. Board has secret meetings and votes that members have no control over. Multiple Board members from the same family although that is expressly prohibited by the Covenants. Same two individuals on the Board are the problem, have been in office 10 years, and no plans to submit to a fair election. The candidates for the Board collect the ballots, and there is no discussion of any issues prior to voting. Board does not provide minutes of any meeting, just says this and that passed, without any documentation. Much much more. Help us get out from under this shake down organization.

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No Responses

## STORY TELLING TOOL

### Water Damage From Shared Kitchen Line Backed Up - HOA Says I Need to Pay For the Damage...

author: Matt Molloy

I went out last Sunday morning to run some errands, and came home to a puddle of water from my kitchen sink all the way out to my living room. I live on the first floor. The shared kitchen line was clogged and backed up what I'd call 'garbage disposal' water to my unit. Fortunately I got home before the sinks overflowed, however the reverse pressure coming up the line caused leaking from the seal underneath my sink basket, which is where the water flowed out onto my floor. This seal has never leaked before. Last year we had a similar issue, and the section of pipe in the crawl space that runs the shared kitchen line to the main was replaced as it had been corroded to the point that it caused blockage and even a hole in the bottom of the cast iron pipe, allowing that 'garbage disposal' water to pool in my crawlspace. I only found the issue as I began to smell something, looked in the crawlspace to find a massive puddle of grey water. I initially called the emergency line at about 11am that day, and after about 3 hours and 6 calls later, I was finally put in touch with Tony at Barnes Enterprise Maintenance, the main contractors that work on our complex, Prospector's Point. However, it wasn't until about 12:30pm the next day that a drain technician was finally able to come out and snake the line. One of the blades on his snake actually broke, so he also believes the connection to the main, a short piece of cast iron that drops down to the main line, must have a lot of corrosion and blockage as well. Fortunately, he was able to clear it enough for water to flow again. But unfortunately, the amount of water that backflowed onto my floor has caused swelling and warping in the laminate. Also unfortunately, this wasn't clear water, it was that 'garbage disposal' water. Since the issue began in the crawlspace where the shared kitchen line connects to the main, the last piece that they DID NOT repair or replace a year ago, I asked my HOA about next steps on the water damage to my floors and any remediation to avoid mold or any bacterial issues from the water. I basically sent them the same story as above, including numerous images that showed the active leak and the resulting water damage. The response from John at Colorado Property Management Services, the company that manages our community, was "Please review the attached covenants regarding maintenance responsibilities. The interior of the unit is a homeowner responsibility and you should contact your insurance company to file a claim." Obviously, the interior of my unit is my responsibility. If a pipe within my unit broke and caused the damage, obviously that's on me. But the damage to my unit was literally caused by a failure in the shared line which is the HOA's responsibility to maintain and repair. As far as I'm concerned, they didn't fully address the issue a year ago, and the result caused damage to my unit. How would I ever be responsible for that? So anytime there's a backup from the shared lines that damages my unit, that's up to me to pay for the damage?? Just because I'm the lucky one on the first floor? Part of my HOA dues pay for the Association's insurance... I don't see any logical reason why they shouldn't be responsible for paying to fix the damage to my unit.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



## STORY TELLING TOOL

### This Is a Shockingly Bad Use of Taxpayers Money

author: Ruth Carroll

I am a homeowner.I am listening to the Task Force.The idea was that this Task Force would address homeowner rights and homeowner problems.Someone giving a talk on Reserve Studies--as good as this talk may be--is a shockingly bad use of the Task Force's time.Where are the reactions to the many comments homeowners bravely made in this space? Homeowners were ENCOURAGED by this Task Force to submit comments and suggestions. One of the last comments observed that this Task Force did not seem to be aware that homeowners are not just a bunch of 'whiners" but in actuality, people who are actually suffering from real pain.You need a FUNCTIONAL BOARD OF DIRECTORS to carry the kinds of things out that this gentleman is talking about regarding: Reserve Studies. NO ONE is addressing the very real obstacles that prevent HOA Boards from being functional.

Visitors 0

Contributors 1

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No Responses



## STORY TELLING TOOL

### Is anyone reading the homeowners comments?!!

author: Patricia

I agree with Ruth Carroll about today's Task Force meeting!What a waste of time.I applaud Connie Van Dorn for trying to r  
eign in the members to focus on the issues, but it's not happening.I kept waiting for ANYONE to mention the complaints th  
at have been submitted here by homeowners, but no one did.Things are getting worse and worse, we are being robbed, m  
any are losing their homes and no one is doing anything about it.

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No Responses

## STORY TELLING TOOL

### Dereliction of Duty by our Governor and Legislature

author: Robert Racansky

Homeowners associations have been called private governments because they do many things that governments do. HOAs hold elections, provide services, tax residents, and regulate behavior within their jurisdictions, but as legal entities, they are not governments. To raise revenue for goods and services, HOAs lack taxing authority but not the power to charge assessments, which makes their inability to tax more a legal distinction than a real constraint. HOAs' enforcement powers for failure to pay assessments equal those of local governments and allow them to place liens or foreclose on property, a power that the courts have upheld repeatedly. - Barbara Coyle-McCabe, "Homeowner Associations As Private Governments". Public Administration Review. July/August 2011, at pages 535 and 537. With the prospect of property taxes increasing by 40% next year, Governor Jared Polis called a Special Session of the Colorado General Assembly to address the problem. From : Office of Governor Jared Polis Date: Friday, December 01, 2023 at 9:26AM Subject: Property Tax Relief To my fellow Coloradans, As we approach the holiday season, people across the state are facing property tax increases of about 40% on average due next year, which is why the state has taken action to deliver immediate property tax relief and I am continually elevating this issue to save people money. Last week, following the special session, the state delivered property tax relief for Coloradans that, combined with previously passed property tax relief, will subtract \$55,000 per home from state property tax valuation. This action along with other state property tax relief will reduce the residential assessment rate to 6.7% and save Coloradans living in a \$500,000 home an average of \$505 on their 2023 property tax bills (without dipping into the TABOR surplus). It is worth noting that the legislature considered 15 bills over the course of just 4 days. Given that half of Colorado's population is governed by some type of H.O.A. corporation: • Why are the Governor and the legislature unable, or is it unwilling, to provide homeowners relief from rising H.O.A. fees? • Why is the state's worse-than-useless H.O.A. Information & Resource Center not even collecting data about H.O.A. fees? How can our policy makers -- including the current H.O.A. Task Force -- even address the issue without having any idea how much H.O.A.-burdened homeowners are paying in - regular H.O.A. assessments - special H.O.A. assessments - H.O.A. fines - H.O.A. attorney fees - other H.O.A. fees especially given the Enron-style accounting explicitly allowed and encouraged by the Colorado Community Ownership Act (C.C.O.A.); which allows H.O.A. corporations to classify all fees as regular assessments. Colo. Rev. Stat. § 38-33.3-316. Lien for assessments. The association has a statutory lien on a unit for any assessment levied against that unit or fines imposed against its unit owner. Unless the declaration otherwise provides, fees, charges, late charges, attorney fees, fines, and interest charged are enforceable as assessments under this article. 1992 - 2022 The language of the statute was changed by Colorado House Bill HB22-1137 to prohibit foreclosure for H.O.A. fines, but not to prohibit the "priority of payments" accounting scheme which conflates fines and attorney fees with assessments. Colo. Rev. Stat. § 38-33.3-316. Lien for assessments. The association has a statutory lien on a unit for any assessment levied against that unit or fines imposed against its unit owner. Fees, charges, late charges, attorney fees, fines, and interest charged may be subject to a statutory lien but are not subject to a foreclosure action under this article 33.3. 2022 - present Even the bill's sponsor recently admitted that the H.O.A. industry is still engaging in "shenanigans" to circumvent the intent of the new law. To go around 1137 people are now making stuff parts of the dues. Like they're just doing: it should be a special assessment but now they're actually couching it as a regular assessment. So there's some shenanigans being played right now within H.O.A.s. - Colorado State Representative Naquetta Ricks, November 21 2023 Which was entirely predictable -- and was predicted -- by anyone familiar with how H.O.A. law actually works, and how H.O.A. law does not work, and how legislatures across the country have been ineffective at protecting homeowners from the abusive, fraudulent, predatory, and criminal business practices of the H.O.A. industry special interests. The stories that lawmakers tell the public, and what actually goes on in courtrooms where their laws are enforced, are two very different things. Five years ago, the Boulder Weekly reported that With HOA Costs Surpassing Th



## STORY TELLING TOOL

their Mortgage Payments, Owners of Affordable Housing Appeal to City of Boulder Angela K. Evans. Boulder Weekly. November 21, 2018 When Adam Perry got home one afternoon in August, he had a notice on the door from his homeowners' association (HOA) announcing the roofs around the Iris Hollow condominium complex were in dire need of repair. The notice said, "there's a special assessment coming and it's going to substantially increase your dues," Perry recalls. "I completely freaked out." He bought the place in 2014 through the City of Boulder's Permanently Affordable (PA) Home Program, and this was the second time he was being hit with a special assessment. "The people who own condos at Iris Hollow who bought in through this program are suffering right now," Perry says. "It's not called the permanently affordable mortgage program, it's called the permanently affordable home ownership program." One of his neighbors, he says, is simply unable to pay the HOA fees and there is a lien on their home. Another one is trying to sell and get out of the program but is worried they won't be able to with both the current and upcoming assessments. "I thought this would be the next best thing, but it's a black hole," PA owner Amy Gahrn says. Her current HOA payments almost equal her monthly mortgage. For Perry, it's more than his mortgage. "My monthly HOA right now is \$844, and starting in March, it's going to be just under \$1,200. That's insane," Perry says. "I don't think any reasonable person would call that affordable." As a matter of comparison, Perry is currently paying a combined monthly payment equal to that of a mortgage on a \$480,000 home on the open market. Unfortunately, this problem isn't new. Back in 2010 Boulder City Council created the Affordable Housing Task Force (AHTF), which spent 14 months reviewing affordable housing programs in Boulder. HOA fees were one of the eight topics that the AHTF explored in its report, which stated, "Rising HOA fees can present a challenge for owners of affordable homes, and can jeopardize a home's long-term affordability. Consequently, the city has a role in exploring ways to potentially mitigate these costs for affordable buyers." "What happens when you buy a quote 'permanently affordable' home and then it's not affordable anymore?" Perry asks. "How can the City just wash their hands of that and say, 'Well, you bought the place.'" The City has no regulatory authority over HOAs (that falls under state jurisdiction). A year later, on November 25 2019, reader Scott Cejka wrote in the comments section that A year later and it's just gotten worse. "Affordable" housing units are not affordable anymore. When HOA's get that high and resale of the units is capped by the city, there's no way a homeowner can sell their property to anyone else once you tell them what the HOA is...It truly is a black hole that will leave the "owner" probably broke and on the street. In a follow-up story three years later, the Boulder Weekly reported that The City of Boulder, however, has long heard about the issue of rising HOA costs for homeowners, not just in its affordable program but in market rate units as well. According to a 2019 survey of registered HOAs in the city, the average monthly HOA fees are \$308 per month, up significantly from \$177 in 2012, the last time the City looked at HOA costs. In addition, the average cost of special assessments — additional costs that can't be covered by the HOA reserve fund — was about \$3,000 per unit, per year. - "Pressure Points. High HOA Fees Are a Challenge for Affordable Owners", June 17, 2021 It is worth noting that in 2017, I met with Colorado House Majority Leader K.C. Becker ( Democrat - Boulder ) to bring H.O.A. issues to her attention. She -- along with the rest of the fauxgressive Boulder County Democrat Party -- denied that there was a problem and refused to support my proposal for legislative protections for consumers of H.O.A.-burdened housing. From: KC Becker Date: Tuesday, June 06, 2017 at 11:16AM Subject: Re: H.O.A. : B.C.D.P. Resolution To: Robert Racansky Regarding your resolution below: I think you are asking folks to adopt a policy on an issue they may not have much personal experience with (since we don't have a lot of HOA's in Boulder) and if they do have personal experience with HOA's, it may not be negative. So adopting such a broad policy might be difficult. It also may not be enough of a priority to include. I'd also say that adopting this policy may not really aid your efforts in any significant way. I'm sorry that I cannot support adoption of this resolution by the local party right now. Best, KC Becker House Majority Leader Colorado House District 13 No amount of reserve studies or disclosure documents is going to fix these pro



## STORY TELLING TOOL

blems that Becker et al. denied even existed, because homeowner associations are a failed and unsustainable business model. Contrary to assertions made by the sponsors of Colorado House Bill HB23-1105, which created the current H.O.A. Task Force, problems such as the inevitable increase of H.O.A. fees -- along with their affects on the affordability of housing and seniors living on fixed incomes -- were predicted decades ago. For just one example, see The Uncertain Future of Community Associations which was published in 2005. That was nearly 20 years ago. There has been plenty of comprehensive analyses of H.O.A. issues over the past 30 years. It's just that our public policy makers, including Governor Polis, the past and current General Assembly, and the Department of Regulatory Agencies (DORA), choose to ignore them because too many special interests are profiting from the dysfunction of H.O.A. governance and the unfettered predation of H.O.A.-burdened homeowners. And DORA has plans to be one of those parties that profit from the dysfunction of H.O.A. privatized corporate governance, so it has a perverse incentive to not solve those problems. But that's a topic for a separate comment.

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## STORY TELLING TOOL

### Something Is Terribly Wrong

author: Ruth Carroll

This will be the last post I make here. With great sadness. The Task Force meeting yesterday showed us the mess we are in. And why it will just get worse and worse. Think of history. When human beings suffer abysmal unfairness, they may cave for the time being. But all the pain this system causes will eventually result in ugly trouble. This Task Force was called to discuss homeowner rights. But even the simplest and most basic right--to know what you are buying, to know what you are getting into!--was denied them yesterday, through the oldest of political tricks: killing the problem with endless professional mumbo jumbo until even the most sentient among us forget what the question was. Even this simple issue--easily solved! A one-page sheet telling buyers they are entering an HOA and what that means--lay dead after this Task Force killed it with mind-numbing, meaningless talk. You people on this Task Force were chosen because you supposedly know more. So how come you don't know this, that the issue of informing home buyers they are entering an HOA was thought to be CRUCIAL by the person most instrumental in spreading HOAs across the US: Byron Hanke. Byron Hanke--you guys on the Task Force know who he is, right? The one who started CAI. The main author of the Home Association Handbook, published in 1964? In that 476-page Handbook, which lays out every which way HOAs should and must be, the authors state unequivocally that "purchasers" must be "fully informed" as to what an HOA is and what their part will be. The "success of this new housing model depends", say the Handbook's authors, on explaining to home buyers what is expected of them. Well, it turned out that if you explain the idea to homeowners well ahead of time, (NOT at closing! Do you Task Force people think we all just fell off the turnip truck?!), they'll choose not to purchase. Because the model of HOAs was not complete before developers started multiplying them across the land. Quoting Even McKenzie, they "left out the community piece." The people piece. Which could be put back in, if you guys would just think and listen and actually do the job you're assigned. I have interviewed three different retired realtors. They all said, in different interviews, that years ago, they did explain the HOA concept. But when they did that, more often than not, the home buyer turned to another property. So realtors stopped explaining. That turn of events was known. It should have been the red flag that some element was missing in the HOA model. That it needed refining to make HOAs decent places for people to live. An idea that could--still--be worked on. So that human nature is considered, rather than ignored. But the current way HOAs are run does NOT access the good in humans, it brings out the worst. We all know this. We all see it. Changing this system so it is more human is possible. But it would cut into the industry's profits. There's a reason the stuff about HOAs is hidden inside another contract. We may have no power but we are not stupid. I bought into an HOA a dozen years ago. Not one person mentioned the word 'HOA' to me. I had never heard of HOAs. And I am not alone. I am a smart, educated person with two master's degrees. My neighbors are smart too. They didn't know what an HOA was, or how bad it could get. I have seen my community, and many others, deteriorate, for the very reasons this Task Force was called together. You should all be ashamed of yourselves. Ms. Lallis Jackson skillfully performed the industry's favorite tactic: blaming the homeowner! It's not the industry's fault no one has a clue what they're getting into! It's the homeowner's fault for not performing "due diligence." This, and the statement she made last time, about there being "only a small percentage" of unfair foreclosures--show a profound immorality. Lallis should go back and read the Home Association Handbook. Byron Hanke knew what he was talking about. She does not. Did SHE ever have her home taken away through no fault of her own? My friend Irene did. She suffered a severe nervous breakdown at age 71. Her whole extended family is now suffering financially as well as emotionally. This is not what any American should expect when they put down hard-earned money to buy a 'forever home.' Which is what my friend Irene thought hers was. Endless discussions of this law and that bill and a long lecture on Reserves (for whose benefit? Who is listening??) do nothing to ameliorate the situation. Or better anyone's life. So what on earth are you doing? And why am I wasting my time writing? It lessens the weight on my heart a little, is why I am writing. What about you on the Task Force?.

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No Responses



## STORY TELLING TOOL

### Task Force II

author: gvito

I watched the third Task Force meeting and thought it was a little disjointed, but good information was presented. I see a couple of glaring problems. The latest meeting seemed to be pointing toward requiring reserve studies and mandated levels of funding of the reserves based on the study, but the previous two meetings mainly discussed keeping the monthly assessments low and making it harder to pass a special assessment for any reason. Adding to that were the comments heard at prior meetings regarding the financial burden placed on HOAs by HB22-1137. I believe a direct quote was, "The HOA should pay for the certified mailing, not the recipient." My question is, who is the HOA? It is the homeowners who pay their dues to fund the HOA obligations. Any mandate, rule or obligation that requires funding has only one source of that funding, the dues-paying homeowners. As a Board member, one of my hardest duties is to fund everything that homeowners want accomplished while still being told I must keep the dues low. Our condo community is now 20 years old. Repairs are needed more frequently, but at meetings I hear desperate pleas asking me not to raise the dues. My question is, "Do you want your broken (whatever) fixed?" The answer is always yes, but don't raise the dues to pay for it. Not possible. As a complex ages and repairs become more frequent upkeep demands that the monthly assessments rise, or the community will fall into disrepair. So, my simple ask is don't place mandates on HOAs that necessitate raising the dues and then excoriate the HOA Boards for raising the dues.

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## STORY TELLING TOOL

### I am a HOA Homeowner

author: RAK

1. This site has been very difficult to enter! I have tried since it's inception and just now have been able to access this site!  
2. President of our HOA did a secret purchase of one share of non-potable water (in the thousands) without a vote from membership and was is in conflict with our Covenants.  
3. Illegal ballot counting, wherein HOA Board has either counted the ballots without a meeting or members present; or has assisted in the ballot counts on voting. This is a violation of CCIOA. HOA will not divulge the number of votes counted for each candidate, and it is suspect that the vote count was illegal for new Board members.  
4. HOA has not filed proper tax returns. This Association has interest income that was taxable and treasurer said "HOA didn't have to pay taxes because we're non-profit".  
5. NO PENALTIES IN COLORADO for wrongdoing by HOA Boards. This is wrong!!!  
6. Courts are sensitive to HOA's and support them and not the homeowners. Homeowners assessed over \$10,000.00 each in 2021 for a water infrastructure that was an illegal vote.  
7. HOA Board allowed one homeowner to be relieved of his annual assessment without a vote or notice. Even an audit did not divulge.  
8. Please, please, make it a penalty state with HOA's. Association Boards are getting away with way too much and DORA has all of these rules, CCIOA, etc., that HOMEOWNERS have to follow, but Board members can do just about anything; even in violation of their own Covenants, and there is no penalty for any of it. Why have all these rules, when HOA Boards don't have to follow?

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No Responses



## STORY TELLING TOOL

### I have concerns

author: djcampanelli

Hi, I own in a Homeowner Association Community. I am a Realtor since 2000 and I am also on the HOA Board of Directors and sit in the Treasurer role. Our homeowners' association is self-run. We do not have a paid management company. The biggest problem I see is that people buy in homeowner association communities thinking that everything is going to be done for them and that the association is some third-party entity. I have experienced this in our community where a person told our president that he thinks the association is just trying to screw over the little man. The president educated him on who the association is. The association is the homeowners. The board is made up of volunteer homeowners. Our goal is to keep the property and amenities in good repair so that we can maintain the value of our property and live in a nice place. This year our homeowners insurance doubled in price. It went from \$111,000 to \$232,000. That took an extra \$121,000 out of our reserves. At the time of our renewal in March, we were told if we replaced our Federal Pacific electric panels that we could get our insurance back down to where we estimated in our budget (\$130,000) because we would now be open to so many more insurance companies that previously wouldn't give us a quote. We had a meeting of the homeowners and we all agreed that we would replace our panels. After doing that the price reduction was not immediately forthcoming. Fast forward to October when we were creating our budget for 2024 and the insurance agent tells us our insurance will likely be in the \$450,000 range in 2024. We had to go to the homeowners and explain that if we had to pay that \$450,000 in March we would likely go bankrupt as it would leave us with no money in reserves or checking and no money for anything else. To cover this drastic increase we would need to double our dues from \$314 to \$600 per month. People in the community made ridiculous statements like where did all our money go. The board is lining their pockets. They wanted to see the last three years of budgets (which budget vs actual is published every month for them to see) so they could determine where things went wrong. I could go on. But suffice it to say, the homeowners are not engaged, not paying attention, and even when we explained it to them, they still said they weren't going to vote for the increase. After that meeting numerous homeowners gave us insurance agent contacts and we reached out to all of them to no avail. But our longstanding insurance agent, when he realized we were shopping for insurance, came back with a lower quote as long as we renew before the price increases that will happen on January 1. Our new policy will be \$205,000 (not \$130,000 as previously stated) and we would need to raise the dues to \$398 per month. For many this was palatable compared to the \$600 per month we were potentially facing. But there were still many people who voted against the increase. Fortunately, the majority voted yes and we will be solvent for another year. But our community was built in 1969 and many things need to be repaired. Like our streets which need to be paved at a cost of \$550,000. Our sprinkler system broke this year and needed to be replaced throughout at a cost of \$28,000 which was not in the budget. And in just the last 3 months we had 3 water line pipe breaks at a cost of \$10,000 each. We had \$5,000 in the budget. Our 2024 budget allows for \$40,000 to go into reserves. In the last 3 years zero has gone into reserves and if we have as many water line breaks as we've had this year, I expect zero will go in again. My point here is that when people move into a homeowners association they have to realize that they are agreeing to be a member of the community and to work together with the other homeowners to keep it in good repair. This means paying their dues, and understanding that as things break it is the homeowners who have to pay for the repairs. The association is the homeowners. When one person doesn't pay their dues (which in our case it is more like 10%) that hurts us financially. We don't want to send people to collections. We want to be understanding of the situations people are in. But some people just don't ever get out of their bad situation and expect the others living in the community to just carry the weight. That is not fair to those who pay. On a separate note, I see that someone wants the board to go through training. We can barely get people to sit on the board let alone go for training. We just had to change our board requirements from 9 people to 7 because we can't get anyone to run for the board. If we tell people they have to go through training I expect we will get even less. I do think a disclosure to buyers about buying in a HOA Community would be v

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aluable if done right. We had two homeowners who bought and never paid an HOA fee in 2 years because they thought it was included in their mortgage. They are now on payment plans.If you have questions on anything I wrote, please feel free to reach out.Sincerely,Donna Campanelli [REDACTED]

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### H O A property management companies participating in Unearned Fee kickback at closing of Federal Related Mortgage transactions

author: Liam in Broomfield

At least on company, which provides downloads of H.O.A. documents to potential purchasers of resold properties are offering up to \$80.00 of the \$300.00 service fee charged to homebuyers. These fees are collected at closing and charged to homebuyers on the RESPA settlement statement (HUD-1). This practice is a violation of Real Estate Settlement Procedures Act. This information was presented in written statement by the property management company seeking an engagement without H.O.A.,Inc.

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## STORY TELLING TOOL

### Speeding Drivers Impact Peaceful Enjoyment of My Property

author: JNM3

**MY CONCERN:**Language in C.R.S. § 38-33.3-209.5 (HB 22-1137) has recently been used to justify gutting Rules and Regulations for "NON-curable violations", as well as for curable violations. At issue is a non-curable violation: exceeding the posted speed limit. **BACKGROUND:**In the past, our HOA effected changes in driver behavior using due process. We have photo radar equipment and trained enforcement staff. We had a schedule of fines and a fair hearing/appeal process, defined in our Rules.Our HOA owns and maintains 19 miles of rather steep and curving Private Roadways. On a daily basis, speeding drivers (1,000+) pose health and safety risks to pedestrians, wildlife, other drivers, and homeowners who live adjacent to these thoroughfares. Hiding behind HB 1137, our HOA management (with backing from HOA legal counsel) has gutted a longstanding section of our Rules and Regulations that cover penalties for speeding, and other NON-curable violations. In its place are newly adopted Policies and Procedures that are weak and confusing. Not only are they difficult for a layperson to understand but may also be difficult to execute transparently.Some residents perceive the newly crafted legalese to be 'weasel words' based on pretzel logic. Gobbledygook, in other words. **CONCLUSION:**As a past HOA board member I believe CCIOA must be updated to clearly give Colorado HOAs the ability to properly enforce non-curable violations such as speeding. The manner of HOA speed limit enforcement should be allowed to mirror that used by state and county law enforcement personnel. Quality of life in our community — the peaceful enjoyment of one's property — depends on it.

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## STORY TELLING TOOL

### 2 CCIOA items for the taskforce to consider

author: 1150H

There are a couple of things that I think the HOA taskforce might wish to consider. Please pass these concerns along at the Jan. 2 meeting if possible. 1. If I read CCIOA correctly, recording of HOA meetings is prohibited. I question the rationale of prohibiting the making of, referring to, and archiving of audio recordings of board and member meetings. Without a proper unbiased record, accuracy in writing of minutes and the precise wording of motions, for example, is severely challenged. Case in point: The actual motion at the directors meeting was "to proceed with the lawsuit if necessary" and the motion passed by a narrow margin. In the minutes, however, the words "if necessary" were omitted, and at least one board member was astonished that legal proceedings were immediately pursued, before any other action was undertaken. 2. I question the ensuring of "compliance" with CCIOA's covenant requirements by adding "policies" to outdated HOA bylaws without actually reviewing or amending existing covenants! Apparently, this is being encouraged - and billed - by some professional HOA attorneys who propose adding (ridiculous, if I may say so) "addenda" (one-size-fits-all boilerplate) to existing bylaws! It seems like a scare tactic to take advantage of HOAs that were unaware of recent CCIOA amendments. Surely this is not best practice, although my HOA certainly fell prey to it. Thank you.

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## STORY TELLING TOOL

### HOA Task Force

author: Cliff-BCII

The following comments are intended for the HOA Task Force to consider. I have been sitting in on all the Task Force meeting as an HOA homeowner of four condominiums in Aurora, CO and as a Board Member (Treasurer) of one of the Associations. The January 2nd, 2024 meeting was in my observation 95% occupied by the public describing the 5% of the dysfunctional HOAs and with the vast majority of the speakers venting about individual personal conflicts within their HOAs. I suspect if all facts were known a good share of those speakers would be found to be the cause of their problem. I believe that probably 85 to 90% of the HOAs (in at least Aurora and Metro-Denver) operate reasonably efficiently with dedicated boards and effective management including the four in Aurora I own (I am a board member and Treasurer of one of them). Such suggestions as requiring some sort of formal education and licensing for board members would compound an already exasperating problem finding homeowners willing to serve. There is a pervasive problem with apathy among homeowners making it a problem to gather quorums for annual meetings. Further requirements of meeting attendance to make decisions would tie the hands of boards to operate an HOA. My biggest fear is this Task Force make recommendations and the Legislature ultimately propose "one-size-fit-all" laws addressing the 15% thus causing the 85% to pay additional costs suffering the unintended consequences. Respectfully submitted, Cliff Wagner, Treasurer Brandychase II HOA Association

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## STORY TELLING TOOL

### More Task Force Observations

author: gvito

I watched the January 2, 2024, HOA Task Force meeting which proceeded exactly as I thought it would. A self-selected group of disgruntled homeowners monopolized the discussion. There was no way to know if any of what they stated was true and obviously, there was no rebuttal from any management company or HOA Board that might have refuted the complaints lodged. But I did come to the conclusion that this Task Force will fail in their objective of presenting common sense solutions to HOA issues, because it is obvious that is not what many homeowners (nor Task Force members) want. What they want is for the Task Force to produce a utopian nirvana in which monthly dues are capped, but the complex or neighborhood is kept in pristine condition and all repairs are made within hours of being requested. They believe all disputes should immediately be resolved in the favor of the homeowner who should only have to follow the rules or policies that they decide to follow. Some folks clearly stated yesterday that they were aware of the covenants when they moved into a community, but figured they could change them and were shocked to find that other homeowners did not agree and voted against their proposed changes which they then deemed unfair. I also wonder if the Task Force is aware that they were used as a sounding board for two sides of a dispute in a northern Colorado community. I don't believe the purpose of this Task Force is to take sides in any dispute, especially without an objective examination of all the facts. Listening to two disputing parties hurl accusations at each other was a waste of valuable resources and time.

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## STORY TELLING TOOL

### Proxies

author: LRB

Just an observation regarding proxies mentioned at the Jan 2, 2024 HOA Task Force meeting. Proxy mining shouldn't be allowed; however, neither should a homeowner's ability to give a proxy to whomever they want. Limiting proxies limits homeowner's ability to give a proxy to the person of their choice if that person has reached the proxy limit. This can be problematic if the limit is quite low. Currently, directed proxies are allowed and I see nothing wrong with that and it is quite sad that the assumption that the proxy holder will be dishonest in voting was voiced at the task force meeting. Whether a homeowner provides direction on how the proxy holder votes or not is also a decision for the homeowner, not the legislature. For our HOA, our sign-in sheet for member meetings have whether someone is "signing in" via proxy and who holds that proxy and, now, I suspect, will include if it is a directed proxy. We keep all the proxy sheets and sign-in sheets in our records. Isn't taking such simple steps at the meeting better than creating new legislation?

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### Thank you

author: whoownsmyhome

I want to thank those brave individuals (save one) who came forward, under the most difficult circumstances to speak about their frustrations and difficulties with their HOAs. Three minutes is not enough time to identify and elaborate on situations that don't occur in the moment and occur over time. I believe the three minute rule was established to prevent the homeowner to fully present the problem and identify reasonable solutions. It was made even more difficult with the interruption of the timekeeper. Most people are not as experienced at public speaking as the task force members. The unfortunate disclosure of the Lexis material should require an apology. It wasn't necessary. Thank you, whistleblowers for your perseverance and dignity. None of the homeowners woke up one morning and decided it was a good day to take on the HOA, management companies or attorneys. There is a survey on this site, ~2/3 of respondents have some dissatisfaction. This is not Candide's "best of all possible worlds". Let me describe my past month. On December 1, 2023, I received an email from the property management company of an increased assessment (~double). Even the most superficial language of PROPOSED was missing. On that date, my understanding of what my rights were under the CCIOA, Governing Documents and Bylaws were abandoned. Over the weekend, the discussion of what homeowners could do took place on social media. Apparently, the property management company had told some homeowners a "quorum" could overturn the budget (yes, I have screenshot). This is not true and an 80% veto would be required. By December 5, 2023, the property management company had reconsidered and notice was given for an annual meeting and budget ratification to take place on the Thursday before Christmas. The physical posting of the assessment change and meeting gave neither the time or location. A proxy was included with the notice. The proxy is a general proxy. The following week, December 12, 2023, ANOTHER notice was sent out. The location of the meeting had changed but EVERYTHING else was CORRECT and ACCURATE! This of course was not true. The management company had changed the term of any elected Board Member to THREE years instead of the term given within the Governing Documents. Again the General Proxy was included to be sent TO the management company. On December 14, 2023, the management company sends yet another email. For those who cannot attend the annual meeting in person (like myself), the annual meeting will be available by MS Teams. HOWEVER, as a participant on MSTeams, the participant will NOT be counted as present and WILL NOT be allowed to vote. I might mention that there is nothing in the Governing Documents, Articles of Incorporation or Bylaws that prohibit virtual attendance OR voting. In fact, those documents anticipated the use of virtual meetings and permitted voting. On December 21, 2023, I attempted to join the annual meeting by MSTeams. Once again, I have the screenshots. I was not permitted to join the room until about 30 minutes after the beginning of the meeting. This portion of the meeting covered what I understand were the issues surrounding the increase in the insurance premium and need for increased assessment. I do not know what was said or the explanation. Was this intentional discrimination? Am I now a second class, less preferred homeowner? I have no right to be counted as present, I have no access to information, I cannot ask questions and I cannot vote. The website provided by property management has ONE meeting minutes for 2023. The financial information stops at October. I cannot ask why an asset for PRE-paid insurance starts on the books in December 2022 if what I understand is true that the board and property management only had TWO WEEKS in October 2023 to work on the increase of the insurance premium. I cannot ask why in October 2023, the management fee was ~DOUBLE. Not many choices for me are there? By the way, the notice for the January dues came right on time! Course we have no coupon book for payments but I'm sure the late fees will be worth it. I can go on and on. Ad nauseum ... Do you (taskforce) believe for one moment when the property manager sent out the FIRST notice of assessment change, there was even ONE moment's thought of CCIOA or Governing Documents or Homeowner's Rights? The ONLY way out of this mess are enforcement rights for the Homeowner and STIFF penalties for those who believe we are tenants on our own property. You will always have a difficult argument with me that less education and knowledge is better than having an understanding about what a fiduciary responsibility means.

Visitors **0**

Contributors **1**

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No Responses



## STORY TELLING TOOL

### A Man's Home Is His Castle • Part 05

author: Robert Racansky

"A MAN's HOME IS HIS CASTLE"COLORADO HOMEOWNERS PROTECTION ACTpart 05Attorney General Protection for Consumers of H.O.A.-Burdened HousingIn Colo. Rev. Stat. § XXXXX add the following :(1) (a) Legislative Declaration. Because homeowner associations are creatures of statute that have been granted authority and power by the Legislature, the State of Colorado has a special duty to take an active role in protecting homeowners and residents governed by them rather than acting as a neutral arbitrator between two non-equal parties.(b) Because homeowner associations collect billions of dollars in assessments from homeowners every year with very little oversight by any level of government, the continuation of the economic prosperity of Colorado is dependent on actively protecting H.O.A.-burdened homeowners from the abusive , fraudulent, predatory, and criminal business practices of the H.O.A. industry.(c) The Attorney General and the Department of Law, collectively referred to as the Colorado Attorney General's Office, represents and defends the legal interests of the people of the State of Colorado and its sovereignty. The Attorney General exercises the responsibilities given to the office by the Colorado Constitution, statutes enacted by the Colorado General Assembly, and the common law. The Attorney General has primary authority for enforcement of consumer protection laws.(d) The consumer protection division of the Attorney General's office is more appropriately and much better suited to protect consumers of H.O.A.-burdened housing from the abusive, fraudulent, predatory, and criminal business practices of H.O.A. corporations – including their Directors & Officers, managers, attorneys, and other vendors – than the Department of Regulatory Agencies (DORA) and the Division of Real Estate (DRE) are.(2)(a) The consumer protection division of the Colorado Attorney General's Office is hereby authorized and directed to take over from the H.O.A. Information and Resource Center the function of collecting complaints from H.O.A.-burdened homeowners as currently set forth in Colo. Rev. Stat. § 12-10-801.(b) The Colorado Attorney General's Office consumer protection division has jurisdiction over homeowner associations to assist homeowners making complaints by ensuring compliance with applicable laws.(c) Homeowner associations shall comply with all requests by the Attorney General's Office in the discharge of its duties, including furnishing association records to the Office. The Attorney General's Office can remedy violations by means it deems necessary.(d) The Attorney General's Office consumer protection division shall be available to assist a homeowner governed by an H.O.A. corporation to(I) determine whether the H.O.A. corporation is acting in accordance with all applicable laws and(II) remedy any violation the Office determines to have been made by the H.O.A. corporation by taking all steps the Office deems necessary, including commencing legal proceedings against the H.O.A. corporation.(3) The Department of Law shall adopt rules, or amend its rules, to implement the requirement set forth in this section.

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No Responses



## STORY TELLING TOOL

### A Man's Home Is His Castle • Part 04

author: Robert Racansky

"A MAN'S HOME IS HIS CASTLE" COLORADO HOMEOWNERS PROTECTION ACT part 04 Equality of Legal Remedies for H.O.A.-Burdened Homeowners In Colo. Rev. Stat. § 38.33.3-XXX.X add the following : (1) (a) A homeowners' association shall not have the authority nor the power to assess and collect non-judicial fines for violations of the Declaration, Restrictive Covenants, Bylaws, and other rules and regulations of the association, regardless of what is written in the Declaration and other governing documents of the association. (b) Any statutory authority granted to H.O.A. corporations by the State of Colorado to assess and collect non-judicial fines is hereby revoked. (c) Nothing in this section shall be construed as to prohibit an H.O.A. corporation from filing a Complaint and bringing suit against a homeowner in an open Court of law for alleged violations of the Declaration, Restrictive Covenants, or any other legally enforceable rules and regulations of the association; and being awarded injunctive relief and/or declaratory relief and/or actual damages and/or costs and reasonable attorney fees by the Court. (d) Void Agreements. Any agreement, understanding, or practice, written or oral, implied or expressed, between an H.O.A. corporation and any homeowner that violates the rights of any homeowners as guaranteed by this section is void. (e) Penalty. Any person who directly or indirectly violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars, imprisonment in the county jail for not more than ninety days, or both a fine and imprisonment for each offense. (f) Civil Remedies. (I) Any person injured as a result of a violation or threatened violation of this section may bring suit in a court of competent jurisdiction for injunctive relief, to recover all damages, including costs and reasonable attorney fees, resulting from the violation or threatened violation, or both. (II) The remedies provided by this section are independent of, and in addition to, any other penalty or remedy established by this section. (g) Investigation of Complaints – Prosecution of Violations. The Attorney General or the District Attorney in each judicial district shall investigate a complaint of a violation or threatened violation of this section, prosecute any person violating this section, and take actions necessary to ensure effective enforcement of this section.

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No Responses



## STORY TELLING TOOL

### A Man's Home Is His Castle • Part 02

author: Robert Racansky

"A MAN's HOME IS HIS CASTLE"COLORADO HOMEOWNERS PROTECTION ACTpart 02Small Claims CourtIn Colorado Revised Statutes, add § 38-33.3-XXX as follows:(1) Legislative Declaration – Use of Small Claims Court The General Assembly finds that the cost of C.C.I.O.A.-related litigation is burdensome and harmful to homeowners, that the complexity and cost of litigation creates a gross and unconscionable inequality before the law that favors H.O.A. corporations over individual homeowners, and that the C.C.I.O.A. has created perverse incentives and moral hazards that encourage H.O.A. corporations, their managers, and their attorneys, to engage in destructive and expensive litigation against individual homeowners for trivial amounts and reasons. The General Assembly also finds that a vast majority of H.O.A.-related litigation already falls under the jurisdiction of Small Claims Court, an institution which already exists to streamline and reduce the costs of litigation, for both the parties involved and the State itself. Therefore, the General Assembly finds that the continuation of economic prosperity of Colorado is dependent upon requiring all litigation to enforce the C.C.I.O.A. to be filed in Small Claims Court when possible would reduce the cost of litigation, create a more balanced and equitable process to settle disputes, and disincentivize H.O.A. related litigation intended to harass and intimidate individual homeowners by burdening them with rapacious and usurious attorney fees intended to threaten the homeowners with financial harm and foreclosure.(2) (a) The General Assembly hereby requires that all litigation to enforce claims under Colo. Rev. Stat. § 38-33.3-101 et seq., the "Colorado Common Interest Ownership Act" (C.C.I.O.A.), shall be filed in Small Claims Court when such civil actions would fall under the existing jurisdiction of Small Claims Court per Colo. Rev. Stat. § 13-6-403 "Jurisdiction Of Small Claims Court"; regardless of anything to the contrary in the governing documents of an H.O.A. corporation, the C.C.I.O.A., any other state law, or any agreement between parties.(b) Void Agreements. Any agreement, understanding, or practice, written or oral, implied or expressed, between an H.O.A. corporation and any homeowner that violates the rights of any homeowners as guaranteed by this section is void.(c) Penalty. Any person who directly or indirectly violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars, imprisonment in the county jail for not more than ninety days, or both a fine and imprisonment for each offense.(d) Civil Remedies. (I) Any person injured as a result of a violation or threatened violation of this section may bring suit in a court of competent jurisdiction for injunctive relief, to recover all damages, including costs and reasonable attorney fees, resulting from the violation or threatened violation, or both.(II) The remedies provided by this section are independent of, and in addition to, any other penalty or remedy established by this section.(e) Investigation of Complaints – Prosecution of Violations. The Attorney General or the District Attorney in each judicial district shall investigate a complaint of a violation or threatened violation of this section, prosecute any person violating this section, and take actions necessary to ensure effective enforcement of this section. (3) Amend Colo. Rev. Stat. § 13-6-411 "Limitation On Number Of Claims Filed" to addThe limitation imposed by subsection (1) of this section shall not apply to plaintiffs who file claims to enforce their rights under Colo. Rev. Stat. § 38-33.3-101 et seq., the "Colorado Common Interest Ownership Act" (C.C.I.O.A.).

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No Responses



## STORY TELLING TOOL

### Clear And Direct Law Emforcement Needed URGENTLY!

author: Angel888

Apparently HOA board members and property managers can break the law with complete impunity in Colorado. In my case, nearly one year ago another homeowner and I witnessed a board member silently mark a stack of ballots in the corner of a room. Those ballots were then handed to an employee of our property management company to count at the back of the room and out of view of homeowners assembled for the vote and meeting, and another employee of the property management company gleefully declare that a \$58K assessment for an unnecessary paint job had passed, after homeowners had rejected it the previous November. Because that behavior looked so shady and every homeowner who I knew at the time was against the special assessment, I contacted DORA that very evening for advice. Since then, the property management emailed homeowners with a vote count, and more homeowners than the number stated in the election results have filed complaints with the AG attesting that they voted against the assessment. Homeowners were repeatedly and emphatically told by the HOA/property manager that the paint job was listed in a reserve study; it is not. One paint company was pushed on homeowners, to the point that their local rep attended a meeting to pitch the job. The work order explicitly included power washing which was not performed at all. Because the painters essentially painted over dirt, the homeowners advocated for a refund. The HOA told them to take it up with the painting company directly. After doing so, a \$2K refund for the entire job was provided by the paint company, and the HOA announced that they intend to keep the money. They have issued no refunds to homeowners of any sum. I requested financial records of the transactions six months ago and none have been provided. I have also requested voting records and those have not been provided. Further, in our community, there are bi-monthly meetings in our calendar. After the paint debacle, the board cut all homeowners off the meeting call in August, and did not hold those meetings in October nor December. Our DA's office instructed us to contact the State AG. Even after numerous complaints filed with them, no one is being held accountable to our knowledge. I feel like a complete fool for working 2-3 jobs simultaneously during the past year, when apparently all that I needed to do for a large sum of money was to join an HOA board, steal from my neighbors and rest assured that unless they could pay an attorney \$750 an hour, there would be ZERO consequences. In 2022 this same group claimed that the community voted for a fee increase after rejecting it on the first vote. In 2023 they got away with taking \$58K for a paint job that was little more than a company hurriedly painting over dirty surfaces, keeping the little refund given by the vendor and failing to provide financial records. For 2024, you guessed it, after the community rejected a fee increase above CPI, per our covenant, in November of 2023, the HOA and property management are forcing another "special" election on February 5th, to raise monthly fees by 25%. I do apologize for my now acidic tone. This journey began as a newly licensed professional in the housing industry for whom the mantra 'See something, say something.' was drilled into licensing requirements. Apparently that's a cruel, hollow joke. Until there is a clear path for homeowners when disputes like this arise, affordable advocacy for homeowners and CRIMINAL consequences for blatant violations of covenants or state law, Colorado will be a haven for people devoid of ethical standards. I am certain that the abuse that my community is enduring is not unique, and I implore members of the task force to give homeowners needed relief and protection from predatory, unscrupulous and, as of now, completely unaccountable HOA board members and property managers. In closing, a common street criminal who robs a convenience store goes to prison, and I believe that the outcome should be no different for those who steal on paper. One's home is sacred. Being violated within it is the most insidious of crimes. Thank you for providing this forum and for your consideration to all involved parties.

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No Responses



# STORY TELLING TOOL

## No Path to Success

author: gvito

I see no path to a successful outcome of this Task Force. It is obvious that HOAs bring out the worst in a large percentage of people and that there is no law recommended by the Task Force that the Colorado Legislature could pass which would correct that fact. First the simple fact is that Americans love freedom and hate rules. All one has to do is drive on I-25 where you will quickly realize the most dangerous thing you can do is drive the speed limit. You will be the only one doing so and will put your life in danger. Thus, a certain percentage of homeowners will simply decide that, as with speed limits, any rules or HOA Covenants don't apply to them unless they want them to. These same folks will ignore all the letters and/or emails they receive from their HOA and claim they never knew they were in violation until faced with a penalty so large they can no longer ignore it. This is a paraphrase of a statement of one of the homeowners who faced foreclosure: I knew I violated the rules and that fines were being assessed, but I didn't think they could do anything to me, so I just ignored them. On the other hand, HOA Board members can easily fall into the trap of deciding that forcing adherence to the rules is the main goal of their life. I have worked with such a Board member who even after resigning from the Board was out taking photos of supposed violations on Christmas Eve and Day. How can the Legislature possibly come up with any law to regulate human nature? What needs to happen is that Board members think very clearly about how and when they enforce rules, asking themselves is this reasonable. Am I treating people how I would like to be treated? On the other hand, if you are the type of person who hates rules and believes you should be able to do absolutely anything you want with your property, then you should never move into a community with an HOA. The other issue is that people hate to pay what they consider taxes. HOA assessments feel like taxes to a lot of people, so they automatically hate and resent having to pay them. There are also those who claim they don't have the money to pay assessments so should not have to pay or that the amount must be capped. Since the Legislature cannot repeal the laws of economics, any attempt to cap dues while being totally unable to cap rising costs is doomed to failure. So, to the Task Force, good luck on trying to herd cats--you aren't going to succeed!

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No Responses



## STORY TELLING TOOL

### Being Optimistic

author: Patricia

After attending all of the Task Force meetings and some DORA meetings, I would hope that everyone can agree on one thing: the current laws are one-sided and the homeowners need protection!! I find it very hard to believe that some task force members have been in the industry for over 20-30 years and claim to be totally unaware of any wrongdoings of some HOA management companies. They seem intent on minimizing the problems of our communities and dismiss our concerns. One is even downright confrontational, causing more and more hostility between HOA's and homeowners, when I thought their task was supposed to be to listen and report back to Gov. Polis. If they are such great community managers, they should be appalled at some of the stories and would want to set a good example and help! We are not all idiots. We know that there will be dues increases due to cost of living. Most of us homeowners have no problem with the Rules and Regulations. We DO have a problem with things being done illegally and need someone to do something about it. As far as licensing and training, I don't see any downside to that. In fact, it might even attract more homeowners to the board if there will be some oversight! As it is now, I would not want to be associated with a corrupt board or a corrupt management company. There have been some great suggestions made by Stanley Hrinkevich, HOA United, Rep. Ricks and others, which would have little cost. Any cost however, would far outweigh the cost to homeowners being charged outrageous special assessments and some even losing their homes. Enforcement was mentioned more than once. Homeowners have no recourse and need help ASAP!!!

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No Responses

## STORY TELLING TOOL

### The Theme That Runs Through All This

author: Ruth Carroll

I've read every single one of these emails from homeowners on Engage DORA. I've listened to all of the hearings. The theme that runs through all of it is that Boards can, and do, act badly. Often very badly. Stupidly. Cruelly. Ignorantly. And in many cases, illegally. And on Jan 2, we heard the suffering that results from some of that bad behavior. The stories are legion. Homeowners are told they should look to their Bylaws and to CCIOA. But when they do, often they get no results. I can't tell you the number of stories I've heard, including in my own HOA, of owners requesting to see documents (contracts, financials) and the Board refusing. There. Is. No. Enforcement. I learned that in 2017 when I first got involved in HOA goings-on. It's 2024. Why are we still discussing it? Any sixth grader--hell, any 5-year-old knows-- that if there are no consequences, people will do bad things. When the cat's away, the mice will play. Any sentient human knows that power goes to a person's head. That's why our democracy has guard rails. On Jan 2, a homeowner called in to suggest this common sense solution: each homeowner pitch in \$3 a year and Voila: the HOA Office will have staff enough to do the job of enforcement. Why isn't that simple plan put into effect ASAP? Who's AGAINST it? They can't be against it because of the money. It won't cost anything. If you had to go in person to pay, I assure you that homeowners would be lining up around the block. In cold weather and hot. They are that desperate for fairness.???????? People talk about enforcement. Everyone wants enforcement. You can't have order without the enforcement of l

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No Responses



## STORY TELLING TOOL

### Should HOAs be considered monopolies and subject to State and Federal Anti Trust laws

author: Liam in Broomfield

In my opinion, HOA Management Companies and their Lobbyists/ Business Association are engaged in restraint of trade. Just try to buy any new or previous owned house built since 1980 that does not come with the economic slavery requirement of an ongoing HOA fee. A monopoly is a market structure where a single seller or producer assumes a dominant position in an industry or a sector. Monopolies are discouraged in free-market economies as they stifle competition and limit substitutes for consumers. Congress passed the first antitrust law, the Sherman Act, in 1890 as a "comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade." In 1914, Congress passed two additional antitrust laws: the Federal Trade Commission Act, which created the FTC, and the Clayton Act. With some revisions, these are the three core federal antitrust laws still in effect today. The antitrust laws proscribe unlawful mergers and business practices in general terms, leaving courts to decide which ones are illegal based on the facts of each case. Courts have applied the antitrust laws to changing markets, from a time of horse and buggies to the present digital age. Yet for over 100 years, the antitrust laws have had the same basic objective: \*\*\*\*\* "to protect the process of competition for the benefit of consumers, making sure there are strong incentives for businesses to operate efficiently, keep prices down, and keep quality up." The Sherman Act outlaws "every contract, combination, or conspiracy in restraint of trade," and any "monopolization, attempted monopolization, or conspiracy or combination to monopolize." Long ago, the Supreme Court decided that the Sherman Act does not prohibit every restraint of trade, only those that are unreasonable. For instance, in some sense, an agreement between two individuals to form a partnership restrains trade, but may not do so unreasonably, and thus may be lawful under the antitrust laws. On the other hand, certain acts are considered so harmful to competition that they are almost always illegal. These include plain arrangements among competing individuals or businesses to fix prices, divide markets, or rig bids. These acts are "per se" violations of the Sherman Act; in other words, no defense or justification is allowed. The penalties for violating the Sherman Act can be severe. Although most enforcement actions are civil, the Sherman Act is also a criminal law, and individuals and businesses that violate it may be prosecuted by the Department of Justice. Criminal prosecutions are typically limited to intentional and clear violations such as when competitors fix prices or rig bids. The Sherman Act imposes criminal penalties of up to \$100 million for a corporation and \$1 million for an individual, along with up to 10 years in prison. Under federal law, the maximum fine may be increased to twice the amount the conspirators gained from the illegal acts or twice the money lost by the victims of the crime, if either of those amounts is over \$100 million. The Federal Trade Commission Act bans "unfair methods of competition" and "unfair or deceptive acts or practices." The Supreme Court has said that all violations of the Sherman Act also violate the FTC Act. Thus, although the FTC does not technically enforce the Sherman Act, it can bring cases under the FTC Act against the same kinds of activities that violate the Sherman Act. The FTC Act also reaches other practices that harm competition, but that may not fit neatly into categories of conduct formally prohibited by the Sherman Act. Only the FTC brings cases under the FTC Act. The Clayton Act addresses specific practices that the Sherman Act does not clearly prohibit, such as mergers and interlocking directorates (that is, the same person making business decisions for competing companies). Section 7 of the Clayton Act prohibits mergers and acquisitions where the effect "may be substantially to lessen competition, or to tend to create a monopoly." As amended by the Robinson-Patman Act of 1936, the Clayton Act also bans certain discriminatory prices, services, and allowances in dealings between merchants. The Clayton Act was amended again in 1976 by the Hart-Scott-Rodino Antitrust Improvements Act to require companies planning large mergers or acquisitions to notify the government of their plans in advance. The Clayton Act also authorizes private parties to sue for triple damages when they have been harmed by conduct that violates either the Sherman or Clayton Act and to obtain a court order prohibiting the anticompetitive practice in the future. In addition to these federal statutes, most states have antitrust laws that are enforced by state attorneys general or private plaintiffs. Many of these



# STORY TELLING TOOL

statutes are based on the federal antitrust laws. Again, I submit the reasonable request that Homeowners need a pathway to exit HOAs

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No Responses

## STORY TELLING TOOL

### New Homeowners Generally Uninformed

author: glewis

Having served our community via the HOA for over 10 years, my experience is that generally speaking, the issue is not with the HOA. Rather, it is with homeowners who tour the community with their real estate agent, love how nice and clean the community is, see the sign at the entrance to the community that it is a "Covenant Protected Community," but never make the connection that the reason the neighborhood is so nice and clean is because the covenants are actually enforced. They find a house they want to live in, the relator (who just wants to make the sale) hands them the covenants and then quickly goes on to the next forms, they make an offer, buy the home, and never think again about the covenants. They start living in their home, never considering that there are covenants, and soon start to violate them. The HOA notifies them of their violations, and then the conflict begins. The homeowner just isn't aware that yes, the covenants apply to them too. No, they cannot do this or that because the covenants apply to them too. Of course they love the fact that Joe down the street can not trash out their home, but hate the fact that their way of living is also controlled, and no, they cannot destroy value in their home either. It is generally a situation of lack of knowledge and understanding for the new homeowner. Most homeowners I have met would never think of volunteering for the Board of Directors, are not involved in the overall community, and simply want to be left alone. Here's the truth: If that is the way you want to live, then a covenant controlled community is not for you. Go live another non-HOA neighborhood; you deserve to live with others who, like you, don't want to live by covenants. However, just a heads up: when you're in your new, non-HOA neighborhood and that neighbor across the street trashes out their home so bad it's affecting the value of your home, then you will not have anyone to help correct the situation.

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No Responses

## STORY TELLING TOOL

### HOA Taskforce Exemplifies Concerns with Colorado Community Associations

author: HOA United

It was bizarre and disturbing to witness HOA Homeowners' Rights Task Force member Lee Freedman engage with a member of the public in "fact finding" and start an argument during the 1/2/24 public forum, essentially accusing that homeowner of providing false information to the Task Force. Mr. Freedman, an attorney who represents the interests of the Community Associations Institute (CAI) has previously engaged in 20 to 30 minute-uninterrupted commentary consuming vast swaths of Task Force meetings. Perhaps there should be standards of conduct for Task Force members? It was also surprising and equally disturbing to witness Task Force member Lallis Jackson claim that there is no requirement to keep meeting minutes beyond 7 years. CRS 8-33.3-317 places no upper limit on meeting minute retention periods. DORA published this video about document retention and production. From the DORA YouTube video at 1:26: "The following records must be provided when properly requested: they include minutes of all association meetings..." The DORA HOA Homeowners' Rights Task Force public comment session was not a forum for "fact finding" or rebuttal of the homeowners who gave up hours of their time to observe and provide testimony, yet two members of the Task Force took it upon themselves to engage in ways that were inappropriate at best and demoralizing at worst. If members of the Task Force representing the business industry who own, operate and directly manage community associations 1) do not know the law, and 2) openly claim their own version of misinformation contrary to the law, what hope is there for homeowners who simply want to ensure their association engages in good faith according to the law and their governing documents? The DORA YouTube sums it up: "...file a lawsuit." DORA, as the agency facilitating these meetings, should take more decisive action to correct blatantly false information and immediately begin using a professional facilitator such as is the practice for the Metropolitan District Homeowners' Rights Task Force.

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No Responses



STORY TELLING TOOL

Preserve homeowner property rights

author: DougC

My wife and I purchased a townhome in a HOA community adjacent to our primary residence community. We intended to use the property as a long term rental and manage it ourselves, as it's within walking distance from our home. We have 8 other rentals across 3 states and have had investment property for over 10 years. We reviewed the HOA covenants in detail and confirmed that short term rentals were not allowed but long term rentals were acceptable. This was confirmed with the HOA manager. Within 6 months of our purchase, as we attended board meetings and HOA meetings, we learned many of the other owners and board members were hostile toward renters/ investors. This was not shared by the HOA manager when discussing our plans for the property. The board had drawn up revised declarations that included banning all rentals in the complex. The revised documents DO NOT unequivocally grandfather in prior investors who bought under the previous rules. We believe this action infringes on our property rights and should not be allowed. We have no issue banning future rentals but retroactively taking away our right to use the property as we had intended is unfair and discriminatory. It also forces a financial burden to sell the property. We would like to see this addressed in revised regulations and limit the ability of 2/3rds of HOA owners to take away property rights under these circumstances. This has a material impact on an owner that FORCES a sale that revising parking, signage, noise ordinances, etc do not and should not be allowed, Thank you

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## STORY TELLING TOOL

### Blocking Open Board Seats - Election Interference

author: Andrew Mowery

Hi Everyone! In December, our HOA held elections for 2 open Director seats. I gave notice of my candidacy in writing to the Board and published it on my HOA blog. The Board acknowledged my email prior to the election. Having given notice 6 weeks in advance of the election, I expected my statement of candidacy to go out with the Annual Homeowner Meeting Notice, which is only mailed out 10 days in advance of the meeting. This had been our consistent practice in past years. Not this year. The problem is that there is broad dissatisfaction with these Directors, with one of them escaping a removal vote early in 2023 that received a majority of votes, but did not meet the CCIOA 67% requirement for removal. Two Directors resigned in 2023, including myself. While you can read details about my electoral history on the website (including video of these meetings going back to 2019), it is the other Directors resignation that is probably more important. The most civil even-tempered person that they can't attack his character or demeanor. He found that he can't work with inflexible individuals who operate ignorant of the law - sometimes willfully. They have the votes, so it's a waste of time. And, most of the rest of the community has recognized that this small plurality of homeowners has used Proxy Hoarding to dominate our elections - sometimes carrying 22-24 proxies out of 87 votes. It's how the other Director avoided removal. So, the removal attempt on me in January of 2023 was coupled, at the same meeting with the same Petition, to change our Bylaws. They were upset that they had to keep following due process to remove me, without cause. Simply for disagreeing with them, although they manufacture a character flaw due to the fact that I did try to enforce the law on them with litigation in 2020, as CCIOA provides NO OTHER resolution to disputes (advocacy for ADR). In other words, a form of retaliation, which Colorado does not provide protections like Hawaii or Nevada (which are good models for legislation we should consider). The agenda for that meeting put the removal votes for 2 Directors first, and then Amending the Bylaws to the 3rd position. The Petitioners set the agenda, so they were informed prior to the meeting that the Bylaw could not retroactively apply to the removal votes. You see, they wanted to change the Bylaws to ban removed directors for 3 years - without any cause or even stated reason. This makes it a purely political action. When they removed me in October of 2022 for taking an open seat in May at an open election, they literally said out loud "we don't have to give you a reason". Then, one of the Petitioners stood up and said because I had previously filed litigation (because the Board was violating the law), I should be removed. Even though we had signed a Settlement Agreement. In other words, if you dare to do the JOB that the State of Colorado puts entirely on homeowners (enforcement of CCIOA on rogue HOA Boards), you can be subjected to removal and a BAN! But, wait, it gets crazier. When we get to the next attempt at removal in January of 2023, they realize at the beginning of the meeting that the agenda is out of sequence. So, they amend the agenda with a vote at the beginning of the meeting for the Bylaw to ban removed Directors for 3 years. They had no prepared language, and the Chair of the meeting (President of the HOA) refuses to allow the matter to be referred to committee to figure out the actual language, and perhaps consider having a REASON attached to such a ban. You see, the Non-Profit Act in CRS 7-128-109 gives the Courts the SOLE POWER to create such bans. In other words, a judge, who can actually impartially adjudicate facts, then has to see if it meets the criteria of the statute. Poudre Overlook HOA, however, wants to usurp the power of the Courts, and change the law to have NO CRITERIA. If you get the votes, you can ban someone! The President of POHOA then ruled that the motion to move to it committee was "dilatory" and "out of order", and silenced those of us trying to speak on the matter. The vote proceeded, and was passed with a small majority. In fact, a similar vote that failed to remove one of the directors, with almost all parties voting along the same lines. Prior to my vote, I submitted my written resignation. I knew in advance I would not survive the vote (it had just happened in October, and there was no reason to presume anyone had changed their minds). Initially, the President said the vote was moot. But, then there were 3 separate arguments. First was to create an on-the-fly process to REFUSE TO ACCEPT MY RESIGNATION. No one had read the Bylaws (except me and a couple others), which state unequivocally that a resignation is effective the moment it is given in writing.



## STORY TELLING TOOL

ng and received by the Board. It's on video. Yet, the last argument was that my resignation was "out of order", and that the vote should proceed anyways. The vote went 49-3 against me. The problem is that the Bylaw, even though voted upon, was not effective on that evening of the meeting. In fact, the other resigned Director went to Altitude Law (prominent in these HOA discussions) to ask the question. None other than Alina Gilbert stated unequivocally that Bylaws do not become effective until they are SIGNED. Since the language wasn't even really voted upon at the meeting, the Board met a WEEK LATER (on 2/2/23), and finally signed the bylaw. The Board was informed THAT DAY by Ms. Gilbert IN WRITING that the Bylaw was not effective retroactively - so the ban accompanying the ill-advised vote to remove me could not be legally enforced. The POHOA Board refused to say whether or not I was banned for the rest of the year. They ignored emails, and they wouldn't answer direct questions at meetings. When I finally submitted my self-nomination, in writing, on October 14, 2023, the Board had the opportunity to put in writing their decision. They ignored the email and followup for weeks, which included references demonstrating that the Resignation was effective per the Bylaws, and that the Amended Bylaw could not possibly be enforced retroactively (which is why they changed the agenda sequence, so they already knew this). They simply didn't realize before the meeting that the vote didn't make it effective because some of the Board members are . . . attorneys (or their spouses are). So, they took unqualified legal advice from people they should not have (and one of them has never practiced law in Colorado to boot!). So, at the 11/14 meeting, the President finally said out loud that they thought the ban was effective - as they were shoos everyone out of the room for an Executive Session. They ignored emails up until the 12/5 meeting that made unclear if they would KNOWINGLY attempt to enforce the Amended Bylaw in the face of actual legal advice to the contrary. I had to attend another meeting the same night as our Annual Homeowner's Meeting, and asked for remote electronic access. They denied/ignored my request. When I arrived at the meeting, I told them I was leaving early (maybe or maybe not before elections), and that I was giving my proxy to another homeowner - along with my written ballot which I stated should be counted. I did, in fact, leave early. Not for the least of reasons, the Treasurer, who delayed the election by giving a pitch for the 9th time at an open meeting advising the HOA to put their reserves into GOLD COINS which would be sold by the Coin Shop where he happened to work. He began his presentation by saying he was very sick, having just started showing symptoms 2 days prior. I put my mask on right away, and was astounded at this lack of courtesy for exposing everyone else at the meeting. My proxy then stated that I was self-nominated when the first seat was offered up for contesting. She asked for floor-nominations, and, surprisingly, the SPOUSE of the President self-nominated. Then retracted. Then re-self-nominated. And, because the President refused to accept my self-nomination on the grounds that even if it was disputed that my resignation was effective, she was going to honor the INTENT of the petitioners to ban me. So, in other words, the President/Chair was claiming it wasn't her decision, but literally put the liability for enforcement back on those who voted for my removal and expected an application of the 3-year ban. For the first seat, it wasn't relevant. I would have lost. But, then the second seat nominations were opened. Again, my proxy raised the issue of my self-nomination, and the President repeated the excuses. This is where the rubber hits the road. You see, Section 66 of Robert's Rules of Order (RONR) are in play at POHOA because the governing documents are SILENT regarding nomination (no requirement for a floor nomination, no nominating committee, and literally not one word about nominations). So, since written nominations are the common practice of POHOA, and since nominations in advance of meetings is allowed per RONR, my written self-nomination is effective regardless of anything the Chair does. Even more importantly, however, RONR states that NO NOMINATION IS NECESSARY when votes are submitted via secret ballot. And, I had, in fact, written my name on the ballot (and there was a second vote from my neighbor, whose proxy I carried), and it was given to the proxy. RONR says that even if a party is not nominated, VOTES FOR THEM COUNT. The problem is that the President/Chair didn't collect ballots because there was no other candidate. There was even a discussion of reducing the numb



## STORY TELLING TOOL

er of seats (to eliminate the open seat), but the Board responded at the meeting that they wanted to have the option to fill it later. In other words, block a legitimate candidate at the meeting, and avoid scrutiny of their hand-picked person (who might be one of their spouses) to fill it later without the Owners having the power to weigh in on the choice. This can't possibly be how HOA Elections are supposed to be run, and I openly question whether the Board, moving forward, is not illegitimate to the point where its actions are legally ineffective. Huge issue when we have a Board that is actively planning to sue homeowners for having a Pit Bull (and have spent thousands in legal fees in the past 18 months, consuming the entire HOA legal budget). In fact, our President TESTIFIED to this at the 1/2/24 HOA Task Force Meeting! But, after I testified on 1/2 as well, another stakeholder referred to a "landmark case" regarding HOA elections, and upon first review, it appears there may be interesting crossover topics to the situation I'm describing above. Bottom line: The HOA Task Force needs to review the documented cases of abuse of HOA Elections processes. Even if they are isolated cases (as some here have said that 85% of HOAs have no problems, so why take action!?!), there is no reason any ONE of them should be allowed to get away without remedy or consequence. We don't say that because the majority of Americans are not murdered we should not have laws against murder. That is absurd. Similarly, the concept that we have to show that a majority of HOAs are experiencing us to predicate action is equally absurd. Please review the documentation of this situation at [www.poudreoverlookhoa.com](http://www.poudreoverlookhoa.com)

Visitors 0

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No Responses

## STORY TELLING TOOL

### re New Homeowners Generally Uninformed

author: Robert Racansky

Here's the truth: If that is the way you want to live, then a covenant controlled community is not for you. Go live another non-HOA neighborhood; you deserve to live with others who, like you, don't want to live by covenants. However, just a heads up: when you're in your new, non-HOA neighborhood- glewis, "New Homeowners Generally Uninformed". January 10 2024 glewis makes the common error of conflating an H.O.A. -- which is a corporation, a legal entity -- with restrictive covenants -- which are the "neighborhood rules". It is possible -- and preferable -- to have restrictive covenants without an H.O.A. corporation. I do understand your point about keeping up the deed restrictions, but careful, because you may be falling into a common error. Restrictive covenants are one thing, and HOAs are another. In order to enforce a neighborhood's restrictive covenants, it is NOT necessary to have an HOA. It is true that having a HOA can make it easier to enforce the covenants, in several ways. For one thing, you don't need to find a homeowner to be a plaintiff, although any homeowner will do and it shouldn't be that hard to find one if anyone's really interested. For another, if you have an HOA, you can bill all the neighbors and force them to help pay for the lawsuit. For another, you can enforce the collection of this bill with a lien against everyone's house. Finally, if the HOA wins the dispute with the homeowner whose grass is too high, or whatever (and the HOA always wins, because the rules are vague and discretionary and totally in its favor), the HOA has a lien against the homeowner for the penalties and legal expenses. As in, \$700 for the pain and suffering caused by the too-high grass, and \$15,000 for the lawyers. The question is whether all this is a good trade-off. Without the HOA, the neighbors have deed restrictions and any one of them (or group of them) can sue if someone violates the restrictions. The concerned neighbors will have to pass the hat to pay for the lawsuit, so they probably won't sue if it's not pretty important. They can always coordinate all this through a civic club, which probably will be funded by voluntary contributions, which are a pain to collect -- but all these factors make it likely the lawsuits won't get out of control and people won't be losing their homes to foreclosure over silly disputes. Oil stains on the driveway, flagpole too tall, mailbox in non-approved location, shrubbery not up to snuff, miniblinds in front windows not approved shade of ecru -- and I'm NOT making those up, they are from real court cases. My 50-year-old non-HOA neighborhood in Harris County had mild deed restrictions. The place didn't look like a manicured showplace with totally coordinated everything, but we kept the major problems under control. No management company, no law firm, no out-of-control Inspectors General on the board, no foreclosures, and no bitter divisions among neighbors. Every few years someone tried to convert the neighborhood to an HOA, but they always got voted down after a public campaign. It takes healthy local grassroots political involvement, which has the added advantage of strengthening the community for other purposes. - texan99. August 04 2010. Emphasis added. This was a comment on The Atlantic web site in response to "No Such Thing As A Simple Mortgage" (August 03 2010) by Megan McArdle.

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No Responses



## STORY TELLING TOOL

### The art of "MAKING CONNECTIONS"

author: whoownsmyhome

I must admit I've never thought about the role of the HOA in protecting me from the absolute property value chaos that would exist absent the HOA. Nope, never gave it a consideration at all. In fact, I think the HOA should have a GIANT reader board right outside with the HOA sign that gives a daily count of the number of violations given, the fine revenue, the daily number of liens and foreclosures from the day the HOA took control. That'll show the riff-raff the HOA means business! The real estate flyer should contain the same information. Yes, this is excellent! Preserving Property Values, One VIOLATION at a time! Course along with that information, the HOA would have to announce the amount of the assessment for NO amenities, the construction defect lawsuit (because there is nothing like going to court and saying we have a gazillion construction defects, settling the lawsuit and no audit to show remediation was done and then wondering, hmmm ... the insurance premium is going up) and then showing your budget now is burdened by increased insurance premiums and administrative costs. Yep, that'll definitely work in favor of property values, right? It's easy to blame the homeowners. My HOA has a form you must fill out to even express interest in serving on the Board. This form goes TO the management company and contains ten questions, including "what is your PHILOSOPHY of Covenant Enforcement and Architecture Control". I have never seen the results of this questionnaire for ANY Board Member, elected or appointed. However, as expressed in the Annual Meeting, all questions MUST go through the management company, I'm really not quite sure WHY we have a board and the members of the BOARD are not listed on the HOA website, so there's that. Homeowners aren't complaining because they don't want to follow the "rules". They are complaining because the "rules" only exist in one direction. Against the homeowner. Period. Full Stop.

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No Responses



## STORY TELLING TOOL

### "A Man's Home is His Castle" act would neuter all HOAs

author: COLG

While the author of the draft "A Man's Home is His Castle" Colorado Homeowners' Protection Act means well, the net result of any implementation of this act would render HOAs paper tigers. I would resign from my position as President of our HOA and spend my time preparing my property for sale before our values plummet. It is far too easy to find a bad HOA board yet lets not throw the baby out with the bathwater. I speculate that there are far more functioning HOAs where board members strive to follow titles 7 and 38 C.R.S. Their members are satisfied with the board and vote to retain the board members with the knowledge that their best interest is why the HOA and Board exist. The changes to Title 30 over the last few years have begun this slide to HOA irrelevance and it will ultimately be a case of "be careful of what you ask for, you might actually get it. An HOAs ability to impose reasonable fines after following due process is a critical element of the balance between anarchy and tyranny. If an HOA is forced to utilize small claims court as its primary means to force compliance with an agreed upon set of rules, the cost would negate any reasonable HOA Board to jst let it go. That would result in more violations and more turning of cheeks to the point of obviating the HOA in its entirety. Good luck with that.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### No communication and slow responses to things that need to be fixed

author: cynthiahull

In spring of 2023, my condo building had no hot water for well over a week. Worse than that, there was virtually no communication from the board or the management company regarding the situation. Now (1/12/24), our building has no hot water, coming up on the coldest day we have had in years. I reoported it at 10 this morning. I got an email response that the property manager "will open the utility room so the vendor can get in" to work on the problem. I have not heard a word sense, and am assuming that we will go the whole weekend without hot water, at least. i would not be surprised if we were out for over a week again. The frustrating part is that we will probably, once again, not recive any communication on this AGAIN. There are two giant sinkholes in the parking lot that have been there for months. One is blocking the emergency access to the back buildings (my building!) and the access for the utility company. Nothing is addressed in a timely manner. I can go to meetings, but those are fairly useless, and that is not helpful when trying to communicate on day to day issues.

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No Responses



## STORY TELLING TOOL

### Your task force is very important to HOA homeowners in Colorado

author: LK

I have owned homes in HOAs for 38 years because it has always been easy to sell a home in a well-run HOA when I have to relocate. My experience with an HOA here in Colorado has been the best because we are managed by a professional company. The management company helps us follow all our documents, as well as Federal, State and County/City regulations and laws, estimate reserves needed, complete proactive maintenance, and get qualified contractors. They do the accounting, submit our registrations, and help make sure agendas, meetings and elections are done as required. The homeowner meetings are held during business hours, but the advantage is the management company is present to make sure meetings are conducted properly. I have found the management company is impartial, so all homeowners get equal treatment, because we have a variety of owners—some are investors who rent their units. The company has a portal, so HOA documents and activities are available for review. The Board of Directors has an email alias, so they are available between meetings. My experience is having written HOA policies and fines keeps everything fair and safe for all homeowners and guests. Rules on parking makes sure everyone has equal access to their unit, space for snow storage, and emergency vehicles can access the complex. Rules on use of common areas and owner modifications gives everyone reasonable privacy, quality of life, and maintains the complex's appearance. My experience is our HOA is much more forgiving than any government agency when it comes to fines and late fees. My HOA will listen and try to solve issues without fines. I have a concern about the new collections policy of an 18-month repayment period with a minimum of \$25.00 a month. That policy treats an HOA like it is a business that has the ability to cut expenses, like lay people off, or stop services to stay solvent. In our HOA, I would be wondering how we are going to pay for snow plowing, roof repairs, insurance, accounting—basic operating expenses—if we do not have homeowners paying assessments on time. Unlike an independent, non-HOA homeowner, my financial future and quality of life is connected to my fellow HOA owners. We all go up together or go down together. I ask your task force to please keep HOAs a reliable financial investment and quality of life option for Colorado residents. Thank you.

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No Responses



## STORY TELLING TOOL

### A Man's Home Is His Castle • Part Five of Five

author: Robert Racansky

"A MAN's HOME IS HIS CASTLE"COLORADO HOMEOWNERS PROTECTION ACTpart 05Attorney General Protection for Consumers of H.O.A.-Burdened HousingIn Colo. Rev. Stat. § XXXXX add the following :(1) (a) Legislative Declaration. Because homeowner associations are creatures of statute that have been granted authority and power by the Legislature, the State of Colorado has a special duty to take an active role in protecting homeowners and residents governed by them rather than acting as a neutral arbitrator between two non-equal parties.(b) Because homeowner associations collect billions of dollars in assessments from homeowners every year with very little oversight by any level of government, the continuation of the economic prosperity of Colorado is dependent on actively protecting H.O.A.-burdened homeowners from the abusive , fraudulent, predatory, and criminal business practices of the H.O.A. industry.(c) The Attorney General and the Department of Law, collectively referred to as the Colorado Attorney General's Office, represents and defends the legal interests of the people of the State of Colorado and its sovereignty. The Attorney General exercises the responsibilities given to the office by the Colorado Constitution, statutes enacted by the Colorado General Assembly, and the common law. The Attorney General has primary authority for enforcement of consumer protection laws.(d) The consumer protection division of the Attorney General's office is more appropriate and much better suited to protect consumers of H.O.A.-burdened housing from the abusive, fraudulent, predatory, and criminal business practices of H.O.A. corporations – including their Directors & Officers, managers, attorneys, and other vendors – than the Department of Regulatory Agencies (DORA) and the Division of Real Estate (DRE) are.(2)(a) The consumer protection division of the Colorado Attorney General's Office is hereby authorized and directed to take over from the H.O.A. Information and Resource Center the function of collecting complaints from H.O.A.-burdened homeowners as currently set forth in Colo. Rev. Stat. § 12-10-801.(b) The Colorado Attorney General's Office consumer protection division has jurisdiction over homeowner associations to assist homeowners making complaints by ensuring compliance with applicable laws.(c) Homeowner associations shall comply with all requests by the Attorney General's Office in the discharge of its duties, including furnishing association records to the Office. The Attorney General's Office can remedy violations by means it deems necessary.(d) The Attorney General's Office consumer protection division shall be available to assist a homeowner governed by an H.O.A. corporation to(I) determine whether the H.O.A. corporation is acting in accordance with all applicable laws and(II) remedy any violation the Office determines to have been made by the H.O.A. corporation by taking all steps the Office deems necessary, including commencing legal proceedings against the H.O.A. corporation.(3) The Department of Law shall adopt rules, or amend its rules, to implement the requirement set forth in this section.

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No Responses



# STORY TELLING TOOL

## A Man's Home Is His Castle • Part Two of Five

author: Robert Racansky

"A MAN's HOME IS HIS CASTLE"COLORADO HOMEOWNERS PROTECTION ACTpart 02Small Claims CourtIn Colorado Revised Statutes, add § 38-33.3-XXX as follows:(1) Legislative Declaration – Use of Small Claims Court The General Assembly finds that the cost of C.C.I.O.A.-related litigation is burdensome and harmful to homeowners, that the complexity and cost of litigation creates a gross and unconscionable inequality before the law that favors H.O.A. corporations over individual homeowners, and that the C.C.I.O.A. has created perverse incentives and moral hazards that encourage H.O.A. corporations, their managers, and their attorneys, to engage in destructive and expensive litigation against individual homeowners for trivial amounts and reasons. The General Assembly also finds that a vast majority of H.O.A.-related litigation already falls under the jurisdiction of Small Claims Court, an institution which already exists to streamline and reduce the costs of litigation, for both the parties involved and the State itself. Therefore, the General Assembly finds that the continuation of economic prosperity of Colorado is dependent upon requiring all litigation to enforce the C.C.I.O.A. to be filed in Small Claims Court when possible would reduce the cost of litigation, create a more balanced and equitable process to settle disputes, and disincentivize H.O.A. related litigation intended to harass and intimidate individual homeowners by burdening them with rapacious and usurious attorney fees intended to threaten the homeowners with financial harm and foreclosure.(2) (a) The General Assembly hereby requires that all litigation to enforce claims under Colo. Rev. Stat. § 38-33.3.-101 et seq., the "Colorado Common Interest Ownership Act" (C.C.I.O.A.), shall be filed in Small Claims Court when such civil actions would fall under the existing jurisdiction of Small Claims Court per Colo. Rev. Stat. § 13-6-403 "Jurisdiction Of Small Claims Court"; regardless of anything to the contrary in the governing documents of an H.O.A. corporation, the C.C.I.O.A., any other state law, or any agreement between parties.(b) Void Agreements. Any agreement, understanding, or practice, written or oral, implied or expressed, between an H.O.A. corporation and any homeowner that violates the rights of any homeowners as guaranteed by this section is void.(c) Penalty. Any person who directly or indirectly violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars, imprisonment in the county jail for not more than ninety days, or both a fine and imprisonment for each offense.(d) Civil Remedies. (I) Any person injured as a result of a violation or threatened violation of this section may bring suit in a court of competent jurisdiction for injunctive relief, to recover all damages, including costs and reasonable attorney fees, resulting from the violation or threatened violation, or both.(II) The remedies provided by this section are independent of, and in addition to, any other penalty or remedy established by this section.(e) Investigation of Complaints – Prosecution of Violations. The Attorney General or the District Attorney in each judicial district shall investigate a complaint of a violation or threatened violation of this section, prosecute any person violating this section, and take actions necessary to ensure effective enforcement of this section. (3) Amend Colo. Rev. Stat. § 13-6-411 "Limitation On Number Of Claims Filed" to addThe limitation imposed by subsection (1) of this section shall not apply to plaintiffs who file claims to enforce their rights under Colo. Rev. Stat. § 38-33.3.-101 et seq., the "Colorado Common Interest Ownership Act" (C.C.I.O.A.).

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No Responses

## STORY TELLING TOOL

### Illegal Elections

author: talmapp

At our Annual Meeting this year we had an election for board members of Stratford Lakes Master in Westminster. There were proxies counted that were invalid according to the new laws on Proxies. The question was asked to the Management Companies attention, MSI – Judi England Manager, as to why illegal or invalid proxies were counted (almost half were invalid) and would there be a re-count. They replied that the 'case was closed'. What case? The residents of Stratford Lakes Master simply want a fair election and we did not get that. Not only were they illegal (proxies) they did not follow our Governing Documents pertaining to the validity of the proxies. They (board and MSI) basically broke the law. How will they or can they be held accountable. Is there anything the residents can do to get a proper election? It was a blatant illegal action. Proxies were dated wrong, some of the proxies were not from residents and some were assigned to someone by the management company and then called valid.

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No Responses



## STORY TELLING TOOL

### 3 awful CCIOA non compliant years at Cheesman Tower West, Denver.

author: mmstafford

I am 69 yo, moved into CTW on Cheesman Park 3 years ago this coming April. My complaints:1.The board is noncompliant with several aspects of CCIOA, and although they know this, have failed to comply with most.I paid a lawyer \$6645 in the fall of 2022 to force them to comply with CCIOA law that allows homeowners to speak before taking a vote on a motion. They were non compliant since 2006, the way I read CCIOA.They did in fact change the governing documents to use the EXACT language in CCIOA about this, less than 2 weeks after the letters from my lawyer. I have told them I will go to small claims court to recoup this money, and they refused my offer to enter into mediation before I file.The pool here has been closed for 2 YEARS this month, a complete debacle, and NO NOTICE OF common area closure as required by CCIOA, although I have been asking for this for 2 years. There was a notice posted very briefly 2 years ago AT THE TOP OF THE STAIRS leadig to the pool entrance, which would be seen by NO ONE unless they went looking for it.They have NEVER held the owner education meetings outlined in CCIOA.2. The board is the same people decade after decade, including a real bully, a lawyer, who is allowed to "serve" even though he rarely lives here (our governing document problem), has missed about 50% of all board meetings in the past 3 years, and has sent abusive letters to at least 2 owners. Their decisions show lack of due diligence and failure to act prudently.The board and management told me several times in the first 18months I lived here that a leak in the underground garage "has been there for years and we don't know where it is coming from". 3. The board has no plan in 3 years to address the glaring shabbiness of what should be an elegant 14 story condo on Cheesman Park. There are constant "bandaids" for immediate problems, most importantly leaks from decrepit water pipes. There are about \$1million in work that needs to be done, a blatantly underfunded reserve fund to deal with it, and the board REFUSES to discuss the situation at board meetings. I am shut off or the meeting is gavelled closed when I ask for a plan.4. Their management choices are truly appalling, starting with WESTSTAR management, ineffective, condescending managers from Weststar, who along with the board have hired 3 part time onsite office managers in 3 years, one of whom was so incompetent that she turned the water back on in the building WHILE A PLUMBER WAS STILL WORKING, causing extensive flooding in the lobby and 2 units. They retained her for a while, citing "total confidence" in a real idiot and liability to the building and homeowners. All this, and much, much more, and I have no recourse because CCIOA has no teeth.Please GIVE CCIOA ENFORCEMENT AND FINING CAPABILITIES!Peggy StaffordCheesman Tower West

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses

## STORY TELLING TOOL

### A request for the Task Force

author: 1150H

This is not a complaint or a "story" - where can I make a request instead?The DORA website needs attention! Needs standardization and description of terminology for starters.I would like to "engage" with the Task Force. I attend the ZOOM meetings and have suggestions and requests for their consideration, but am redirected to the "story" page at every turn.Please pass along?Thanks.

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No Responses



## STORY TELLING TOOL

### HOA Task Force Meeting 1/16: The Subject of Deterrence

author: Andrew Mowery

I thought today's meeting had a different feel and tone, which might have to do with some absences for most of the meeting. I found the topics covered by Ms. Van Dorn were particularly well thought out and organized, and it stirred good discussions about the pros and cons. Her emphasis, however, was on consensus, and there were many examples that were disappointing to see, in particular, industry advocates who took absolute positions. Ms. Jackson stated at one point that she did not believe that any HOA enforcement could ever be "petty". It seemed to trigger her into this absolutist opinion that if something is in the governing documents, then it must be enforced, therefore it cannot be petty. This is known as a strict compliance approach to the governing documents. When a homeowner asks for leniency, the excuse is that if they were given leniency, then EVERYONE would need to be given leniency as a matter of consistency. And, if the rules are not enforced consistently, then they cannot be enforced at all - known as "selective enforcement". Discretion, in this POV is disallowed because according to this logic, even such things as broken blinds, grease stains, and the oft-repeated example of "garbage cans" must be absolutely enforced all of the time. Ms. Jackson then was asked about her opinions on fines, and she felt that HB22-1137 created fines that were too low to be a "deterrent". According to her, and later when Mr. Freedman arrived, he chimed in as well, the word was used many times in this segment beginning here: <https://youtu.be/hyDa3Rh0J4U?t=7841> According to HOA Industry Thought Leaders, \$500 isn't a lot of money to people. I mean, except "low-income" people. The "wealthy" scoff at such amounts, so such fine amounts don't bother them. They present a long list of things people can do, almost giving such homeowners who may be listening ideas. Funny thing is, we never actually see any data. We just hear about these legendary situations where, all of a sudden, people who were following the rules before HB22-1137 suddenly realized that if they only paid \$500 per year, they could get away with bad behavior. One rationalization was that, for instance, boats and RVs would cost MUCH more to store elsewhere, so now HB22-1137 has created this bargain - and there is absolutely nothing the poor HOA can do. Except that's not really honest. Because, the problem is, if the scofflaw is truly that defiant and pays the fine, the HOA still has an option - go to Court for injunctive relief. In fact, Ms. Jackson advised one homeowner testifying at the 1/2/24 meeting to do. But, when we discuss the topics surrounding HOA Directors who may not be following CCIOA, the Non-Profit Act, or even their own governing documents, it is amazing how quickly Ms. Jackson and Mr. Freedman reverse their logic. You see, Ms. Jackson emphasized that when a homeowner purchases the home, they agree to these rules. And, it's literally the exact same rules that a Board of Director Member must agree to follow - not just for purchasing a home, but as a contingency for being a Director of the Board. You are not free to ignore or break any rules or laws because you are elected to the position. So, when there is a discussion of any requirements that a Board be knowledgeable, the industry representatives repeat this prediction that IF there were education requirements, then there would be less people wishing to join the board. They've already agreed to know the rules that apply to them as homeowners, which in turn necessitates knowing that they often arise from state laws. But, if you join the Board, you are literally ENTITLED to ignorance. Not just about the details, but the entire thing. You can have full blown rules amnesia. And, there's this magical non-statutory legal thing called the Business Judgement Rule, which says that even if you drive the HOA into a ditch, you can't be personally liable for not knowing the rules or following them. Again, often, we are talking about the exact same rules that MUST be strictly applied to a homeowner. The Director can literally say, I wasn't aware that I could not fine you and send it with the first notice, and there's literally zero consequence. Even if this is in both the governing documents and CCIOA, if the Director says "I didn't know that was the law or rule.", they are off the hook. 100% guaranteed. So, this then makes me wonder about how honest we are about the subject of fines being a deterrent. Because, their argument is that a \$500 cap is insufficient. However, when there is discussion about a \$1000 fine for an HOA not, for instance, registering with DORA, well, then that deterrent effect is simply not a thing. Same people, volunteers on Boards, as homeowners. Again, they ALL agreed to ALL the rule



## STORY TELLING TOOL

s. But, the one that requires them to take 30 seconds to fill out a form from Dora and pay online (or send a check) - nah. Why should there be any deterrent effect? And, this gets to the deeper point about how some of these topics are framed and narrated by Industry advocates. You see, if a Board or individual Directors are out of compliance - you know, not following the rules, the only party who literally has the job of enforcing that rule on them is . . . the homeowner. And, that is a very ill-defined job. It's basically implied by deductive reasoning. Is it DORA's job to enforce CCIOA or the governing documents? No! Like don't even ask for legal advice! Just fill out a complaint that goes nowhere. And, get an attorney! Is it the Attorney General's job? No! They do not enforce Civil statutes, and certainly not private contracts! Get an attorney! Is it the job of local or state Law Enforcement Agencies? No. We already told you it is a Civil matter! Stop calling the police! They are sick and tired of HOA calls! Get an attorney! How about is it the job of . . . ? No! We told you to get an attorney! Well, why do I need to pay for an attorney, which costs WAY MORE THAN \$500-1000, when I am not the one who is breaking the rules or law? We can't tell you! Get an attorney! So, because this is a civil matter in a private non-profit corporation, any member who is NOT a Director must then attempt to enforce the rules on the Directors who literally have all of the power, documents, and access to resources, to inform them that they are breaking the rules. And, of course, any Director who is told they are breaking the rules is going to say they are sorry and agree to never to it again. You see, HB22-1137 turned all sorts of rule-abiding homeowners into scofflaws overnight because of a measly \$500 fine limit. But, Directors, who have literally no reason to ever fear that they will ever be held accountable, or ever pay a personal fine, or frankly, even have to pay for a legal defense if it ever did go to court - because D&O Insurance provides a cutthroat legal defense that will grind even the so-called wealthy into submission 99% of the time. Because the burden is on the homeowner and solely the homeowner to enforce the rules on Directors, and because the legal expense is so extraordinary with no cap whatsoever (and the prospect of cases being dismissed because "substantial compliance" means that the Court can literally judge a Plaintiff's case as "petty" - not worth enforcing!), it means that any Director who does bother to learn this whole system of governance is then unleashed to have no fear of any accountability if they break the rules - which they are allowed to be ignorant of anyways because of the BJR! I mean, I have always hoped to meet one day the genius who sold this system to millions of Americans as some way to protect their home values. As Ms. Van Dorn stated, I think we are beginning to see the Emperor Wears No Clothes. The issue of strict compliance for homeowners, while this bizarre system of "substantial compliance" per *Loonan v. Woodley* (1994) creates this bizarre contrast on enforcement of the SAME set of documents. If you are a Director, you can be both ignorant or partially comply - with zero consequences. The industry says, on the other hand, if there are CAPs on fines (not no fines, just caps), then people will get away with ignoring all the rules because \$500 is nothing to some huge majority of the 2.7 million Coloradoans living in HOAs. I think it is possible that this is psychological projection from wealthy attorneys who have been collecting legal fees from HOA homeowners that majority of their adult lives. The rest of us commoners, however, think \$500 is a huge sum. And, perhaps those of us who do are the actual majority. Because majority logic is another lynchpin of Industry logic. If it's not happening to the majority, then it doesn't matter. Literally, if a fine of \$1000 is an appropriate deterrent for bad faith actions from homeowners, then there MUST be SOME deterrent for bad faith or even ignorant actions by volunteer directors. Because in my experience, a Director is equally likely to be a scofflaw - and it is more logical that a Board that does not follow the rules has a bigger detrimental effect on home values than any homeowner who has left their garbage can out all night. It's just disingenuous to hear the industry folks on this panel repeat the same tired catch-phrases that they've used in stake holding for years. Even when their logic is unable to withstand simple logic tests. Ms. Van Dorn repeatedly said she was disappointed that consensus could not be found on matters as simple as this. If the rules apply strictly to homeowners, and there's no reason for leniency on garbage cans



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cause it is in the rules, then how is it that a Board can be found guilty of manipulating an election (to preserve their own power), and not be held accountable? I mean, shouldn't there be a fine for being found guilty of violating CCIOA and holding an invalid election to be at least in proportion with being fined \$500 for leaving your garbage can out? If we can't get at least agreement that this is a problem from the industry representatives, then I doubt the sincerity of their participation in this HOA Task Force. This is supposed to be about HOMEOWNER RIGHTS, and they are spending hours of our time preaching to us about how we agreed to rules that, in many cases, were changed long after we bought homes. And, for those of us who took enforcement on the Board seriously, we are treated as though we are not just the enemy, but as "harassers" who need to have fines and legal fees aimed at us for enforcing the rules on Boards. If this Task Force is unwilling to take a hard look at this, then it is a huge missed opportunity. I wish the moderators would have the courage to call these things out. Not every opinion voiced here is rooted in facts or even logic. Bothsiderism is not an asset, but a liability. I hope to see a change at the next meeting, the issue of balanced compliance standards for homeowners and Directors addressed explicitly.

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No Responses

## STORY TELLING TOOL

### No Data Driven Conclusions

author: Frank Wille

I witnessed the 16 January Task Force meeting. Regarding the discussion of "what's working and what's not" in HB 22-1137, one Task Force member dominated, and actually moderated the Task Force discussion. The member simply highlighted the various elements of the Bill (fining procedures, communications requirements, foreclosures, repayment plans, fine caps , etc.) without providing any data to support her glowing conclusions. That is, a Bill summary was provided instead of a critical analysis of what's actually working and what's not based on fact. I assume this glowing praise of HB 22-1137 will be forwarded to the legislature. We have been very fortunate in our HOA that we have not yet had to fine a homeowner under the process outlined in HB 22-1137, or thankfully not foreclose, so we have no data to rebut. We did however have to hire a law firm to rewrite our fining and foreclosure procedures because the Bill was too confusing, complex, contradictory, and poorly written for us to do it ourselves.

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## STORY TELLING TOOL

### Very Confusing

author: gvito

I once again spent an afternoon watching the HOA Task Force Meeting. The more I watch these meetings, the more confused I become on what, if anything, they are trying to do. It seems one main purpose of the Task Force and of HB22-1137 is to make it easier for those homeowners who do not or will not follow the covenants, to reduce any consequence they may face. 1137 has done a wonderful job of that and I think many of its provisions have worked better than I thought they might. But there are those on the Task Force who seem to think the law has not gone far enough. One member states clearly that homeowners ought to be able to decide which rules they will follow and what rules they consider petty that they will not follow. If that is to be the case, then the Task Force ought to find a way to force HOAs by law to revise their Covenants and have the least rules possible, perhaps only for health and safety violations. Although, I am certain even that would be difficult since definitions would need to be drawn up. 1137 does differentiate between normal violations and safety and health violations without defining what is a health and safety violation. Then the next part of the discussion time is spent thinking up myriad rules that the HOA must follow. It amuses me that folks who are against rules are bound and determined to create more rules! For example, a mandate that HOA Boards must receive training. The suggestions range from making videos and online courses available to hours of training--which is it to be? They want to make a law mandating frequent Reserve Studies. Again, not a bad idea, but see the word mandate--in other words a new rule. Then a rule that folks who buy into an HOA must watch a video on what an HOA is and what a homeowners' obligations are. Then there is MANDATORY alternative dispute resolutions. Some want to mandate that all communications with homeowners be sent via email with an opt out for those who want to receive mail. At an earlier meeting there was talk of mandating that HOA meetings must be on weekends. Just listing all the rules the Task Force thinks the Legislature ought to pass makes my head swim! So, my suggestion is that the group decides if it is for or against rules and mandates. Once that decision is made your task will be much easier--eliminate rules for both the homeowners and the HOAs or don't. In my estimation, you can't have it both ways. Also, please remember that any mandate with an associated cost placed upon an HOA will be paid for by the very homeowners who complain about high dues.

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No Responses

## STORY TELLING TOOL

### Need to get the Property Management Company/Board Members to follow bylaws, they expect everyone else to follow, except them.

author: Michelle307

I live in a community where the property management says, "we are not allowed to speak with our board members and everything needs to go through her". The property manager cherry-picks what to funnel through to the board and when issues are brought up at one of our very few zoom meetings, that hasn't been canceled, a board member states, "that this is not the place for that", so I email the property management company, where is the place to discuss concerns? and her reply was at the zoom meeting... It's a never-ending loop of insanity! Also, at the budget ratification Zoom meeting, we had three new people running for the board, but we're not elected because we didn't make quorum. When I sent an email to the property manager about our bylaws stating, "that we have to have an odd number of people on the board" and we only have 4, why wasn't a 5th one elected? Her response was, "I didn't see that bylaw until yesterday (a month after the meeting) while I was going through looking for something else, it will be discussed".... Seriously??? If a property management company, along with the board, does not know what's in/follows the bylaws, it is no wonder we're being assessed over 5K this year and the manager stated at the recorded board meeting, "according to a survey, this property needs to be assessed every year until 2026, if we ever want to get back on our feet". I have no doubt that my insurance company will drop me with that many claims. This is the most helpless I have ever felt in my entire life because we can't seem to find a Property Manager that knows what they're doing and board members that have their own agenda. I would rather be a renter, than ever have to live in an HOA community again.

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No Responses



# STORY TELLING TOOL

## Why Not?

author: Robert Racansky

I haven't heard anyone here, certainly not me, say "Oh we shouldn't have fines". Just for the record nobody has said that. So it isn't about that. - Connie Van Dorn, H.O.A. Task Farce, January 16 2024@ <https://www.youtube.com/watch?v=hyDa3Rh0J4U> T+2:57:15 Why not? Why is the abolition of non-judicial H.O.A. fines not a legitimate topic to discuss in a committee that was allegedly created to protect and promote the rights of H.O.A.-burdened homeowners?The abolition of non-judicial H.O.A. fines is exactly the type of policy that homeowner rights advocates should be talking about. If non-judicial fines are necessary to deter rule-breaking behavior and ensure compliance with H.O.A. rules, then individual homeowners should be allowed to assess their H.O.A. board members with non-judicial fines, too.Otherwise, there exists a gross and unconscionable inequity of legal remedies:Where one party -- the H.O.A. corporation -- can unilaterally declare the other party -- the individual homeowner -- to be in breach of contract without due process, impose a non-judicial fine, and then declare that fine to be monetary damages without actually having to demonstrate that they suffered any actual harm. Any legal action to collect the fine then becomes a debt collection case -- because the fine is treated as an "unpaid assessment" -- not a covenant enforcement case.Whereas the other party -- the individual homeowner -- must file a suit in an Open Court of Law, prove that the H.O.A. corporation is in breach of contract and/or the actual law, and prove that they suffered actual damages under the rules of due process.And that inequity is not going to be resolved by allowing the Department of Regulatory Agencies (DORA) to usurp the role the Judiciary. In my opinion, community association boards and owners should both be subject to the same requirements to enforce restrictive covenants. If state legislatures repealed their fine and foreclosure statutes, the boards would not be left without a remedy. They would not go bankrupt. Chaos would not emerge. They would simply have to get in line at the courthouse and play by the same rules as other property owners seeking to protect their rights under the covenants or common law. - John Cowherd. "Are Legal Remedies of Owners and HOAs Equitable?" Words of Conveyance. July 20, 2017.Mr. Cowherd is an attorney specializing in real estate and contract rights in Virginia. We don't have to guess or imagine or speculate what life would be like without an authoritarian and heavy-handed H.O.A. corporation with the power to assess non-judicial fines. America was like that for decades -- actually, centuries -- and many of us grew up in such free communities. Somehow, things turned out O.K.For more information on how residential covenants can be enforced without an H.O.A. corporation, and why it would be better if they were, see my earlier post, "re New Homeowners Generally Uninformed" (January 11 2024).

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No Responses



## STORY TELLING TOOL

### LOGICAL FALLACIES: Repetitive Industry Talking Points Analyzed by ChatGPT

author: Andrew Mowery

I took this post made just yesterday (1/17/24), and copied it into ChatGPT. The purpose was to get quick analysis on the subject of Logical Fallacies. For those unfamiliar, there are numerous sites that give an overview of what these are, and examples of how they are used in debate. Here's one I use frequently: <https://yourlogicalfallacyis.com/Logical-Fallacies> typically hurt rather than help the party that is using them in a debate. Now, the purpose of using ChatGPT (AI, or Artificial Intelligence) is not to turn over HOAs to AI. Although I jokingly say that Artificial Intelligence is better than no Intelligence at all, which is what some of us feel like we experience. Joking aside, the purpose is to get a rapid response that can then be reviewed. For me to go through this 3-paragraph excerpt, it would take me 30-60 minutes at least. With ChatGPT, it took about 30 seconds. Here is what ChatGPT returned as a result of the prompt - "Can you identify the logical fallacies in this post about HOAs?":

"The post about HOAs (Homeowners Associations) and the Task Force Meeting contains several logical fallacies. Here are a few that can be identified:

- False Dilemma/False Dichotomy:** The author suggests that the group must decide if it is "for or against rules and mandates," implying that these are the only two options. This simplifies the situation into a binary choice, ignoring the possibility of a more nuanced approach where some rules might be necessary while others are not.
- Straw Man Fallacy:** The author misrepresents the position of those who want to implement new rules by stating, "It amuses me that folks who are against rules are bound and determined to create more rules!" This suggests that the people proposing new rules are entirely against rules, which is likely an oversimplification or misrepresentation of their actual stance.
- Hasty Generalization:** The author quickly concludes that because the Task Force is considering new rules, they are inherently contradictory or hypocritical. This generalization is made without considering the specific context or rationale behind each proposed rule.
- Slippery Slope:** The author implies that creating any new rules or mandates will inevitably lead to a proliferation of excessive rules, without providing evidence for this inevitable progression.
- Oversimplification:** Throughout the post, complex issues regarding the management of HOAs and the implementation of rules are simplified into a binary of being either for or against rules. This ignores the complexities and nuances involved in such governance issues.
- Appeal to Common Sense:** The author seems to imply that their view is common sense ("In my estimation, you can't have it both ways"), suggesting that the opposing view is nonsensical or illogical without providing a substantive argument to support this claim.

These fallacies detract from the logical coherence of the argument and can lead to a misunderstanding of the complexities involved in the governance and regulation of Homeowners Associations.

"This is the thing: How can we reach consensus when those defending the Industry (including those on HOA Boards who are influenced by their propaganda) are constantly repeating logical fallacies?"

I'll take one of the topics mentioned above off the top, which I wrote about on this site just yesterday - Deterrence. Those of us who passed HB22-1137 (and I was one of the members of CHHA that worked directly on the bill), did not in any sense say that homeowners need not follow the rules. The issue was proportionality combined with due process. Watching someone who has a grease stain on their driveway LOSE THEIR HOME because of a process that failed to give basic notice, escalates legal fees infinitely over a SHORT duration, and allowed HOA Attorneys, CAM Managers, or even Board Members with INSIDE INFORMATION to buy a foreclosed home for the remaining mortgage plus the debt (effectively stealing the equity after flipping the home in a hot real estate market) is just outrageous. We aren't saying people should be allowed to have grease stains on their driveways. But, having time to fix it BEFORE a fine is applied AND to have PROPORTIONAL fines relative to the infraction are better than all-or-none situations where you can lose your home. It's just ridiculous to pretend such practices are fair and reasonable. So, the fact that HOA DIRECTORS, who have the EXACT SAME OBLIGATION TO FOLLOW THE RULES, have ZERO deterrent to breaking them, and cannot be held strictly to the rules (because of the Business Judgement Rule and "substantial compliance" standards), or even held accountable AT ALL is just plain insulting. The power imbalance is the issue. If you want all rules to be followed strictly with huge consequences, then Boards should be held to th

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e same standards. Because, after all, they agreed to the rules the same as a homeowner because - THEY ARE ALSO HOMEOWNERS. That is the key logical fallacy we deal with in stake holding. That Boards and Homeowners are separate and distinct groups, when Boards are actually a sub-set. It's just dumbfounding how those defending the Colorado HOA Industry cannot recognize such logical fallacies make their arguments disingenuous. I encourage everyone to run posts here through ChatGPT to find these logical fallacies, even if you agree with them. It's enlightening and a time-saver.

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No Responses



## STORY TELLING TOOL

### Minutes of two (2) HOA meetings

author: supernanx4

My latest grievance, one of many, I asked for the minutes of two (2) meetings held in November. November 15, 2023, I was unable to attend the meeting or participate in the discussion, in order to keep updated and informed, but had a question. November 29, 2023, I was able to attend the meeting, but unable to hear names, discussion, in order to keep updated and informed, but have not received the records. The HOA responses have been, November 13, Once the minutes are approved they will be posted in the portal. November 17, Please plan to attend the annual meeting on November 29. An email was sent out last night regarding the meeting. All questions will be answered at this meeting. November 28, November minutes have not been approved yet. They will be approved until the next Board meeting. December 4, The meeting minutes are about to be approved and posted to the portal. January 9, I am Melissa Stern, the new manager of Eastlake Shores. I received your request for the minutes for the Annual Meeting that took place on 11/29/23. However, I want to inform you that the minutes have not been approved yet to post to the portal. Regarding the 11/15/23 minutes, those were not approved as I was not aware of that meeting when I met with the Board last night for the Board meeting. The Annual Meeting minutes are not approved until the next Annual Meeting, when they are approved by the Membership. Once all minutes are approved at either the Annual or Board Meeting, they will be posted on the HOA portal where you can access them. I contacted, Nick Altmann of DORA, asking for advice, after sending a certified letter, on December 29, 2023, was notified by USPS tracking, unable to deliver, no one to sign for it, notification was left, it was returned, unclaimed, on January 16, 2024. I also, sent a second letter, regular mail, to the HOA on January 5, 2024. On January 16, I asked Nick Altmann, where I was in the process and he responded, "You might consider reaching out to a qualified Colorado Attorney to help you more fully understand your rights and responsibilities as unfortunately this office can not provide legal advice. As I said to him, these seem like extreme measures for a simple request. I was hesitant to buy knowing there was an HOA, I wish I'd listened to my instincts, if I could I'd move but can't afford to. Thank You for giving me an opportunity to tell my story. Sincerely, Diane Bement

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No Responses



## STORY TELLING TOOL

### Rights and Responsibilities

author: whoownsmyhome

It's been a long week. I listened to the last Taskforce meeting and came away very troubled by some of the things I heard. "...if it's in your covenants, it's not petty ...". Historically, covenants HAVE been petty. Human beings are petty. Thankfully, written into some of the most powerful documents we have is the power to AMEND because we realize human beings are fallible and change becomes necessary. Preservation of property values has long been used to protect even the most unsavory of covenant restrictions. It serves no one to forget the past. Discretion and the concept of mercy is built into the law. We understand the need for concepts like diversion programs and restorative justice. Deterrence only instills fear and doubt into a community regulated by the views of a few. Communities that thrive are communities where members feel they have a voice. The HOA/Community Management System seeks to remove the HOME from the HOUSE. I no longer have a home, I am quite simply, the owner of a house. Most house owners are good respectable people who try very hard, negotiating tough economic times, to be responsible. To suggest otherwise is insulting. We try to accommodate the HOA and Management Industry but it can be very difficult without informed consent. Take this example of an email I received on Friday. Two paragraphs. Contextualize this sentence, ... "The Board has had a meeting this past week and we are looking to try and get a Maintenance/Insurance Chart to transfer interior wall to the owners." This email was under the signature of the Community Manager. Apparently, the Community Manager is now a member of the Board. I have absolutely no clue what the rest is in reference to. I have left nothing out, no special editing. The title says Update on Insurance and since it's a "no reply", it is what it is. Does the Community Manager want me to insure a wall in a house I have dwelling coverage for? Other than thanking me for my "patients" perhaps the Community Manager will at some point provide me with more information. What the Taskforce so smoothly glossed over, the majority of the stories and pleas for help are not about fines and violations, they are about house owners with no voice and no stake holding in the process. \*\*\*Update \*\*\* Now WHY would the aforementioned email (Community Manager) be removed from the HOA website? Good thing I have a hard copy, amirite?

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No Responses

## STORY TELLING TOOL

### Biased meetings

author: lynndougherty

Hoping the next meeting is not dominated by one person with an agenda. There needs to be a balance not just one individual running the whole meeting. Please try to limit each person's time to the 3 minutes stated in the opening of the meeting.

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## STORY TELLING TOOL

### Our HOA is scared. We need help.

author: sassysenior

If there is any chance that you will investigate what goes on with our HOA, I will ask that you do it. If you were organized to come up with legislation to make HOAs more accountable, I will help. Heather Gardens Association, Inc. A management company (HGA), about 1973, pre-dates CCIOA. Heather Gardens Metropolitan District, (HGMD) golf course, clubhouse, restaurant, sports courts, maintenance building and Linvale Drive, was established in 1985 so that those facilities could be purchased from the developer with money borrowed as a special district. For the past 38 years HGA has managed HGMD facilities. They have not done an adequate job. The facilities are under-utilized and poorly maintained. Policies have not been followed and accounting for HGMD funds is totally inadequate. I am currently an HGMD director, duly elected in May of 2023, along with 3 other new directors, campaigning for change. HOA members, including Board members, undermined us during the campaign and encouraged, from before we were even elected, to recall all 4 of us as soon as statutorily possible. A committee filed to start the process one day after 6 months. The treasurer and president of the HOA, term limited as of 12/23, sat at the recall table on January 6, 2024, encouraging residents to recall us. Petty reason(s). We opted to patch potholes instead of repaving a maintenance building parking lot, occupied by HGA. The CEO, CFO, Security Chief, Clubhouse manager, resident advisor and maintenance manager all resigned when we were elected. Our fault? Recommended replacing restaurant equipment purchased used in 2012. I have spent 7 years on various committees and sub-committees of HGA and HGMD. When I found irregularities, and questioned them, I was removed from all committees with a mandate that I do not ask questions or engage with employees. This was 3 years ago. Now I am on the HGMD board. Everything possible is being done to discredit me and the other 3 new Directors and remove us as fast as possible. HGA had 5 controllers/accountants/CFO in 7 years. The same auditor has audited HGA and HGMD forever. No one is aware of a forensic audit. I campaigned for a different auditor for HGMD because of irregularities. Almost as soon as we four took office, the CEO (hired as a GM) and the CFO, hired as a controller, resigned. Job titles reverted to GM and Controller within 4 or 5 months. HGA uses a PEO. For years, every time I ask how many employees there are on payroll, I am told 130-135 payroll checks are issued every two weeks. We have 99-105 employees. I have verified their names and positions. When I ask where the other 30 come from, I am told they are seasonal. There are not 30 seasonal employees running around all year long. Spring, perhaps some. Winter, perhaps some. But never have they quoted less than 135 paychecks. HGMD has been barred from seeing any payroll information, not even for the staff who exclusively is billed to them. The auditors do not audit payroll. Auditors may randomly select something, or someone, is what I am told. Auditors are only auditing the financial statements, I am told. Why is the HOA, hired by HGMD to manage district facilities, so set on getting the four of us out of office as soon as possible? We did hire an audit firm willing to replace our previous audit firm. They are under contract, but cannot do it until the first of July. If the recall is successful, that could be too late. The new treasurer of the HOA, just elected, approached me at least twice while we were campaigning and asked me to step back from engaging a different auditor. For years he and I served on the same budget/finance committee. I advocated for independent auditors and he always discouraged hiring two different ones because of cost, never verifying or going to bid. Even though he was not a Director of HGA yet, he served on the Budget/Finance committee for several years and was considered the heir apparent for the treasurer position. He asked other directors to dissuade me. He cited cost. We hired an auditor \$10,000 less than the proposal from the long time audit firm. A terribly written Management Agreement has forced co-occupation and a lawsuit for Breach of Contract. HGA, who has been the agent for HGMD, in exchange for administration office space, security space and the maintenance facility has done the administration and accounting since the beginning. They started purging the website, refused to prepare minutes and stopped co-operating just after our election. The CHRO issued a statement to all employees to not engage with directors, to refer any question to the CEO (who then resigned), thus stonewalling any change (including changing access codes that had been the same for 10 years) we had promised in our campaign. I would b



## STORY TELLING TOOL

e happy to answer any questions. HOAs should not be allowed to manage the District, but this HOA is grandfathered. Our biggest questions are why some of the past HGA directors, president and treasurer, at least, are ramrodding this recall. HGA, the management company, insists they can manage the homeowner residential property as well as all the facilities including a restaurant, recreation center, golf course and other structures. They have failed and cannot maintain our properties and facilities.

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No Responses

## STORY TELLING TOOL

### Do H.O.A.s Protect Property Values?

author: Robert Racansky

A common justification -- in the H.O.A. Task Force meetings, here on this forum, and elsewhere -- for the authoritarian and heavy-handed governance by H.O.A. corporations over individual homeowners is that they protect and preserve property values. But do they? And if so, is the trade-off worth it? The evidence is sparse. We find that houses in HOAs have prices that are on average at least 4 percent, or \$13,500, greater than observably similar houses outside of HOAs. - Wyatt Clarke and Matthew Freedman. "The Rise and Effects of Homeowners Associations". April 2019. (PDF) and "The Rise and Effects of Homeowners Associations". Journal of Urban Economics. Vol. 112, July 2019. (PDF) But ... HOA-governed properties can also be worth more — one 2019 study found that houses in such subdivisions are worth at least 4 percent more than similar houses outside of them. "Being in an HOA actually makes your housing value go up," said Wyatt Clarke, one of the authors of the paper. However, he acknowledged most of that value is captured by the developer, and that over time, that extra value diminishes as properties age and houses start to turn over. "The fact that you're in this unit, over time, becomes less and less valuable," he said. - Emily Stewart. "When Your Neighbors Become Your Overlords". Vox. April 20, 2023. Another study that same year -- 2019, five years ago -- came to the opposite conclusion about homeowner associations and home values. Curious as to whether HOAs actually affect home prices, I looked up studies by housing economists to see if anyone had researched the issue. I found a few conflicting studies on the relation of house sales prices to HOAs but none that properly accounted for the change in prices from previous sales correcting for other factors that could affect changes in prices. So I examined the recent sales of a sample of 900 homes where data were available and calculated the change in prices from previous sales in urban counties of three states, including Pima County. When I calculated the average percent return on investment (APR) and corrected for inflation and home characteristics (acreage, square footage, etc.), I found that the median APR was significantly lower in HOA neighborhoods than in others in most years, particularly if the house was bought in the 1990s or after the Great Recession. The data show that HOAs are not protecting home price appreciation and they may be reducing it. - Leon S. Robertson. "Are HOAs Worth It?: A Look At The Numbers Show They Might Not Help Home Values". Green Valley News. June 12 2019 Abstract: Housing developers' claims of benefits led to exponential growth in neighbourhood homeowners associations in the U.S. during recent decades. Sanctioned by state laws, association rules governing homeowners are usually initiated by developers who claim that the rules protect property values. But the claim is not supported by empirical analysis. Inflation adjusted annual percentage returns in consecutive sales of a sample of 900 most recent home sales in Duval County Florida, Pima County Arizona and St. Louis County Missouri during late 2017 and early-2018 were examined. The results reveal that the annual percentage returns on homes sold in homeowners associations were significantly less than those of homes in other neighbourhoods statistically controlling for property characteristics and prevailing economic conditions at the time of the original purchase. Conclusion The data in this study do not support the widespread assumption that homeowners associations protect property values more than neighbourhoods without such organizations. Indeed, the opposite is true. Increase or decrease in property values are mainly a function of changing economic conditions but financial returns on properties in homeowners associations are significantly lower than those outside such associations, particularly if purchased in years during the economic recovery after recessions. State and local laws that sanction homeowners associations and allow their coercive practices based on the premise of property value preservation are ill founded. - Leon S. Robertson. "Correlation of Homeowners Associations and Inferior Property Value Appreciation". Critical Housing Analysis. Vol. 6 No. 1, February 17 2019. (PDF)

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No Responses



## STORY TELLING TOOL

### Colorado HOA laws put the Board between a rock and a hard place

author: Randy07

I am on a Board for a HOA. As an example, the HOA has a rule that no trailers are allowed to be parked on the property. Colo law requires the HOA to send a letter to the homeowner that has the trailer on the property and give them 30 days to remove the trailer. However, some homeowners have figured out that if they take the trailer off property and bring it back, Colo law requires the HOA starts over with a new letter and a new 30 days to remove the trailer. Meanwhile, other homeowners are mad because the Board is not enforcing the rules by "allowing" the homeowner to park their trailer on the property. The Colo law should have been written that once the letter and the 30 days starts, the 30 days does not restart just because the violation was temporarily "fixed".

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No Responses



## STORY TELLING TOOL

### overstep

author: Rethea

My Hoa that plows our street has decided to shovel all the snow to the sunny side of the street. We have big piles. I bought on the sunny side so I didn't have t worry about ice and snow. All it has fone is create ice on my side. Pinery west community in Parker Rethea Morris

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No Responses

## STORY TELLING TOOL

### Anabelle

author: anabelle

I attended a building meeting for Bldg. 236 in Heather Gardens. It was held at 6pm to 7:10pm 1/25/2024. I am appalled at what is going on here. After the meeting was adjourned our Asst. Area Representative asked members to remain and sign a recall petition for our HGMD Board. Our Area Rep. allowed him to do this. The HGMD board is not allowed to post any information regarding this matter so that members are not well informed on both sides Our HGMD board was validly elected last year by all of the Complex members. They have taken back the running of the clubhouse, which is owned by the Metropolitan District. They have discontinued the agreement that was made about 5 yrs. ago for the HOA to handle the HGMD money and pay bills. The HGMD board is trying to reconcile the charges presented to them, and the HOA will not cooperate. As I understand there seems to be about 1 million dollars charged to the Metro District that is unaccounted for at this time. This is getting entirely out of hand. The people fighting for the recall are having meetings at our clubhouse. I will not go to the recall meetings because the last one broke out in physical fights and security people had to be called. I must stay away for my own safety and I am also afraid that someone will pull out a gun. The HGMD calls meetings to explain their side of this dilemma and they have decorum. People can speak their mind without impunity. There has to be some way to allow our new HGMD Board to do their jobs. We need people whom we can trust and not people who are hiding things. Is there any way that you can help us protect ourselves and bring peace back to our community.

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No Responses



## STORY TELLING TOOL

### HOA Approval of \$3.5 Million Assessment Against Resident's Wishes

author: CrystalJohnston

Hello fellow Coloradans, I am a resident of Denver and own a condo located in Denver Proper, within the Uptown district. I live in a highrise of 21 floors and 150 units ranging from 667 sqft up to 1500+ sqft. Our building is full of amenities including a gym, large off-leash dog park, pool (closed since winter 2022) hot tub/spa (closed since winter of 2022), snow removal, and other smaller-scale amenities. I have been a resident of the building since 2017, where I was once on the board of directors, chair for the Events and Community Engagement Committee, communications manager, and consistent volunteer for the building. November, 2023 we voted in a new board, where only 3 seats were open and only 3 individuals ran, making the "vote" unnecessary. December 2023 the board began to mention a potential assessment to happen for the community after approving a 30% monthly increase of HOA dues (raised to \$660 up to \$1400 per month per unit.) A board meeting was held on January 25th, 2024 where the board motioned and approved a vote to now proceed with a 3.5 Million dollar assessment to the residents. The assessment is around \$28 per sqft, with the lowest/smallest unit being assessed at around \$19,000 due in two installments. The first 50% is due April 1st, 2024, and the second 50% is due April 1st, 2025. The issue is not that the building needs an assessment and repair, the issue is that the board is not working in good faith with the residents by voting and approving an assessment without addressing the following.

- Lack of Comprehensive Information:** The Board has not provided adequate information regarding the allocation and utilization of the assessment funds. Detailed line items, along with their associated costs, have not been transparently shared with the unit owners.
- Financial Management and Accountability Concerns:** The absence of detailed financial plans for the proposed assessment raises questions about the Board's financial management and accountability.
- Financial Impact on Unit Owners:** The magnitude of the proposed assessment, which is about 5% of the home values, poses a significant financial burden. Many unit owners are apprehensive about this assessment, particularly given the lack of detailed justification and understanding of its benefits.
- Lack of Financing Options:** There has been no provision of financing options for homeowners regarding this assessment. It is essential that such options should have been devised and presented before the mention of the assessment, to ensure that all homeowners can meet their obligations without undue hardship.
- Request for In-Depth Discussions and Audit:** The undersigned proposes that the Board postpone the vote on the assessment and instead engage in more detailed discussions with the unit owners. Additionally, there is a strong request for an independent financial audit of the association's current finances and the specifics of the proposed assessment to ensure transparency and proper financial stewardship.

**Concern Regarding the 2023 Approved Budget:** It is noted that the 2023 approved budget does not reflect this special assessment. The undersigned questions the validity of imposing an assessment that was not included in the approved financial plan for the year, which raises further concerns about the governance process. In a David and Goliath practice, I have voiced openly my concerns to the board along with a request for a veto of the assessment vote. I will be holding a resident's Townsquare in a week to further address the issue of the assessment and the current board. I am looking for further support as I am not sure where else to turn as we venture down this rocky road and am hoping that the HOA task force has resources available to us to help voice our concerns and have our needs met as we feel the board is working through self-interest verses the general interest of the community. -Crystal

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No Responses



# STORY TELLING TOOL

## Not Petty and the Homebreakers

author: Robert Racansky

If it's in your covenants, it's not petty. It's a covenant that you agreed to comply with when you moved into the association. There is a responsibility to follow the rules and to pay the assessments.- Lallis Jackson. H.O.A. Task Farce. January 16, 2024.<https://www.youtube.com/watch?v=hyDa3Rh0J4U> @ T+2:48:43You can't make a Community Association omelette without breaking a few homeowners. Ask Val Ford whether a homeowners association can do harm, and he will respond that his destroyed his health and wealth.Ford, 72, and his wife, Ann, are on the verge of losing their home after the Master HOA for the Southcreek Townhomes in Englewood foreclosed on them.The HOA, which charges dues of \$240 a year, has amassed \$9,000 in fines and late fees against the ailing couple in a nine-year battle that started with a misplaced trash can that Ford used to collect debris from a nearby community mailbox."We have taken it, taken it and taken it," Ford said. "There is no recourse as far as I can see."He violated rules that limited his ability to fly an American flag or display a lit cross at Christmas and Easter. When he put the wrong kind of slats on his fence, he had to rip them out.Ford said he thinks the HOA is looking for any chance it can to punish the couple. In late 2010, before his wife's surgery for breast cancer, the HOA won a court order allowing it to garnish their bank fund. The HOA took all the money the couple had saved for the surgery."Touching HOA law is always a bit dicey around here," [ Colorado State Senator Morgan ] Carroll said of the vested interests surrounding the state's HOA laws.- Aldo Svaldi. H.O.A. "Horror Stories ..." Denver Post. February 12, 2012. \$ 240 / year in H.O.A. dues x 9 years = \$ 2,160vs\$ 9,000 in fines and late feesI've seen articles leaning as if H.O.A.s are out here and they're a big monster trying to take over something. The H.O.A., I promise you, does not want your house. They just want you to follow the rules. That's it.- Lallis Jackson. H.O.A. Task Farce. October 24, 2023.<https://www.youtube.com/watch?v=Z5k8hRj6iNc> @ T+0:58:29What's really driving this is the dynamics of these [H.O.A.] collection lawyers who are just out to generate fees and to sell these houses off as fast as they can.- Evan McKenzie, former H.O.A. attorney and author of Privatopia (1994) and Beyond Privatopia (2011). Quoted by ABC on 20/20 in "Do Homeowner Associations Go Too Far?" April 19, 2002.

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## STORY TELLING TOOL

### Use of Attorney to Threaten and Falsely Accuse

author: PaulG

There are many examples I could give of duplicitous actions by the HOA Board at Hampden Court 80231, but this latest goes way beyond the pale. This month there was a water leak in my kitchen. I contacted my Homeowner's Insurance who sent out a mitigation company to assess and stop the leak if possible. The water was turned off in the kitchen, and then three days later a plumber was able to fix the leak. There are still paper towels under the sink that prove there is no more leaking. I did not hear from the renter or the owner in the unit below me, so assumed that the only damage was to my unit. I attended a virtual HOA Board meeting on January 24, 2024 and no one brought up anything to me about a water leak. There was no attempt by the HOA to contact me to set up a time to inspect the water leak at all. To my utter dismay, I received a PDF email letter from an attorney claiming to represent the HOA, making false statements that I had refused the HOA's attempt to enter my Condominium, and threatening me with financial harm if I did not allow them in on February 1, 2024. A simple phone call and an attempt to set up a time to look at the area by a plumber of their choice would have been very easy, but instead they decided to lie and act like this was their second attempt to reach me and inspect my Condo. This kind of threatening and dishonest communication is very disturbing. Here is a copy of the Attorney's letter (remember there are false accusatory statements along with threats of financial harm):

WRITER'S DIRECT DIAL [REDACTED] E-MAIL: [REDACTED]  
[REDACTED] COMREPLY TO: [REDACTED] January 29, 2024 SENT VIA  
EMAIL [REDACTED] Paul David Grundy [REDACTED] Re: Hampden Court  
Condominium Association, Inc.—Water Loss at [REDACTED] Our File No. [REDACTED] Dear Paul David Grundy: Our  
office represents Hampden Court Condominium Association, Inc. (the "Association"), which governs the common interest community known as Hampden Court Condominiums (the "Community"). The Association has requested that we contact you regarding the water loss at your unit located at [REDACTED] (the "Unit"). Please direct all communications regarding this issue to our attention. As the Unit is located in the Community, you and it are bound by and subject to that certain Declaration of Covenants, Conditions, and Restrictions Establishing a Plan for Condominium Ownership of Hampden Court Condominiums (the "Declaration"). Unless otherwise defined in this letter, initially capitalized terms or those defined in the Declaration shall have the same meaning herein. The Declaration, among other things, identifies and establishes the maintenance responsibilities of the Association and of the Owners. Generally, Owners are responsible for maintaining and repairing their units and appurtenant Limited Common Elements, while the Association is responsible for all other Common Elements not located in a unit. Declaration, §§ 10.1; 10.2. The Declaration further provides, in relevant part: Section 6.7. Access to Units for Maintenance, Repair, and Emergencies. The Owners shall have the irrevocable right to be exercised by the Managing Agent, Board of Managers of the Association or their delegated representatives, to have access to each [u]nit from time to time during reasonable hours as may be necessary for the maintenance, repair, or replacement of any of the Common Elements therein or accessible therefrom. Paul David Grundy January 29, 2024 Page - 2 - Such right of access shall be immediate for the making of emergency repairs therein in order to prevent damage to the Common Elements or to another [u]nit. The Association shall also have all the foregoing rights independent of any agency relationship.... Declaration, § 6.7. The Association therefore has the immediate right of entry to any unit in an emergency in order to prevent damages to the Common Elements or another unit and, furthermore, has the right of entry to any unit in order to make maintain or repairs to the Common Elements. As you know, a recent water leak was identified to be coming from your Unit. When the Association attempted to gain entry to the Unit to mitigate damages and identify the scope of damages, you improperly denied the Association access. This refusal to allow entry was in violation of the Declaration. The Association now requires entry to the Unit in order to assess the damage to the Common Elements, which it is responsible for repairing. You do not have the authority to prohibit the Association from fulfilling its maintenance obligations under the Declaration and, as such, do not have the authority to prohibit its contractors from entering the Unit to assess the damages to and make repairs to the Common Elements. If any



## STORY TELLING TOOL

damages are determined to be due to your prior failure to permit the Association access to the Unit, the cost to repair said damages will be assessed back to your Unit pursuant to the Declaration. The Association's contractor will return to the Unit on February 1, 2024 between 11:00AM and 1:00 PM MT to determine the scope of damage to the Common Elements. If you again prohibit the Association access to do so, the Association will consider this a violation of the Declaration and will take enforcement action consistent with its covenant enforcement policy. Additionally, the Association may return to the Unit with law enforcement in order to ensure its access to the Unit and, if such action is necessary, will assess all related costs against the Unit in accordance with Colorado law. See C.R.S. § 38-33.3-123(1)(b). We hope these additional steps to complete the project will not be necessary. Thank you for your attention to this matter and please contact me with any question. Very truly yours, SMITH JADIN JOHNSON, PLLC Alyssa E. Chirlin Attorney At Law

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No Responses



## STORY TELLING TOOL

### HB24-1158

author: lynndougherty

Our HOA received notification today of this pending bill regarding foreclosures. My question is why a task force meeting is being held tomorrow on foreclosures if legislation is already in the mill? This seems like a complete waste of time. Why does the task force exist, if the legislators (one who is a member of the task force) are already proposing a new bill on the same subject.

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No Responses

## STORY TELLING TOOL

### HB 24-1158

author: Frank Wille

HB 24-1158 was introduced in the House on 31 Jan. Part of your charter was to look at foreclosures and specifically at the procedures outlined in HB 22-1137 and make recommendations on what's working and what's not. The introduction of this Bill before you've even discussed foreclosures implies that your input is irrelevant, especially since the Bill's sponsor is one of your Task Force members. Why was your Task Force member in such a rush to introduce the Bill?

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STORY TELLING TOOL

Another reason CCOIA must allow homeowners to exit an HOA, From WBRZ, LA

author: Liam in Broomfield

Livingston Parish residents in the Foxglove subdivision finding out they may never take over their homeowners association. Foxglove homes went on the market in 2020 and the neighborhood was in the process of building more homes . Residents bought their homes under the impression of purchasing a good quality home, and eventually taking over the HOA once construction was complete. Residents say neither turned out to be true. a resident of Foxglove said, she had multiple problems with doors, flooring and other amenities not even a year into owning the house. She said other major problems she had was a gas leak and water leak due to poor installment. Mascarella said she paid thousands of dollars out-of-pocket to fix these problems. "Last year, this past year, I spent approximately \$3,000 on repairing things that should've been done through the building of the homes," she said. Not only that, a small ditch runs across the back of the subdivision tying into Livingston Parish's main drainage system. Mascarella called about the contractors leaving equipment in the ditch and leaving it unattended. She then found out the builder lost its builders permit. Livingston Parish President Randy Delatte released a statement that said, "Permits for some of the lots in Foxglove Subdivision were put on hold because it was determined there was not adequate water pressure to provide fire suppression capability for the fire district in the event of a fire." Delatte also said that tax payers would not be responsible for covering that charge, the engineer or developer would. Once the builder found out, they sold the last of their homes and abandoned the subdivision leaving all their mess behind. Builder assigned Community Management to handle all of Foxglove's HOA issues. They told homeowners, the builder is currently paying forty four thousand dollars a year into their HOA fund, but residents fear, if the job is never complete, the builder will stop making payments and homeowners will be stuck to pick up the difference through much higher HOA fees. If the builder can restart building once they resolve their water pressure issue with the parish. If they choose not to, the subdivision will remain incomplete and homeowners may never have a say in HOA fees or control of the neighborhood. But stuck with deed restrictions

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No Responses



STORY TELLING TOOL

Lost Meeting Minutes

author: HOA United

RE: Homeowners' Rights Task Force Meeting on Friday, February 2, 2024During today's meeting, Task Force member Lallis Jackson who represents her business "Integrity HOA" and who, per her company website, holds several community association management designations from CAI and CAMICB including CMCA, AMS and PCAM, stated the following:[meeting minutes] "if they get lost they get lost and that does happen"THAT'S NOT OK. ♂ ♀

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No Responses

# STORY TELLING TOOL

## ..."good actors and good payors"...

author: whoownsmyhome

There is a name for a system of governance where the state (HOA/Community Management) subjugates the individual (house owner) not only economically but by attitude and beliefs. As I've listened to these many webinars and discussions, one cannot escape the overriding conclusion, there is no authentic or genuine understanding of the problems house owner s face. Economically, we are seen as the bottomless well of assessments. We have no voice in those assessments. Even as I write this in February 2024, my HOA has no financial statement available since October of 2023. We have no posted budget for 2024 although assessments were doubled on December 1, 2023. We have no posted meeting minutes for 2023 except for a Board Meeting that took place, unannounced, on a Thursday morning in May, 2023. We had an Annual Meeting in December of 2023. There may have been an election. We have no posted Board Members. I was told in December 2023, IF I attended the Annual Meeting in December 2023, all things would be explained to me and I would receive a "packet" providing the underlying reasons for the increase in assessment. Since caring for my spouse makes it impossible to attend these meetings in person, I was never sent or given or provided any documentation for the increase. The December 1, 2023 email of assessment increase is all I have. Informed Consent? But I am a "good actor and good payor". I am to ld what to pay and if I don't there will be consequences. I understand that.What I also understand, all too well, is that contract between myself and the HOA/Management Industry only exists in the framework of me upholding my end and there is no reasonable expectation of the same from the HOA/Management Industry. There are no consequences for them. They can violate even the most easily understood requirement of CCIOA for notification. They can choose what to interpret when it comes to CCRs or resolutions. Retention of documents, meh ... transparency...meh, ... accountability ... again meh. What a ll of your discussions of the months has lacked is ANY description of what, if anything, the HOA/Management Industry brings to the table. Where's the deterrence for the HOA/Management Industry bad actors? True story, in 2017, my house was painted by the HOA. I was told it would be painted. I was not allowed to choose the colors. The house was indeed painted, and I opened my front door to find the HOA had painted my front door black. It was not a color I would have chosen in my most wildest abandon of pre-HOA days. It was offensive to me as the Zebra house was to Ms. Jackson. Yet, it told me everything I needed to know about the HOA. My rights outside that front door did not exist. It is still black. This spring, I will buy all the "fake flowers" Amazon will allow and I will celebrate the Fake Flower Revolt to remind myself of what totalitarian really means.My story is not unusual and I think given the many, many stories published here probably par for the course. When those on the task force cannot admit to the bad actors within their own professions and know the danger that presents, then there is no hope and the status quo remains. Those house owners in Loveland who woke up to find their Management Company had allegedly walked away with hundreds of thousands of community funds (Loveland Police investigate suspected theft of HOA funds | 9news.com) didn't have their assessment increased because of "notification".What then is the greater danger? Lack of legitimate oversight or "Fake Flowers".

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No Responses

STORY TELLING TOOL

SB 11-234 Transfer fee ban

author: Summerbreeze

It would be desirable if someone could explain who is exempt from transfer fees. Our POA started charging a transfer fee and status letter fee in 2023. We do not have a transfer fee covenant or any mention of transfer fees in our POA documents. These fees showed up in real estate closing transactions with no input from the membership. I believe that the board should have given the members the right to decide whether the buyer/seller pays or to split the cost and decide how much these fees should be if any. 33.3-317(1)(h.5) requires that homeowners associations disclose this information, correct? There are no meeting minutes even discussing these fees. We do not have a PM and we all own our houses. The board took it upon themselves to do this.

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No Responses



## STORY TELLING TOOL

### Not Petty and the Homebreakers II

author: Robert Racansky

If it's in your covenants, it's not petty. It's a covenant that you agreed to comply with when you moved into the association. There is a responsibility to follow the rules and to pay the assessments. - Lallis Jackson. H.O.A. Task Force. January 16, 2024. <https://www.youtube.com/watch?v=hyDa3Rh0J4U> @ T+2:48:43 Nashville, Tennessee. The frantic cry still haunts Monica Meeker. It punctured the darkness as she and her husband lay in bed at the end of a fun-filled day celebrating daughter Camilla's third birthday last October. She rushed to her daughter's bedroom and found her hanging from a window, the cord from the blind wrapped tightly around Camilla's neck. "She was gasping for air and crying and coughing," Meeker said. "She had purple ligature marks on her neck for a week." The couple took down the blinds that night, replacing them with curtains. Within two weeks, a letter arrived from the property manager for their homeowners association. The gray curtains they'd put up violated the association's standards." The Meekers spent thousands on a losing battle with the HOA — even after the near tragedy, it wouldn't back down on the requirement. The Consumer Product Safety Commission says that on average, one child dies each month of strangulation from blind cords. The family unsuccessfully tried to fight the window blind requirement, spending \$7,000 on legal fees, but last summer moved to a home that is not in an HOA. sources- Judy L. Thomas. "HOAs from Hell: Homes Associations Torment Residents They're Supposed to Support". Kansas City Star. August 03, 2016. @ <http://www.kansascity.com/news/special-reports/hoa/article92502962.html>- Judy L. Thomas. "HOAs from Hell: More Horror Stories, More Fraud — and Prospect of Legislative Action". Kansas City Star. December 23, 2016. @ <https://www.kansascity.com/news/special-reports/hoa/article122547749.html>- Joe Ledford and Monty Davis. "Tennessee Family Battles HOA After Daughter Is Nearly Strangled". Kansas City Star. February 07, 2018. video @ <https://www.kansascity.com/news/special-reports/hoa/article93106177.html>

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No Responses

## STORY TELLING TOOL

### Thoughts on Meeting Yesterday

author: gvito

The Task Force meetings seem to be an exercise in futility. After speaking for hours, it seems that there are two sides which can never agree nor even admit the other side may have a point. For certain those who title themselves "Homeowners' Advocates", seem to only advocate for a small percentage of homeowners--those who fail to pay their assessments. I absolutely understand that there are issues with over-zealous covenant enforcement by some Boards, but how is trying to get delinquent owners to pay over-zealous? I live in a condo association with no extra amenities. Thus, those who do not pay assessments receive all the services that they are not paying for. Their trash is picked up; their water, building insurance and building maintenance are paid for. The snow is shoveled from their walks and parking lot, the grass in front of their unit is mowed. Who pays for all these services? Those who faithfully pay their assessments. These seem to be the folks that Rep Ricks, et al, have no interest in. Nor are they interested in hearing about the costs incurred each time the Colorado Legislature passes a law which mandates an HOA add a new procedure. They don't even bat an eye when told that people have been harassed and threatened when posting the mandated notices of delinquency on doors. Also, now that Rep Ricks has introduced her new bill regarding foreclosures, I need to understand how she knows exactly how much attorney foreclosure services should cost. Does she have a clue how many steps are involved? How many hours are spent following the prescribed procedures? I wonder if the purpose of stating how much an attorney may charge is to get attorneys out of the HOA foreclosure business so that tool to try to recoup delinquencies will be gone and once that is gone, any hope of receiving the money due will also be gone.

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## STORY TELLING TOOL

### H.O.A. officers self-promoted to Gods, lacking checks and balances.

author: WV

This is a second installment of my first submission. I just finished mediation for my lawsuit and wanted to add what I'm learning. I apologize for repetition with my earlier submission, but, I don't have a copy of it. Our HOA officers' group consists of 9 people, 2 of which are helpful, reasonable people, 1 of which is God in his own mind, and 5 who follow obediently. The God has been in place for as much as 30 years! He was treasurer for at least 12 years, when I pointed out our HOA's rule that officers are limited to three year terms. His response was to become president and change the rule. Unfortunately, it wasn't a covenant. Until 2 years ago, when I pointed out in an annual meeting, that HOAs must have secret ballot votes, our ballots were signed. Now, we sign the envelope. But the biggest problem is that the president ignores covenants and claims that the board can decide "how to interpret them," even if that interpretation is directly conflicting with the covenant. They decide what covenants will be ignored and what will be enforced. Our only recourse is lawsuit, since the board will reject any compromise in mediation. "But, you say, they can't be too bad, the neighborhood puts up with them." Yes, apathy is the problem that creates most HOA problems. 170 of 305 households vote. Most vote for the "old guard," who works actively to keep a new, reasonable person away from the board. Several attorneys told me they would take my case, a covenant issue, based on its merits, but backed out when I answered their question, "Which neighborhood?" "Nope, that HOA is relentlessly crazy." The money gets poured into pleasing the "Pond people," the 140 who live nearest the ponds in the neighborhood, who get all their pet projects done while the rest of the neighborhood gets neglected. Those 140 votes keep the God and his follower board in office, in spite of their not being a majority, owing to the apathy of the majority. HOA boards have learned from management companies, that they can do whatever they want because they are "town council, supreme court, and executioner," with no checks and balances. If I sue them, I am fighting their insurance company with my personal dollars, which is what I'm doing. I thought the insurance company might solve the issue to save money, but, they know the system is rigged in favor of the board, so, homeowner be damned. My only hope is that a majority of the jury has lived in an HOA and knows how corrupt they can be. In mediation, the HOA offered nothing by way of compromise. I hope our HOA God and his followers are punished by a fair court. No fewer than 10 attorneys have told me I am interpreting the covenants correctly, including several neighbor attorneys and our management company's in-house attorney, who used to be, and will be again, the advisor for our HOA board!

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## STORY TELLING TOOL

### Some HOA Boards bend the laws their way

author: C

Thank you for this Task Force, I know it will ultimately have a positive effect on many distressed homeowners. We do need help from you, our trusted elected officials. During your sessions less from attorneys (their HOA board business is highly lucrative), would be a good thing. I have read and heard of many of the HOA homeowners stories and have heartfelt compassion for them since I've experienced some of the same kind of nonsense. A great number of HOA boards prey on homeowners they don't like for some reason- be it asking too many questions, especially financial or something else. In our community, Pinon Bluffs Townhomes Owners Association in Colorado Springs, this has resulted in continued harassment and "punishment." For instance, my front yard is bare ground, and no it's not because of the pine tree, we have many pine trees here. I pay \$478.50/mo for this., and it's been going on for several years. Fines are imposed in direct opposition to 38-33.3-123 C.R.S. Enforcement (2) and 38-33.3-313 C.R.S. Insurance (4) (a) (c) (5), and (9) (a). My pro rata share of the deductible was paid (\$7200.00). We have twenty-three units, all of the larger decks facing west were replaced except three - two who had inadequate HO6 policies (repaired and heavily stained) and mine. I was offered \$1900. for the west facing deck needing replacement (too damaged to hold stain well), and two other balconies that weren't stained along with the others. I was told they wouldn't stain them because "I spoke to the vendors and obstructed their work." This is absurd. As for my west facing damaged deck, it simply needed replacement after a devastating hail storm. I called the insurance company and they stated they could open the claim and replace it. Obviously, the board stepped in and stopped that from happening. Subsequently, responsibility for maintaining our decks was voted in by members. Voting practices could be tightened up too. The answer to all these inequities could be an enforcement agency. A new system or overhaul needs to be accomplished. Perhaps a few "problematic " associations could be designated to do a "test run" with a reputable accounting firm taking over financial duties. Better yet, legislation requiring HOA boards to submit to a forensic accountant (chosen by the state) every few years. Yes, forensic accountants are expensive but so are board attorneys. There is Good Legislation on the books to protect homeowners but it's near impossible for a homeowner to enforce them, even in court. As one of your wise legislators stated on Friday, enforcement is the issue, not communication because the communication is skewed by one party or the other. HOA boards have a fiduciary duty to ALL members. Unfortunately, ALL is not included here. Bottom Line: UNFAIR PRACTICES MUST BE EXPOSED AND REMEDIATED for the WELL-BEING OF THE CITIZENS OF COLORADO.

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No Responses



## STORY TELLING TOOL

### Shut up, homeowner. We don't want to hear from you.

author: Robert Racansky

I live in a community where the property management says, "we are not allowed to speak with our board members and everything needs to go through her". - Michelle307. "Need to get the Property Management Company/Board Members to follow bylaws, they expect everyone else to follow, except them". January 17 2024 This is not an isolated incident. Another homeowner recently sent me a similar story. Peculiarly, the Management Contractor presumes that it is appropriate to ask that Association Members refrain from contacting their Board by any means. This highlights an ignorance of the fact that the Management Contractor is not a party to the Contract between Members and their Association. It can be presumed that Board members are well-aware and freely accept that their role on a Not-for-Profit Board is to serve their fellow Homeowners and understand their accessibility obligation to Homeowners with whom the Contract is bestowed. - Attorney representing homeowner, to attorney representing H.O.A. corporation. January 22 2024. Any bylaws, policies, or any other rules that prohibit H.O.A.-burdened homeowners from contacting H.O.A. board members should be illegal. With board members held personally liable by fines and/or jail time to deter bad behavior. This would incentivize H.O.A. boards to exercise oversight over their agents -- such as managers and attorneys -- rather than letting their managers and attorneys act as a "deep state" controlling the H.O.A. corporation with the board being mere figureheads. Here's how I think CAI [Community Associations Institute, the H.O.A. industry lobby group] wants things to end up: The BODs [H.O.A. Board of Directors] would have nearly absolute power over homeowners, whose only options, if they feel they have been mistreated, would be to elect a new board or sell their home and move somewhere else. The association attorney and property manager would (and do) control the BODs. CAI trains and organizes the attorneys and property managers. The states would require certification of property managers. CAI would provide that certification. The out-of-control owner-run insurgent groups would be shut out of the policy process and branded as loons and nutcases. Particular complaints about abuses would be conclusively presumed to be either a) lies and distortions spread by neighborhood malcontents who couldn't get along with Mother Theresa, or b) unrepresentative anecdotes that fail to capture the true level of mass satisfaction with HOA life. And the state legislatures would pass UCIOA [Uniform Common Interest Ownership Act] and move on from HOA legislation to other matters, like selling the state tollway system to Spanish and Australian corporations. That's the desired endgame as I see it. - Evan McKenzie, former H.O.A. attorney and author of Privatopia (1994) and Beyond Privatopia (2011). "Privatopia Papers" blog, March 14 2007. Emphasis added. H.O.A. board members not wanting to do their job is something I have more personal experience with than I ever wanted. In one instance, the H.O.A. president told me in court that he could not be bothered to respond to my inquiries about H.O.A. attorney fees that had been explicitly prohibited by a judge's Court Order ; and that I should have contacted the same H.O.A. attorneys who were threatening me because he was too busy acting on behalf of the homeowners; when in reality he and the rest of the Board of Directors were serving the H.O.A. management company and H.O.A. law firm. But that is a story for another day.

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No Responses

## STORY TELLING TOOL

### Kicking Horse HOA Discrimination

author: Bill Woodson

The board last year decided to assess STR owners an additional \$300 a year because of renters using the amenities, which amounts to 2 hot tubs. They claimed renters used more water and sewer, when in fact it's a lump sum with no metering. The board has had 2 members resign in the last 2 years, and the board replaces them without considering a STR owner. It's a ski resort yet they hate having renters there. I have been vocal regarding lack of getting done, and now I feel I'm being harassed by the board. I'm a retired hvac mechanic for 40 years, the HOA pays to have individual boiler inspections, I've done my own for 4 years with a filed report. Never an issue. Now the board is threatening me because I installed a new boiler, with permits and inspection because I didn't notify them, after 2 years. After 4 years they now say inspections have to be done by a licensed plumber yet I've seen nothing in their rules and policies stating such.

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No Responses



## STORY TELLING TOOL

### Small Claims Court Claims

author: Robert Racansky

Small claims court jurisdiction has been expanded. - Connie Van Dorn. H.O.A. Task Force. January 16, 2024 <https://www.youtube.com/watch?v=hyDa3Rh0J4U> @ T+2h:28m:38s Colorado House Bill HB22-1137 mostly re-arranged the language in Colo.. Rev. Stat. § 13-6-403 "Jurisdiction of Small Claims Court"; while doing very little, if anything, to protect homeowners from the abusive, fraudulent, predatory, and criminal business practices of the H.O.A. industry special interests. Far from expanding the use of Small Claims Court to settle H.O.A. disputes -- something I have been advocating for the past four years -- a draft of Colorado House Bill HB22-1137 attempted to prohibit the use of Small Claims Court to resolve H.O.A. disputes. The amended draft, dated March 24 2022, stated that The Small Claims Court Division does not have concurrent original jurisdiction with the County and District Courts in any action that arises from assessments owed to a unit owners' association - on page 01 at lines 25 - 28 and A party may not file a claim in Small Claims Court for a dispute arising from assessments owed to an association. - on page 06 at lines 42 - 43, and on page 07 at line 01 Given that all H.O.A. fees -- including fines, late fees, attorney fees, and other junk fees -- are enforceable as assessments per Colo. Rev. Stat. § 38-33.3-316 "Lien for Assessments", nearly all H.O.A. litigation arises from assessments claimed by an H.O.A. corporation. Somebody thought that this prohibition was such a good idea that it was put into the draft version of the bill, twice. When I asked Representative Ricks about it, I was told to shut up. From: Morgan Anker Date: Monday, March 28 2022 at 7:12 PM MDTS Subject: Latest draft of HOA bill HB1137 Thank you so much for being a key part of our stakeholding process on HB22-1137: HOA Board Accountability and Transparency. I have attached the amendment that Rep. Ricks and Rep. Bradfield will be introducing, but please keep in mind that it is currently annotated and unedited. We are continuing to partner with our bill drafter and stakeholders to finalize the amendment by the end of this week. If you have any feedback on the amendment, please submit written comments to our office by no later than noon this Wednesday, 3/30. Line and page numbers are especially helpful. Again, thank you for your invaluable input throughout this process. Morgan Anker Chief of Staff The Office of Representative Naquetta Ricks (HD-40) she/her/hers From: Robert Racansky Date: Tuesday, March 29 2022 at 6:25 AM Subject: Latest Draft Of HOA Bill HB1137 To: Morgan Anker, Naquetta Ricks, Mary Bradfield, Julie Gonzales, James Coleman Cc: Tony Exum, Meg Froelich, Andrew Boesenecker, Matt Gray, Marc Catlin, Edie Hooton, Mandy Lindsay, Andres Pico, Janice Rich, Tom Sullivan, Donald Valdez, Tonya Van Beber, Kevin Van Winkle Why was the following language added into the amended bill? • amended bill 2022-03-24 (page 1, beginning on line 25) → "The small claims court division does not have concurrent original jurisdiction with the county and district courts in any action that arises from assessments owed to a unit owners' association." • amended bill 2022-03-24 (page 6, beginning on line 42) → "A party may not file a claim in Small Claims Court for or a dispute arising from assessments owed to an association." When Sherry Christensen was president of the Lake Terrace II H.O.A. corporation in Loveland (2017 - 2019), she was able to use Small Claims Court to collect delinquent assessments from homeowners. This bill would make that impossible. Who thought this was a good idea? The persons cc'ed were the members of the House Transportation and Local Government Committee, where the bill was introduced. From: Morgan Anker Date: Tuesday, March 29 2022 at 11:16 AM Subject: Re: Latest Draft Of HOA Bill HB1137 To: Robert Racansky Cc: Naquetta Ricks, Mary Bradfield, Julie Gonzales, James Coleman, Tony Exum, Meg Froelich, Andrew Boesenecker, Matt Gray, Marc Catlin, Edie Hooton, Mandy Lindsay, Andres Pico, Janice Rich, Tom Sullivan, Donald Valdez, Tonya van Beber, Kevin Van Winkle Hello Robert and committee members, This amendment has not yet been finalized; it is simply a draft, and we are currently processing and incorporating stakeholder feedback. Robert, thank you for sharing your thoughts and questions. Our office will be sure to notify stakeholders and committee members as soon as we have a finalized amendment. Thank you, Morgan From: Morgan Anker Date: Tuesday, March 29 2022 at 1:00 PM Subject: Re: Latest Draft Of HOA Bill HB1137 To: Robert Racansky Hello Robert, Please do not cc any other offices or representatives regarding communication about the amendment. It has NOT been finalized for their review yet. I sent it to you because we appreciate your feedback as a stakeholder



## STORY TELLING TOOL

er, and we want to incorporate your feedback into the finalized amendment. Morgan AnkerChief of StaffThe Office of Representative Naquetta Ricks (HD-40)she/her/hers To date, I have never received an answer. Nor were any of my proposed changes incorporated, much less acknowledged.The request to not share information about a draft of a bill with the very representatives who would be voting on the bill was disturbing.It's almost as though our public policy makers - the real public policy makers, not our elected figureheads - don't want the public's involvement and input in the law making process. By the time the peasants are allowed to participate in Democracy Theater , the important decisions have already been made in some back room.

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No Responses

## STORY TELLING TOOL

### Slow Down and Do It Right

author: kchrist8

HB 24-1158 was introduced by Representative Ricks who is also on the task force. Wouldn't it make sense to wait before introducing another bill on HOAs as the task force meetings are ongoing? I hope this bill is amended to include an inflation guard on the \$2,500 cap to foreclose as we just keep inflating the dollar by government spending that is being pushed back to asset owners like homeowners. Postage rates went up again awhile ago and every single warning letter for weeds, trash cans or painting a home broncos orange without permission has to cost a minimum of \$10 to the community that home is in. That community's sole source of funding is the people in it. My home cooked dinner cost less than that thankfully. There isn't an inflation guard the "wonderful" \$500 fine cap already in place from legislation in 2022. So our state is stuck with it until it's adjusted. Just food for thought to prevent mistakes from happening again when inflation is holding at 3% overall and hit 50% for natural gas and food at all time highs a couple years ago. I'd be happy if they just left everything alone for a year at the golden dome by the library down in Denver myself. Let people catch up on what's actually a law and what isn't with hundreds passing every year. Sheesh.

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No Responses



## STORY TELLING TOOL

### Homeowners Can Support Better Education and Oversight of Property Management Companies

author: HOAIssues

HB24-1078, is a bill recently introduced to establish standards for Property Management Companies and to make it unlawful for a business entity to perform property management duties without a license. If interested in telling your story about your experiences with your property management company, you can write, and/or testify before the Members of the House Transportation, Housing and Local Government Committee. Links are provided below. If the bill passes, on and after July 1, 2025, HOA management companies will be required to demonstrate compliance with insurance requirements as specified by DORA. The company would be required to designate an individual as the business entity's controlling manager who is responsible for the management activities of the business entity and of its employees. The entity would be responsible for paying a fee based on a schedule of fees determined by DORA and the company must obtain criminal history records for its manager and each individual that performs community association management on behalf of the business. DORA would be required to establish by rule, education requirements for the managers and any employees of a licensed entity who perform management on behalf of the licensed entity. The bill also sets forth grounds for disciplining a licensed entity and directs DORA to establish a points-based disciplinary system based on the level of violation. To sign up to remotely, in person or by a written letter, go to <https://leg.colorado.gov/> Then click on the Committee Heading and then the Public Testimony Options link. You should be able to follow the prompts. The bill is HB24-1078, the Committee of jurisdiction is The House Transportation, Housing and Local Government. The hearing is scheduled for Feb. 14 at 1:30 pm. Be prepared to spend the afternoon listening to others as well. The full language can be printed from this link: <https://leg.colorado.gov/content/transportation-housing-local-government-10> You can also view the pictures of the Legislators serving on the Committee and write committee members individually at: <https://leg.colorado.gov/committees/transportation-housing-local-government/2024-regular-session> Homeowners have the opportunity to have their voices heard by taking action.

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## STORY TELLING TOOL

### HOA Mgmt. Co. Inept, but Withholding Control; Vulture Investors Hollowing Out Community

author: CCIOA's not working

My older HOA community employs one of the 'more affordable' HOA management companies. I don't think there's many options out there for switching, but even then, our current company seems to intentionally be raising 'switching costs' by eliminating any transparency/redundancy with the HOA Board. Key institutional knowledge and access around the property have been totally owned by our Management company with deliberate efforts to withhold that power by hiding behind CCIOA and fostering dysfunction within our board. There is almost no way that my board could appropriately 'shop' for new management, and we almost certainly would have an extremely difficult time transitioning/onboarding a new agent/management company. Compounding the problem are two major issues: Firstly, the HOA management company isn't well-versed in property management. They emphasize that they're 'community management' experts, but honestly even the admin of our property has been disappointing. Poor communication has been the norm, but the inexperience and lack of knowledge how to protect and maintain capital infrastructure is slowly bankrupting and our community and causing the crumbling of the physical infrastructure. Secondly, some owners seem to simply accept this 'status quo' and just carry-on in the most self-serving of ways. These owners are not residents of the community, but investors that care little for their tenant's quality of life, but simply rely on the strong demand in the area to enrich themselves. This CCIOA status quo is not benefitting those communities, but seems to simply be enriching HOA management companies and by default encouraging investors to act in a predatory manner- leaving tenants and owner occupants bearing the costs.

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## STORY TELLING TOOL

### Impact of Legislation on Homeowners

author: Frank Wille

The fiscal note that accompanies HOA legislation provides an explanation of a Bill's fiscal impact on state and local government. It does not address the costs that legislation has on HOAs, i.e., on the Homeowners. It should! Therefore, as your Task Force makes recommendations to the Legislature, at least a discussion of the impact on the costs that must be passed on the Homeowners should be included. The costs associated with HB 22-1137 were significant, as would certainly be the case with any future legislation dealing with foreclosures, fining processes, etc.

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## STORY TELLING TOOL

### Citf and Accu

author: Hoaxboard

I was on the board for our HOA at that time I had a board member and the property manager upset with me so the manager targeted me and 3 other people that had flower plots outside of our unit out of 28 total units that had them so I took mine inside my patio so they could do anything about it. Then last week they sent a vendor out to work on the fire suppression system that's in my closet on my patio. First they climbed over the rail because my unit is one of the few that doesn't have a gate for access. While they moved around my grill with a 1 pound bottle on it they broke it off and the gas was going onto my patio, into my unit and into my closet that has my hot water heater and heater both that run off of gas. When the vendor was told that they could smell gas the vendor told them that it was only antifreeze and don't worry. I got the call saying that my unit smelled like gas really bad so I told them to go outside and I drove home it took me 15 minutes to get home to find that the tank was pouring out gas.. so I got it stopped. I called Accu and no answer so I left a message on my way home and so called the Afterhours service and left a message with a person who said that they would send it over to Accu and then I called after I got home and told them what happened.. I sent a letter to Accu and I was told that I didn't call on my way home and that I said that I had the tanks stored in the closet which I didn't even say to them.. the manager that we have is not good. I worked with other management companies and Accu is the worst company that I have ever dealt with. And our treasurer let Accu approve their invoice and then she is the only one on the board that can approve them. Very bad HOA CITF

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STORY TELLING TOOL

Stunning DORA HOA Survey Results

author: HOA United

Have you digested the DORA community association survey results? Notice the massive difference in these results vs. industry-sponsored surveys by CAI and FCAR? That's due to industry sponsorship bias. HOA Survey results (1,599 responses from unique user IDs) through December 2023 50% of homeowners are unsatisfied! DORA Colorado community association complaint statistics Statistics from multiple sources Contact Us

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## STORY TELLING TOOL

### Board overreach

author: Steph

For some years I have lived in an HOA which has periodically had at least one Board member who has tried to utilize fines as retribution against those who have questioned this person's actions within the HOA. This Board member apparently see s no hypocrisy in violating certain HOA rules while vigorously attempting to fine other residents for lesser transgressions.It seems that this Board member wants to assess arbitrary fines against those with whom there have been disagreements an d then attempt drastic legal action to enforce collection, foreclosure, etc. against those HOA residents,It further appears thi s Board member is seeking authority granted only to law enforcement and is frustrated that an HOA Board does not have t hat authority.HB22-1137 is a good law and provides much needed protection from a renegade Board or Board member.

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## STORY TELLING TOOL

### PBTOA in Colorado Springs claim the same violations since 2020 and refuse to grant hearing

author: C

The last violations letter was sent to me 1/4/24. I requested a hearing 1/9/24 via certified mail to HOA president Karen Port s, then email, and then in person at manager Ann Jagitsch's RowCal office. A request for an in-person meeting was denied . The meeting was subsequently set for 2/20/24 via ZOOM. I asked if there were a backup plan in case we couldn't connect or if we got disconnected. 2/19/24 the meeting was canceled w/no answer. Another meeting was requested and a gain, no answer.Good laws are on the books but ENFORCEMENT IS THE ISSUE.Two ideas for change may help solve th e ever present problems:1) Would it be possible for the state to allocate funds to create an HOA ENFORCEMENT AGENC Y with enough appropriate staff to handle HOA board complaints and enforce the law?The Colorado Real Estate Commissi on oversees Realtors and sanctions inappropriate practices and criminal behavior. Licenses can be and are revoked. In the same way, HOA boards and homeowners would be governed by a code of ethics and those who break the law (or violate HOA rules) would be brought into compliance - in effect creating equality on both sides.2) Remove board access to HOA f unds. Boards could continue to operate as usual, hiring vendors, conducting meetings, etc.Reputable accountants vetted a nd hired by the ENFORCEMENT AGENCY could oversee finances and payouts. Forensic accountants could review every few years.The HOA citizens of Colorado deserve protection and equal and fair treatment.

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No Responses



## STORY TELLING TOOL

### HOA Task Force Meeting on February 23, 2024

author: HOA United

During today's meeting on February 23, 2024, HOA Homeowner Rights Task Force member Lallis Jackson (a community association manager and owner of a management firm) claims that annual meeting minutes can only be approved annually. That's not true according to Robert's Rules. Robert's Rules for Approving the Minutes: If the assembly isn't meeting again for a long time (if at all), such as in annual membership meetings or conventions of delegates, the process of approving the minutes is delegated to a special committee or an executive board. This practice produces an approved and legal record of the meeting shortly after the meeting closes but before memories of what occurred in the meeting fade. \_\_\_\_\_

\_\_\_\_\_ If community association managers don't know the law, the governing documents and/or proper parliamentary procedure, what hope do homeowners have?! There's SO MUCH to know about meetings! You can learn more here. HOA United | Contact Us | Visit Us at HOAUnited.org

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No Responses

## STORY TELLING TOOL

### DORA

author: C

Dora is a regulatory agency, please regulate, enforce and protect homeowners. Education is important and needed, yet most homeowners don't have the time, energy, or interest to pour over the complicated laws. A REGULATORY AGENCY is needed. CHANGE IS NEEDED, not in the the law, but in the enforcement of same.

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## STORY TELLING TOOL

### The Task Force Again

author: gvito

I have continued to watch the HOA Task Force meetings but see so much talk and so little understanding. My impression is that the group cannot even agree on the most obvious facts. First, those who are billed as "homeowner advocates" should be titled "advocates for homeowners who don't pay their dues". Second, the advocates pretend there is some other source of revenue for the many ideas they tout. Simply put, HOAs have one and only one source of money, the assessments paid by homeowners. And the State of Colorado has one main source of income, the taxes paid by residents of the State. There is no magic pot of money that will pay for any burden placed on the HOAs or on the State. Finally, the budgeting process is not a mystery. In my time on a Board we convene in the fall to look at the expenditures in that year. We estimate what we will spend in each category during the remaining months. We then look at our various contracts to see if there will be an increase in the next year. Will the cost for utilities and insurance raise? Is our Reserve account healthy, or do we need to up the amount we save each month. All this is placed in a spreadsheet and the bottom line is divided by the number of units in our association. The only way that we can finance that budget is by the faithful, monthly payment of the HOA assessment by each unit. Should the Colorado Legislature continue to make it more difficult to convince those who are not paying to pay, there are then only two options---continue the same level of service (snow removal, trash hauling, landscaping, building repairs) and place the amount not paid on those who do pay or cut back on all or some of the services. Period. If the Task Force cannot agree to these basic facts, how can what they produce be of any value?

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|----------|---|--------------|---|---------------|---|
| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses

## STORY TELLING TOOL

### HOAs and Community Property Management Companies have no accountability

author: MattC

I have owned and lived in a condo for over 17 years. The community was well kept and funded the first 7 years or so. But since the reserves have dwindled and the property maintenance is an afterthought. Trees were pruned and parking lots resurfaced every Spring until 2019, but have not been done since. The siding is falling off and we have no money because of a kick the can down the road board, who is letting the management company make all the decisions. I addressed my concerns in a January 2024 board meeting. I informed the board I felt they were breaching the covenants and their fiduciary duties. I was then sent a cease and desist letter from the management company's attorney a week later, making all kinds of wild accusations. There is no oversight of community property management companies in Colorado and they are criminal in their behavior. It's shameful what they get away with, knowing there's nothing anyone can do, unless they have thousands of dollars to hire an attorney and try to take them on in court. What about rights for homeowners that pay their dues every month and expect the board to abide by the covenants? It's an investment for most of us!

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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| No Responses |
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## STORY TELLING TOOL

### Showed up to vote, but was not allowed

author: Star42

My HOA has been very elusive about where and when meetings will be held. Finally, though, I got actual notice of an upcoming meeting. We weren't given a lot of advance notice and the meeting was to be held the week of Christmas, so it didn't seem like they wanted high turn out. The notice said we would vote on the budget and vote on our board members. When I showed up to the meeting, I was told that the bylaws state that unless a supermajority of the members show up and vote, the budget automatically passes, so there was no vote allowed. Next, we were told that there is a minimum quota to vote on board members. Since not enough homeowners had shown up, the board members would be appointed, and again there would be no vote. I feel very cheated. They set the meeting for a time most people won't attend, then they announce that all votes are cancelled due to low attendance, and the HOA is now free to pass any budget unrestricted and appoint board members to represent us. Very unfair.

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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No Responses

## STORY TELLING TOOL

### But for the passage of Operation 1992

author: Liam in Broomfield

In 1992, the Colorado legislature passed two laws which diminished the rights for real property owners. The tax payer bill of rights was passed, as part of the conservative's agenda to PRIVATIZE state, municipal and local governments, requiring prior voter approval for new bonds. At this point in time, Metropolitan Districts grew at exponential rates, from 200 to over 2,600. A form of government developer-investor government, not responsive to voter wishes, but totally reliant to real property owner tax base/payments. These MD#1 and #2 are Petri dishes of self dealing and non arms length transactions which hide and float interest payments (Inter governmental agreements and roll over carry back loans) on bad business real estate investments. TABOR must be repealed! The second bad law passed in 1992 was the expansion of Colorado Common Ownership Interest Act, which eliminated free and clear title to real property ownership, for new single family housing. Presented as a method to protect value of your home, against pink flamingos in the front yards and non earth tone paint colors from your new neighbors, but at a cost. In essence, the real estate industry demanded residual payments on their initial real estate contract sales. Currently, Colorado homeowners are locked into a situation with no exit strategy. A situation so lucrative, that nationwide corporations and venture capitalists are buying up HOA Management Companies and local Landscape companies. Almost, 70% of Colorado homeowners are required to pay at least one or two (Master/Slave Arrangements) HOA assessments. Over time, there goes the NET equity value in your home. Colorado voters must demand their legislators repeal both of these laws. Starting with the section in TABOR dealing with prior voter approval. The CCOIA section, permitting HOA Boards and Management Companies to seek court approval to override homeowner votes, must be repealed. Then add a provision in CCOIA requiring HOA to prove their value, by requiring 51% of homeowners to OPT-IN to a continuing HOA.

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| No Responses |
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## STORY TELLING TOOL

### Board stifles member communications, Threatens whistleblower

author: mmstafford

I have complained before about the HOA board at Cheeseman Tower West in Denver. It's gone from bad to worse, as I continue to criticize them for non-compliance with CCIOA in several ways, and terrible management by Weststar resulting in a shabby building and unusable pool for over two years. The board refused to allow me to post on the community boards in the building an invitation to all HOA members to meet to discuss the issues in the building . Really Last week The board used HOA funds to pay an attorney to send me a letter, again, saying that I am abusive and I am not allowed to communicate with anybody on the board or anyone in management. Really. The problem is I have no recourse except for hiring my own attorney because CCIOA has no enforcement provisions. The one task force meeting of yours that I did listen in on was completely dominated by a member of the management community who insisted on almost every topic that everything was O K, because maybe she and her company might be doing the right thing. I did not find actual HOA members adequately represented. I was also disappointed that there was not even any acknowledgment of submissions of stories from HOA members.

Visitors **0**

Contributors **1**

CONTRIBUTIONS **1**

No Responses



# STORY TELLING TOOL

## Allocated Interest Calculation for an HOA

author: srjdad

Allocated Interest in an HOA:Background:When a Condo HOA is being developed, a developer generally hires an attorney to write a Declaration for the to be HOA.In that Declaration an important aspect is a definition of "Allocated Interest" for the condo unit owners. (this is how HOA Dues are based)As you likely know the definition of Allocated interest is the square footage of a specific unit divided by the total square footage of the entire HOA Complex square footage.The condo unit square footage is the developers plans for the size of a specific unit. It is used in the marketing of the property etc.Prior to a certificate of occupancy for the condo units, a county TAX Assessor must by Colorado Law, hire a professional surveyor to establish a county tax based square footage of a condo unit. As life turns out likely over 90 % of the developers unit square footage is larger than the final condo unit size as measured by the Tax Assessor surveyor.Issue:A county tax is based again by Colorado law on the county Tax Assessor's unit square footage having nothing to do with the developers pre built unit square footage.If a Condo HOA wishes to have the HOA Allocated Unit Interest described matching the county Tax Assessor's square footage (and what the unit is paying in county taxes not an incorrect developer square footage) the HOA must have 100% of the unit owners approve the change from using the developers square footage in the original declaration. (Of course near impossible these days)What do I want:I would like the the Colorado Legislature to pass a bill that mandates that a Condo HOA Allocated Interest definition only use the county Tax Assessor's square footage that the unit owner taxes are based upon as the nominator of the Allocated Interest calculation. EG. County Tax Assessor Unit Square Footage / Total Condo HOA Units Square Footage.

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses

## STORY TELLING TOOL

### "Opt in" for Colorado HOA

author: Ginger

I agree with the poster who provided the very helpful educational background re TABOR and CCIOA. How about a ballot initiative to cancel/make illegal the DEED restrictions at least for single family homes that do not share a roof or plumbing and are otherwise not connected..... make illegal these restrictions that allegedly "run with the land" where developers (who are often long gone) have irrevocably "deeded land" into an HOA corporation. Another aspect of this could be that if less than 50% of vacant lots have been developed in an HOA development after a time limit, the deed restriction expires. My POA is a case in point. Only 22 homes have been built out of 155 lots in a development that is over 20 yrs old, this is 14%. Consequently not enough members have a dog in the fight, and the current and immediate past board is squandering 8K a year for "management company services" that are not needed, for "vendor management" when we have no vendors except the snow plowing guy and the road maintenance crew. The roads are dirt and there are no common elements except the road access easement agreements. We do not need 8K worth of "management services," believe me. HOA members in this circumstance and similar should be able to "opt in" because I can guarantee if this were opt in, there would not be 8K to squander on unnecessary expenditures of that magnitude. A Colorado ballot initiative to mandate "opt in" for single family properties at least should be considered. We must recall that there were "deed restrictions" against certain ethnicities, religions and races to restrict their access to housing- indeed, this is the origin of the HOA, the 'neighborhood association' that tried to do an end run around integration after emancipation..... This is where they had their origins. These offensive "covenants" are still on the books, but illegal. Mandatory HOA membership as a deed restriction should be made illegal.

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses



## STORY TELLING TOOL

### Re: Regulation of HOA Management Companies

author: Ginger

It is heartening to see progress with HB 24-1078 currently under consideration in the state legislature and am hopeful this time Gov. Polis will sign it. Given the degree of Wild West corruption well documented throughout the current HOA "industry," I suggest that the following verbiage needs to be added, if not already in place (& it's a testament to just how off the rails the situation is, that this would need to be spelled out in the statutes: Owners & employees of Community Association management companies cannot simultaneously serve as board of directors for the same Associations they are taking money from to manage, even if they own an "allocated interest" (aka condo, house, vacant lot) in that association. And who would even do that anyway? (A wanna be developer who lacks the deep pockets of an actual developer, so is going to try and throw up shade to finagle this sort of scheme and funnel money away into their "management" company?). The importance of regulating the common ownership interest community industry cannot be overstated. It is out of control. Many of us feel it would be money well spent out of the "limited funds" paid in the form of dues and taxes. The alternative is the perpetuation of untenable housing insecurity for many citizens of Colorado. If the legislature and executive branches continue to fail to effectively act here, it's definitely time for a voter-led ballot initiative. One testimony here is about a management company called Westar (Cheesman Towers). These are for-profit entities. Are they licensed to do business in Colorado? They are out of El Paso Texas and appear to be involved not just in HOA and property management, real estate but also in the financial industry. RowCal is another large player that I believe has run afoul of the law in the state of Colorado. Just like health care, insurance, finances, real estate and occupations/professions are regulated, the common ownership management industry needs effective regulation.

Visitors 0

Contributors 1

CONTRIBUTIONS 1

No Responses



# STORY TELLING TOOL

## Ideas for Task Force Consideration

author: LK

Thank you for your hard work on the HOA task force. Based on the directives of HB23-1105, your committee discussions, homeowner experiences, and expert testimony, please accept the following ideas for your consideration:EDUCATION Review Colorado HOAs which are non-compliant with the registration and renewal process. Impose fines/penalties for failure to register or renew. Consider increasing the registration fee. Create an outreach program in DORA HOA Center along with the registration process encouraging Board of Directors to attend an initial one-hour information session reviewing DORA HOA, CCIOA, major responsibilities. Create an outreach program in DORA HOA Center encouraging Community Association Manager education and certification. Require a brief fact sheet explaining HOAs and their advantages and disadvantages when a contract to buy in an HOA community is initiated. COMMUNICATION Empower within DORA HOA Information and Resource Center an Ombudsman office to improve communication to resolve disputes and questions. Require all homeowners in HOAs and Community Association Managers to supply a current preferred method of communication to enable the DORA HOA Ombudsman office to establish assistance to resolve issues. In situations not resolved by the Ombudsman office, consider a requirement of a referral to the Colorado Judicial Branch Office of Dispute Resolution which has affordable access to qualified mediators who specialize in issues related to common interest communities. Establish a Resource Office in DORA HOA Center for homeowners with unpaid dues and fines to coordinate assistance. Require referrals from HOAs and CAMs to avoid foreclosures. FINANCIAL RESPONSIBILITY Inadequate maintenance and replacement of property can result in an unsafe environment, higher repair costs, and unexpected assessments that can burden homeowners and create a cash-flow crisis. Require all HOAs to address the need for reserves with the ownership at least once a year, and at a minimum, establish a reserve target of at least 25% of their annual budget. SAFE AND EQUITABLE ENVIRONMENTDiscussion revolved around unintended consequences of HB22-1137. Review the effects of this bill on the fair treatment, safe environment, and a remedy system for violations to protect homeowners in Colorado HOA communities. Consider immediate remedy of health and safety violations and escalating fines in some situations. Add an initial grace period to attempt communication with the owner regarding delinquency prior to posting the notice on the door.

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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No Responses

## STORY TELLING TOOL

### Special Treatment

author: gvito

It looks like the members of the Task Force will soon complete their work. I will be interested to see the final report. As a faithful dues-paying member of an HOA I need to understand why the bulk of the attention of the Task Force and those who write here is in sympathy with and advocating for those who do not pay their dues. Perhaps I am confused, but it seems to me that adults who manage to jump through all the hoops to purchase a home including filling out massive amounts of paperwork, attending a closing, paying earnest money, etc. ought to be able to understand that they need to pay their dues and that not paying will have consequences. Is it the job of the Colorado Legislature to create a special office to work with people who don't pay their other bills? I think that if more of those who pay their assessments on time each month watched the Task Force, many would be appalled to realize that there is no one who is looking out for them. I see in a "story" today that a writer thinks a special office should be created to work with folks who don't pay their dues. Is there a special office for folks who do pay and maybe have to cut their budget or make other sacrifices to pay? I am afraid that in another couple of years with even more legislation and new Task Forces, not paying assessments will be made so easy that even those of us who pay, will realize we are being played for a fool. Especially for us condo dwellers, this could create the worst-case scenario. Once paying assessments becomes optional how will we be able to insure or maintain our buildings? Our HOA needs every dollar of the assessments just to stay afloat.

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| Visitors 0 | Contributors 1 | CONTRIBUTIONS 1 |
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No Responses



## STORY TELLING TOOL

### Think XYZ HOA, LLC instead of HOA, Inc.

author: Liam in Broomfield

In my thirty year banking career, few sane business persons organize as a Corporation. However, homeowners under CC OIA are forced into unfavorable business arrangements, one sided management agreements, consequently, exposing the equity in one of their most valuable assets to potential litigation settlements. Become business savvy, form XYZ HOA, LLC, as a for profit entity NOT subject to CCOIA, assign the official documents to the LLC, then disband the the XYZ HOA, Inc. At that point in time, the homeowners could decide to hire a business manager or become self managed. Get the devil out of the equation, life will become sane and manageable again! Your community will become like the other 40% of Colorado' s single family residential Neighborhoods. Your neighborhood is part of your dream, not a tribute to some deceased develo per with hopes of being remembered like a Confederate monument. Sell off your clubhouse or swimming pool, to the highe st and best use purchaser, deed the parks and trails, if any to the city or county, and pay off you Metropolitan District (MD) bonds, if any. Your home and subdivision will instantaneously become more valuable, having NO deed restrictions. You will have accomplished your wildest homeowner dream without having to sell your house and move. BE Proactive. Find a good , anti-HOA, anti-MD attorney.This is the 21st century, there are no fairytale, no one is riding in on a White Horse to save yo u. Even if the legislature passes pro homeowner laws, there is no guarantee the governor will not veto the law. Governors Romer, Owens and Polis have been reluctant to throw the money changers out of the temple.

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses



STORY TELLING TOOL

Flooding private property from nearby ditch

author: Caldwell

I live in a HOA subdivision. In this subdivision 1/4 of the homes on the property get flooded every year. The stockholders s  
ays it's the homeowners responsibility and the ditch owners are not going to do anything about it. PLEASE HELP!!!!

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| Visitors | 0 | Contributors | 1 | CONTRIBUTIONS | 1 |
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No Responses

## ENGAGEMENT TOOL: PLACE

### Where is your association located?

| Visitors <b>196</b>       |                    | Contributors <b>47</b>  | CONTRIBUTIONS <b>48</b> |
|---------------------------|--------------------|---|-------------------------|
| 2023-08-10 13:24:16 -0600 | Kathleen MacKenzie | I live in a 17-story 72-unit high-rise condominium building in the Golden Triangle. The B elvedere, [REDACTED]<br>Address: [REDACTED]   |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92636">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92636</a> |                         |
| Marker                    |                    |   |                         |
| 2023-08-10 15:37:31 -0600 | Marta              | Camelot Property Owners Association<br>Address: [REDACTED]  |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92643">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92643</a> |                         |
| Marker                    |                    |   |                         |
| 2023-08-10 16:49:12 -0600 | Dave               | Address: [REDACTED]   |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92658">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92658</a> |                         |
| Marker                    |                    |   |                         |
| 2023-08-10 21:36:52 -0600 | Larry              | Coyote Run<br>Address: [REDACTED]   |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92683">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92683</a> |                         |
| Marker                    |                    |   |                         |
| 2023-08-11 08:44:12 -0600 | Sue                | Evening Breeze - Fruita<br>Address: [REDACTED]  |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92701">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92701</a> |                         |
| Marker                    |                    |   |                         |
| 2023-08-12 08:04:38 -0600 | MW                 | Sand Creek Park Landowner's Assoc (www.scploa.org)<br>Address: [REDACTED]   |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92756">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-92756</a> |                         |
| Marker                    |                    |   |                         |
| 2023-08-19 13:26:20 -0600 | Robert5280         | Jasper Street Condominiums HOA [REDACTED]<br>Address: [REDACTED]  |                         |
| CATEGORY                  |                    | <a href="http://engagedora.org/hoa task force/maps/where is your association located 2?reporting=true#marker-93024">http://engagedora.org/hoa task force/maps/where is your association located 2?reporting=true#marker-93024</a> |                         |
| Marker                    |                    |   |                         |

## ENGAGEMENT TOOL: PLACE

### Where is your association located?

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| 2023-08-18 16:58:17 -0600<br><b>gy81303</b><br><br>CATEGORY<br>Marker                       | Rafter J HOA in Durango, CO<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93037">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93037</a>                   |
| 2023-08-19 22:00:18 -0600<br><b>Dee1986</b><br><br>CATEGORY<br>Marker                       | Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93066">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93066</a>  |
| 2023-08-20 18:54:31 -0600<br><b>CO HOA<br/>Homeowner<br/>Advocate</b><br>CATEGORY<br>Marker | The Meadows Neighborhood Company<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93091">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93091</a>              |
| 2023-08-21 11:48:23 -0600<br><b>StevenK</b><br><br>CATEGORY<br>Marker                       | Longs Peak Farm HOA<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93100">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93100</a>                           |
| 2023-08-24 13:40:47 -0600<br><b>AM</b><br><br>CATEGORY<br>Marker                            | Woodman Hills Filing 11<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93337">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93337</a>                       |
| 2023-08-24 15:25:50 -0600<br><b>Lushy</b><br><br>CATEGORY<br>Marker                         | Heather Gardens<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93347">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93347</a>                               |
| 2023-08-24 18:02:46 -0600<br><b>Suncloud</b><br><br>CATEGORY<br>Marker                      | Singletree HOA and Berry Creek Metro District<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93353">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93353</a> |



## ENGAGEMENT TOOL: PLACE

### Where is your association located?

|                           |   |
|---------------------------|---|
| 2023-08-27 19:13:19 -0600 | Creekside HOA - Filings 1-5   |
| Darby                     | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93480">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93480</a> |
| Marker                    |   |
| 2023-08-30 13:13:11 -0600 | K-V HOA Moffat CO   |
| mae                       | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93642">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93642</a> |
| Marker                    |   |
| 2023-08-31 18:25:23 -0600 | Lovely community in the heart of Mayfair  |
| admin                     | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93699">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93699</a> |
| Marker                    |   |
| 2023-09-01 10:09:27 -0600 |   |
| llovemycondo              | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93725">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93725</a> |
| Marker                    |   |
| 2023-09-03 19:31:10 -0600 | Maple Hill  |
| leopard                   | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93749">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-93749</a> |
| Marker                    |   |
| 2023-09-09 00:58:00 -0600 | Gold Peak HOA   |
| eb                        | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94181">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94181</a> |
| Marker                    |   |
| 2023-09-11 11:44:05 -0600 | Poudre Overlook HOA of Fort Collins   |
| Andrew Mowery             | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94271">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94271</a> |
| Marker                    |   |

**ENGAGEMENT TOOL: PLACE****Where is your association located?**

|  |  |
|--|--|
| 2023-09-18 13:50:37 -0600<br>Richard Anderwald<br>CATEGORY<br>Marker | Broadmoor Park HOA<br>Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94870">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94870</a>                                       |
| 2023-09-19 13:55:29 -0600<br>timecoach<br>CATEGORY<br>Marker         | Baca Grande Property Owners Association AND ELK Park POA<br>Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94956">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94956</a> |
| 2023-09-20 06:59:16 -0600<br>Stones<br>CATEGORY<br>Marker            | Parkview Villas at Golden<br>Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94975">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-94975</a>                                |
| 2023-09-28 12:59:21 -0600<br>dsptchs<br>CATEGORY<br>Marker           | Raven Hills HOA<br>Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-95601">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-95601</a>  |
| 2023-09-30 12:08:52 -0600<br>Pv2<br>CATEGORY<br>Marker               | Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-95677">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-95677</a>   |
| 2023-10-08 15:09:04 -0600<br>JCP<br>CATEGORY<br>Marker               | North Entrance Anthem Ranch<br>Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-95997">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-95997</a>                              |
| 2023-10-10 16:42:13 -0600<br>zmance<br>CATEGORY<br>Marker            | Water Tower Village Condos<br>Address: [REDACTED]<br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96097">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96097</a>                               |

## ENGAGEMENT TOOL: PLACE

### Where is your association located?

|  |   |
|--|---|
| 2023-10-16 15:07:56 -0600<br><b>pplsman45</b><br><br>CATEGORY<br>Marker          | Meadow Lake Mountain Estates POA<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96325">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96325</a>    |
| 2023-10-18 08:03:22 -0600<br><b>GSickels</b><br><br>CATEGORY<br>Marker           | Brighton East Farms<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96386">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96386</a>                 |
| 2023-10-19 17:05:59 -0600<br><b>ColDrSunshine</b><br><br>CATEGORY<br>Marker      | The Farm<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96454">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96454</a>                            |
| 2023-10-23 14:38:42 -0600<br><b>Dr. Harry A Cooper</b><br><br>CATEGORY<br>Marker | Iron Horse Condominiums Association<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96601">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96601</a> |
| 2023-10-23 20:10:22 -0600<br><b>Mayor Joy Cooper</b><br><br>CATEGORY<br>Marker   | Ironhorse condominiums<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96661">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96661</a>              |
| 2023-10-25 04:38:05 -0600<br><b>amylynn2024</b><br><br>CATEGORY<br>Marker        | McKay Landing<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96773">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96773</a>                       |
| 2023-10-27 09:27:30 -0600<br><b>Amberbrady333</b><br><br>CATEGORY<br>Marker      | Chambers Place II<br>Address: [REDACTED]<br><br><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96985">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-96985</a>                   |



## ENGAGEMENT TOOL: PLACE

### Where is your association located?

|   |  |
|---|--|
| <p>2023-11-02 11:40:41 -0600</p> <p><b>JimH</b></p> <p>CATEGORY</p> <p>Marker</p>         | <p>Brettelberg Condominiums</p> <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-97437">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-97437</a></p>  |
| <p>2023-11-10 10:12:49 -0700</p> <p><b>Finstein</b></p> <p>CATEGORY</p> <p>Marker</p>     | <p>Destination ranch Property Owners Association</p> <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-97938">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-97938</a></p>   |
| <p>2023-11-15 10:14:59 -0700</p> <p><b>DRocca</b></p> <p>CATEGORY</p> <p>Marker</p>       | <p>Western Meadows HOA</p> <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-98188">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-98188</a></p>   |
| <p>2023-11-30 12:58:00 -0700</p> <p><b>kchrist8</b></p> <p>CATEGORY</p> <p>Marker</p>     | <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-98657">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-98657</a></p>  |
| <p>2023-12-04 11:55:22 -0700</p> <p><b>jadair</b></p> <p>CATEGORY</p> <p>Marker</p>       | <p>Twin Buttes Metro Districts 1 4</p> <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-98775">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-98775</a></p>   |
| <p>2023-12-15 08:50:35 -0700</p> <p><b>Woollf</b></p> <p>CATEGORY</p> <p>Marker</p>       | <p>MILLBROOK TOWNHOMES - The property has been neglected for years. Don't buy here unless you want to pay for it all! They have put off Special assessments for years and now owners will be forced to pay. I bet there are lots of communities just as neglected as ours. Buyer beware!!!</p> <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99332">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99332</a></p> |
| <p>2023-12-24 11:35:21 -0700</p> <p><b>djcampanelli</b></p> <p>CATEGORY</p> <p>Marker</p> | <p>Georgetown Square Townhomes</p> <p>Address: [REDACTED]</p> <p><a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99616">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99616</a></p>   |

## ENGAGEMENT TOOL: PLACE

### Where is your association located?

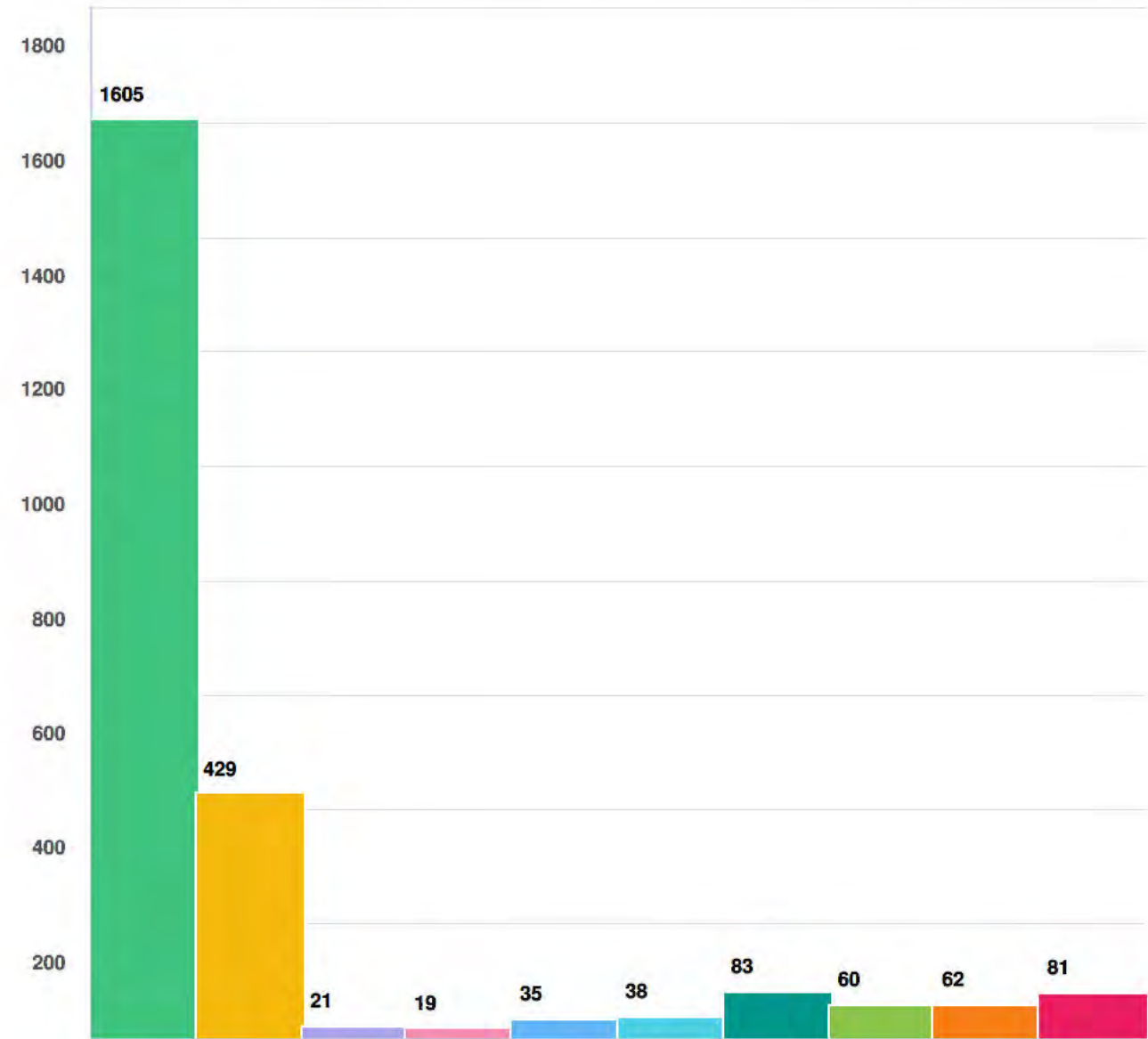
|                           |   |
|---------------------------|---|
| 2023-12-30 15:55:41 -0700 | Silverstone Master Association  |
| Austin                    | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99828">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99828</a>   |
| Marker                    |   |
| 2023-12-30 15:56:34 -0700 | Silverstone Duplexes Association  |
| Austin                    | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99829">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99829</a>   |
| Marker                    |   |
| 2024-01-02 13:20:57 -0700 | Governor's Ranch HOA  |
| bethings                  | Address: Governor's Ranch Pool, [REDACTED]  |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99918">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-99918</a>   |
| Marker                    |   |
| 2024-01-05 08:28:43 -0700 | Mesa HOA in Mayfair Community   |
| tlewingdon                | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-100049">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-100049</a> |
| Marker                    |   |
| 2024-02-21 11:05:13 -0700 | Village at Country Creek  |
| Johnbeliever              | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-102985">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-102985</a> |
| Marker                    |   |
| 2024-03-19 14:48:11 -0600 | Crystal Lakes Road & Recreation Association   |
| SHUGG                     | Address: [REDACTED]   |
| CATEGORY                  | <a href="http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-104593">http://engagedora.org/hoa-task-force/maps/where-is-your-association-located-2?reporting=true#marker-104593</a> |
| Marker                    |   |

ENGAGEMENT TOOL: SURVEY TOOL

HOA Survey

|          |      |              |      |               |      |
|----------|------|--------------|------|---------------|------|
| Visitors | 5249 | Contributors | 1710 | CONTRIBUTIONS | 1710 |
|----------|------|--------------|------|---------------|------|

Which of the following describes you? Select all options that apply



Question options

- Homeowner

HOA Board Member

Tenant

Prospective homeowner (future)

Former homeowner

Attorney working with an HOA

Real estate broker

Industry trade group (HOA management)

Current or recent plaintiff in an HOA-related dispute

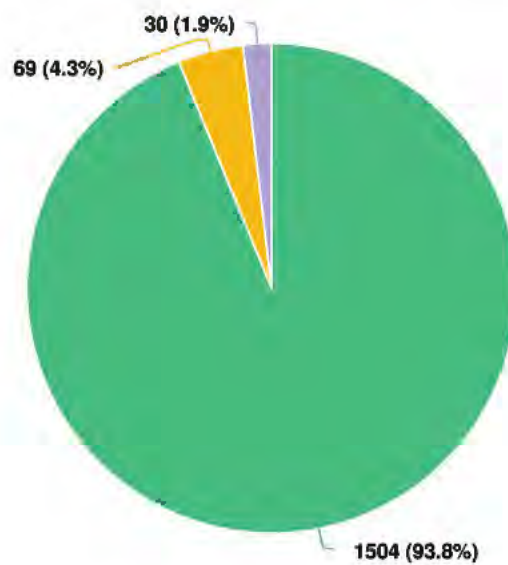
Other (please specify)

Mandatory Question (1711 response(s))

Question type: Checkbox Question



### Is your home a permanent residence or a vacation home?



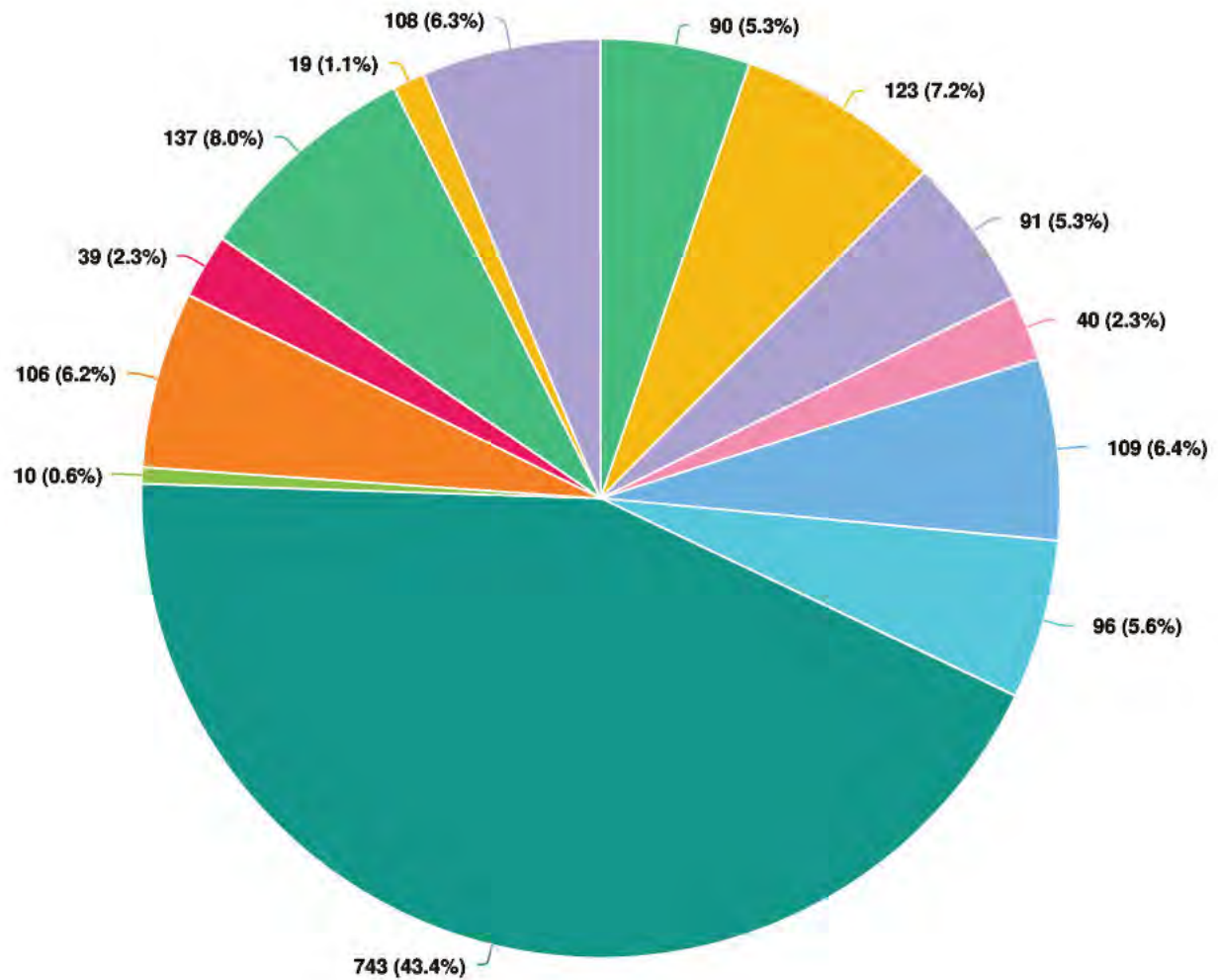
#### Question options

☒ Permanent residence ☐ Vacation home ☐ Not Applicable / Other

Optional question (1603 response(s), 107 skipped)

Question type: Radio Button Question

## Where do you live?



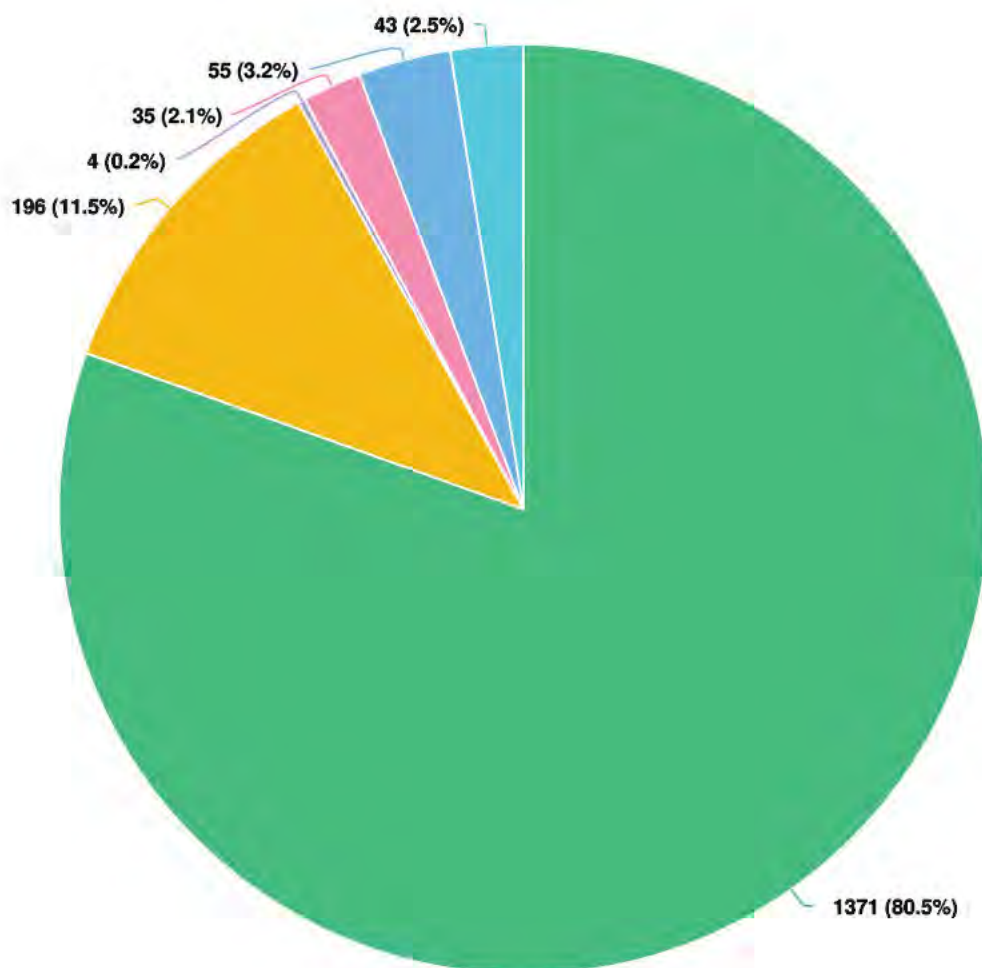
## Question options

- |                           |                             |                           |                        |
|---------------------------|-----------------------------|---------------------------|------------------------|
| Northwest Colorado        | Southwest Colorado          | Northeast Colorado        | Southeast Colorado     |
| Fort Collins metro area   | Boulder metro area          | Denver metro area         | Pueblo metro area      |
| Grand Junction metro area | Colorado Springs metro area | I do not live in Colorado | Other (please specify) |

Mandatory Question (1711 response(s))

Question type: Radio Button Question

What type of community do you live\* in? (or work with, if you you are a housing-related professional)



**Question options**

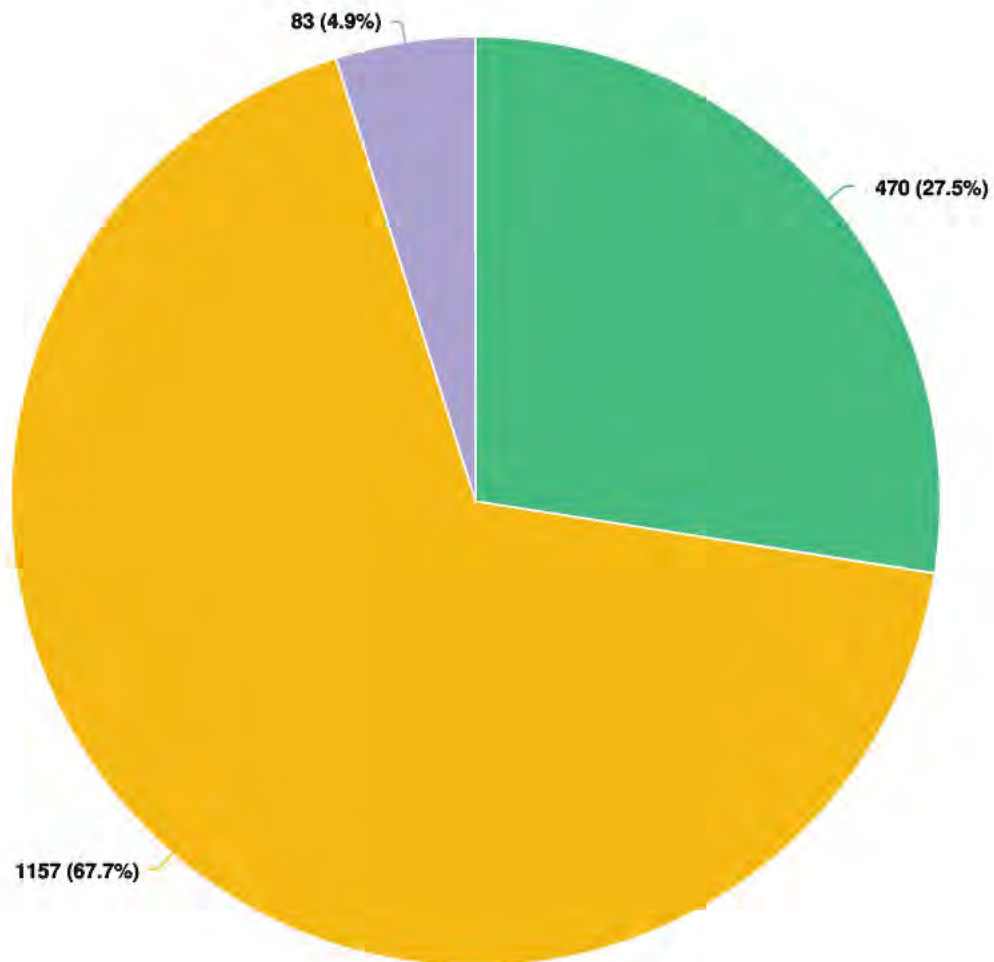
- HOA or POA (property owner's association)
- Condominium
- Timeshare
- None of the above / I don't live in a common interest community
- Multiple or all of the above options
- Other (please specify)

Optional question (1704 response(s), 6 skipped)

Question type: Radio Button Question



Is your HOA (or other type of community) self managed or professionally managed?



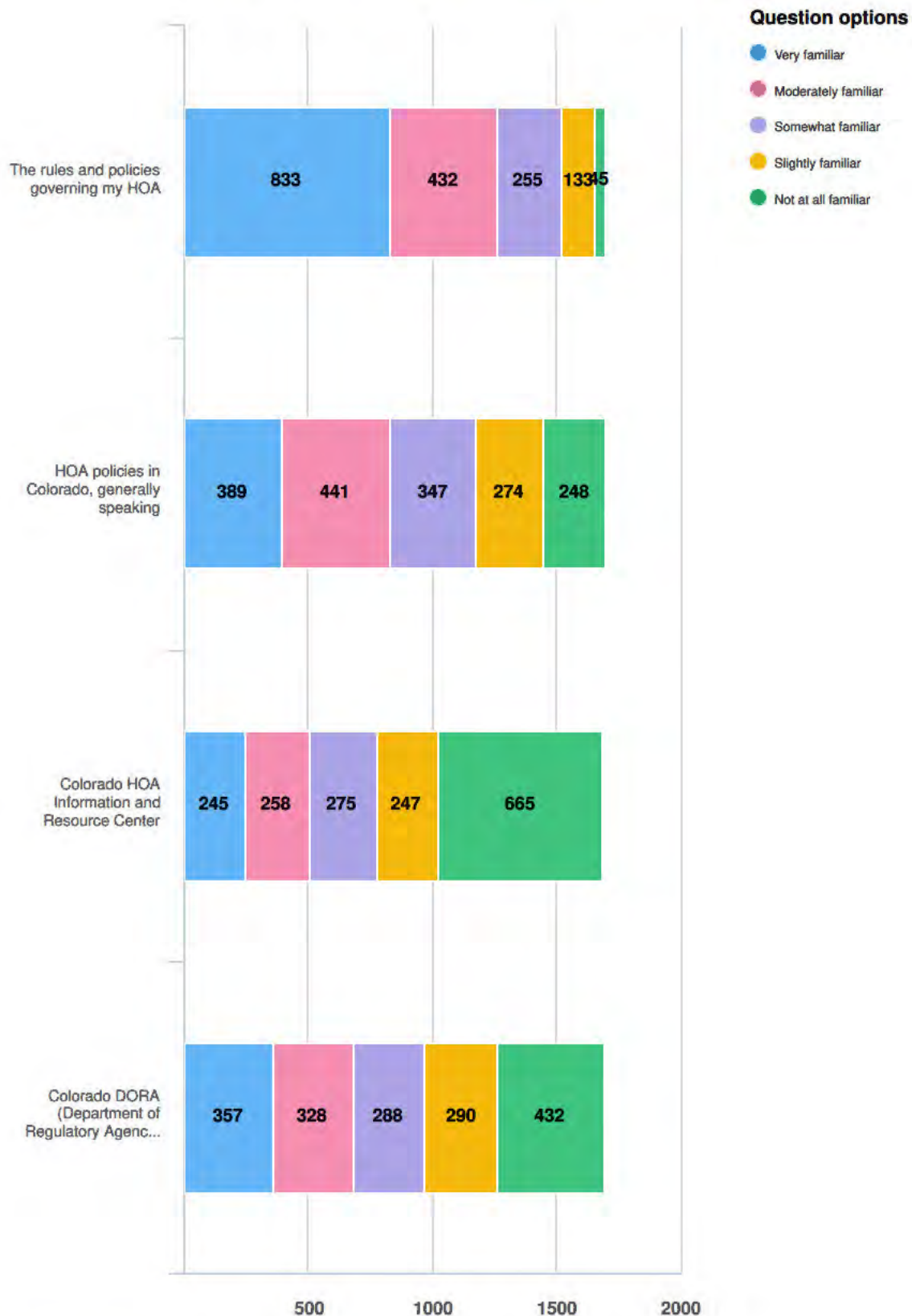
**Question options**

☒ Self managed ☒ Professionally managed ☐ I don't know / Not applicable

Optional question (1710 response(s), 0 skipped)

Question type: Radio Button Question

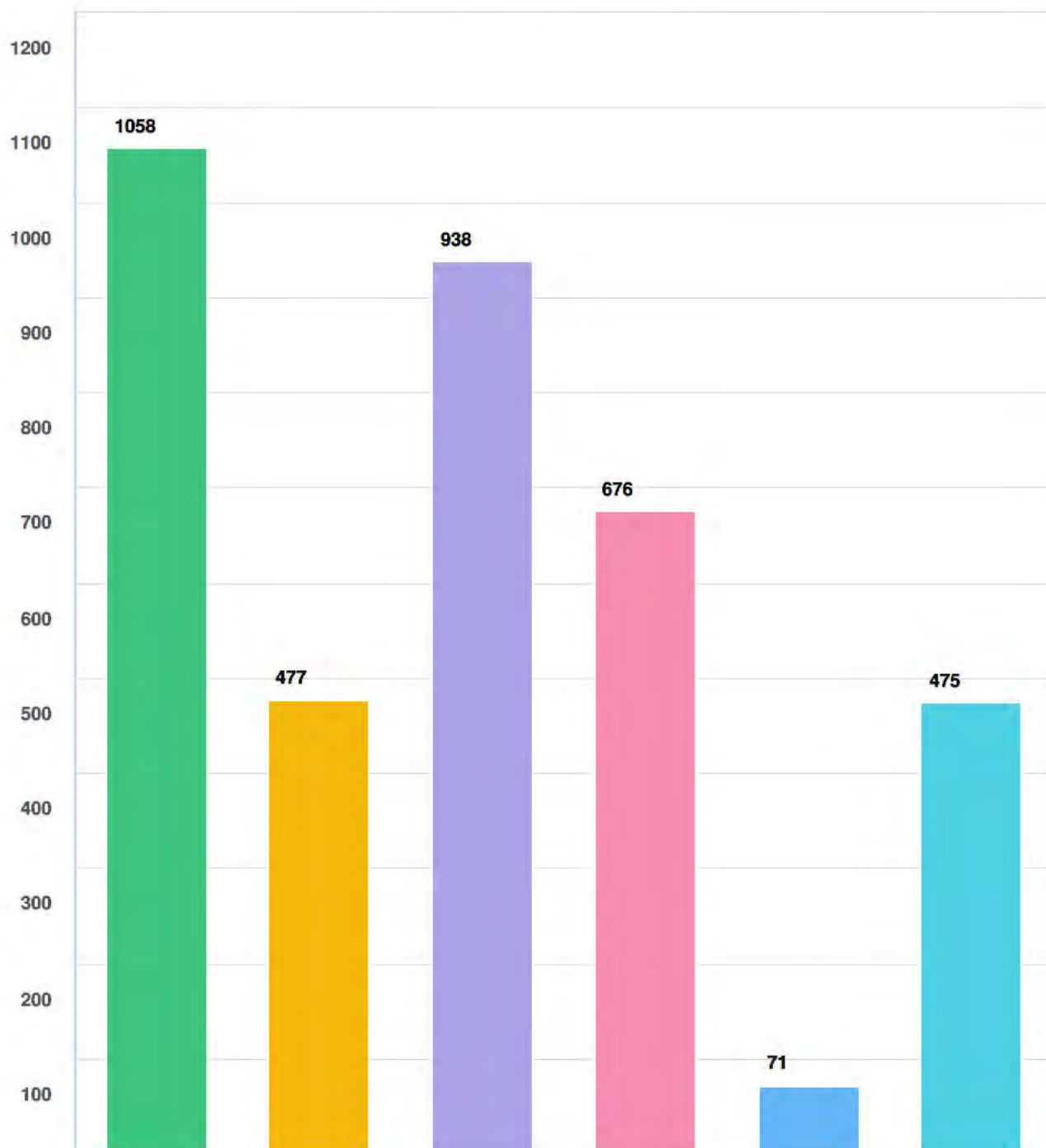
## How familiar are you with each of the following:



Optional question (1705 response(s), 5 skipped)

Question type: Likert Question

The HOA Task Force will focus special attention on a few issues facing HOAs, each of which is listed below. Which of the following issues do YOU think will be most important to address?



#### Question options

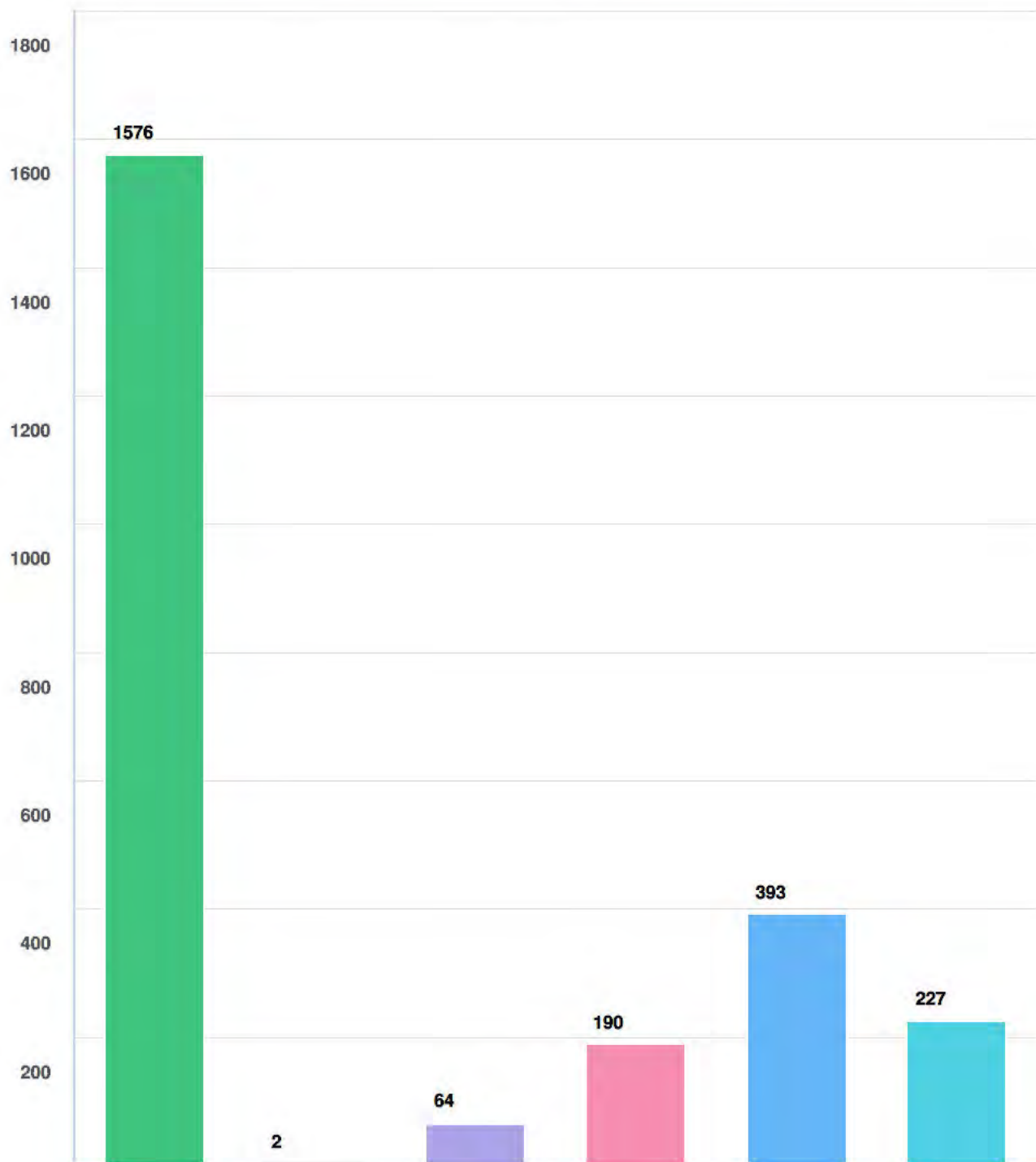
- Other (please specify)    ● None of the above
- The availability and method of making certain documents available to HOA homeowners in the association
- Communications with homeowners    ● Foreclosure practices    ● Homeowners' associations' fining authority and practices

Optional question (1708 response(s), 2 skipped)

Question type: Checkbox Question



**What is your preferred method of communication for staying up to date on HOA-related information?(Specifically regarding updates from the HOA Center or the HOA Task Force)**



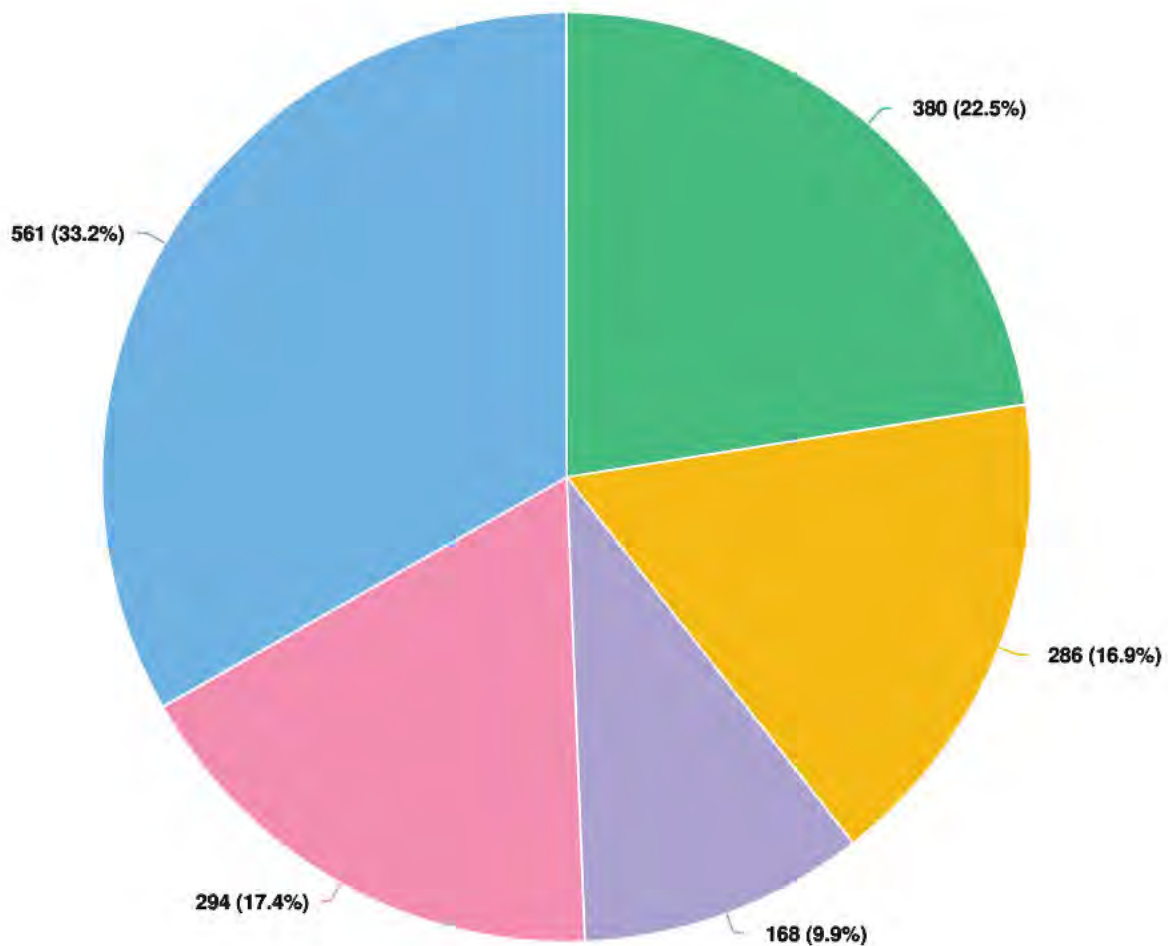
**Question options**

Forums and events (virtual or live) Website information (including this page) SMS (text messages)  
Social media Option 6 Email

Optional question (1705 response(s), 5 skipped)

Question type: Checkbox Question

### How satisfied are you with your HOA?



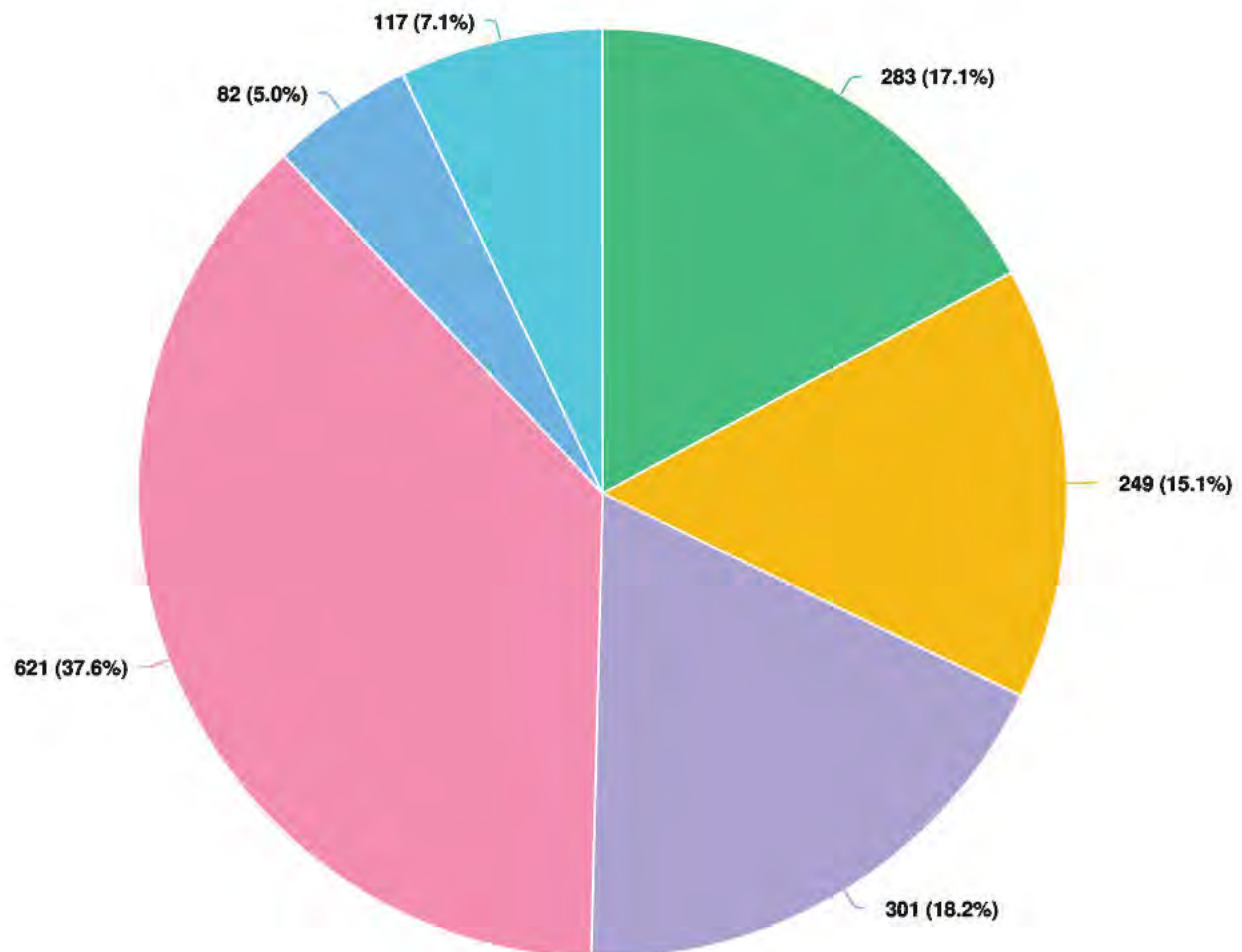
#### Question options

☐ Very unsatisfied ☐ Somewhat unsatisfied ☐ Neutral ☐ Somewhat satisfied ☐ Very satisfied

Optional question (1689 response(s), 21 skipped)

Question type: Radio Button Question

## How often do you communicate with your HOA?



## Question options

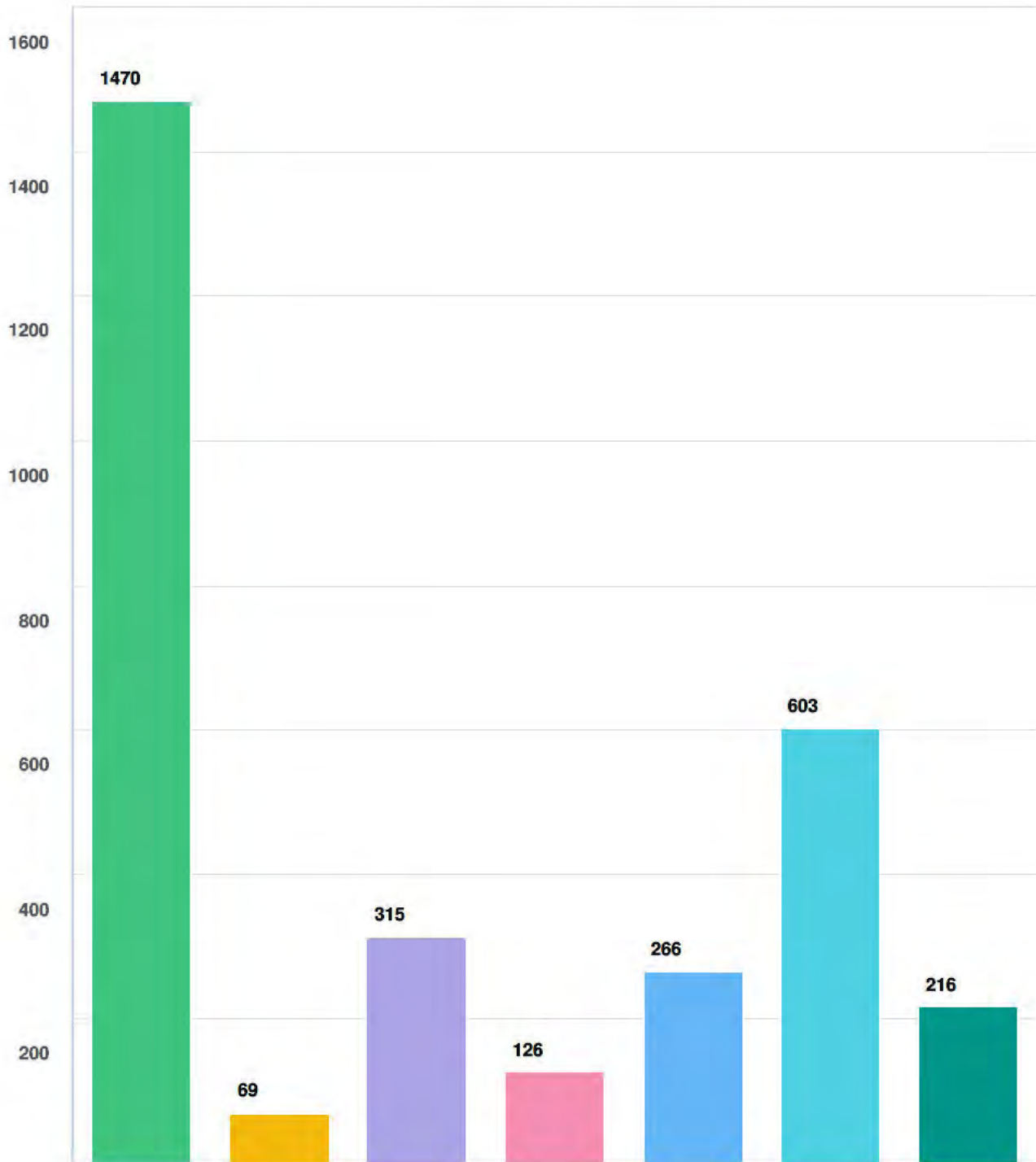
● Rarely or never ● About once per year ● A few times per year ● About once per month  
● A few times per month ● At least once per week

Optional question (1653 response(s), 57 skipped)

Question type: Dropdown Question



## How do you and your HOA typically communicate?



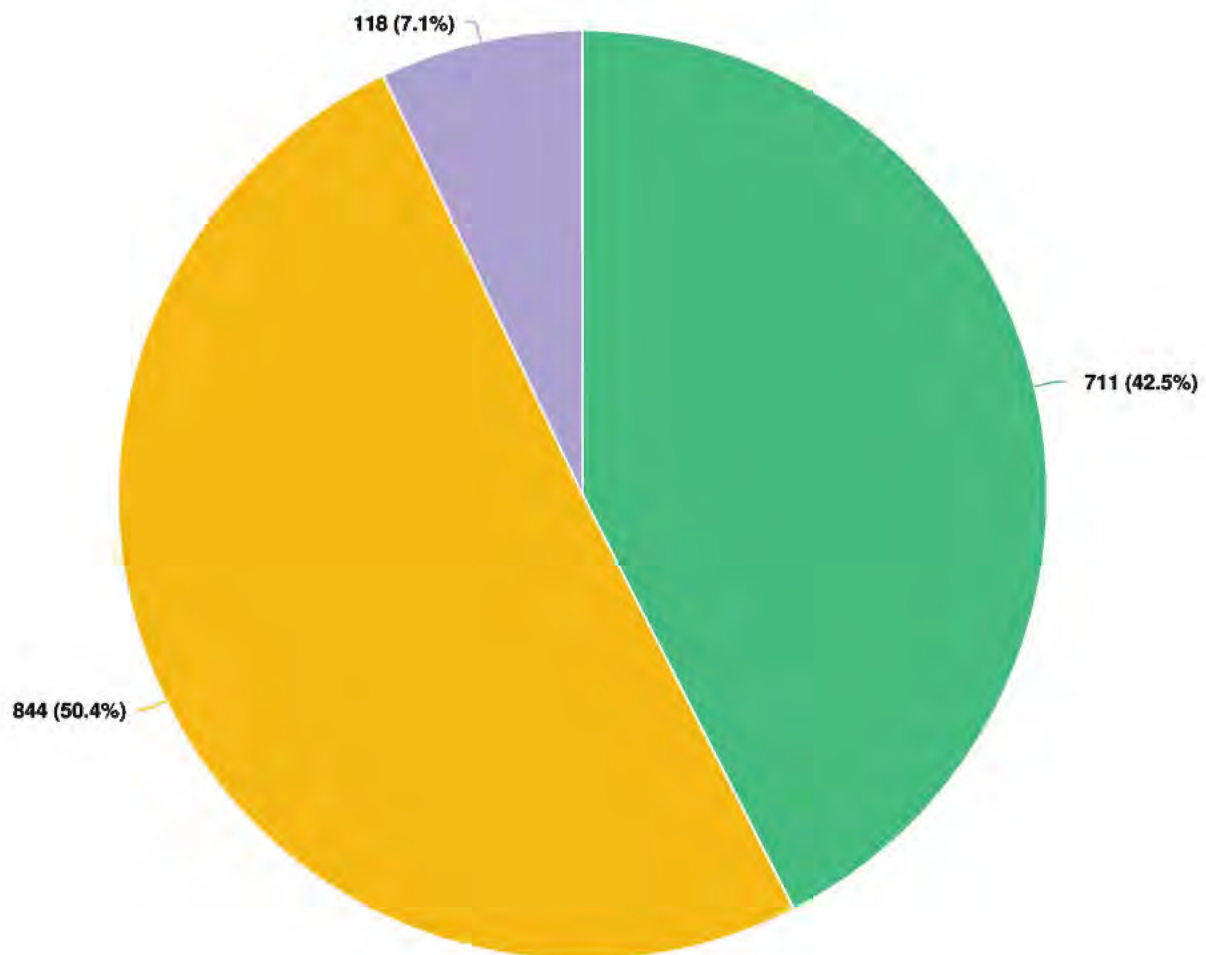
## Question options

Other (please specify) In person gatherings or meetings Mail SMS (texting) Phone (calling)  
Social media Email

Optional question (1692 response(s), 18 skipped)

Question type: Checkbox Question

**Does your HOA typically act quickly to address concerns or problems?**



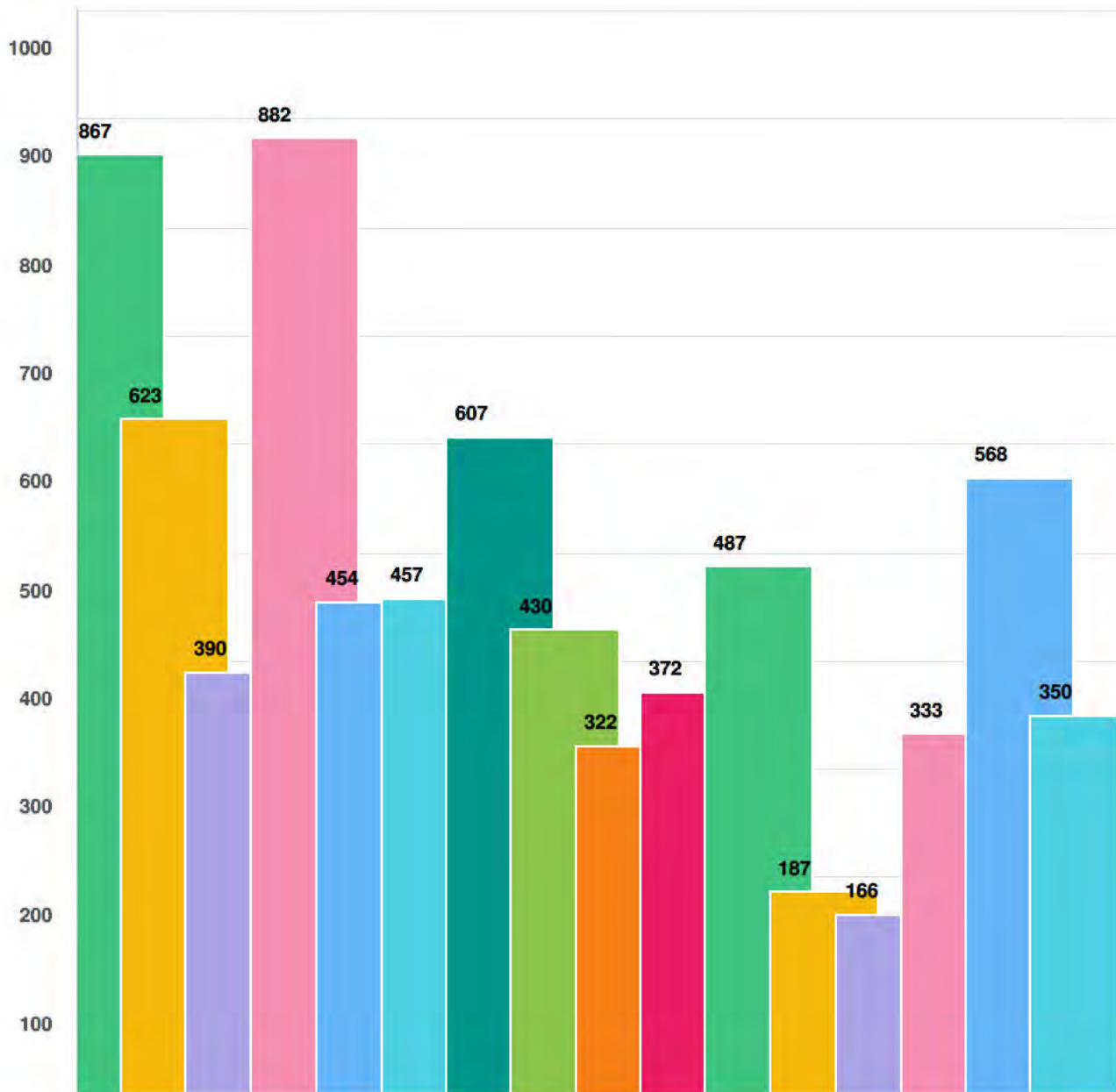
**Question options**

☐ Not applicable / No experience with concerns or problems    ☐ No    ☐ Yes

*Optional question (1673 response(s), 37 skipped)*

*Question type: Radio Button Question*

## Which of the following challenges have you experienced with your HOA (if any)?



## Question options

- Other (please specify)
 ● Landscaping (or xeriscaping) problems
 ● Parking related issues
- Theft, fraud, deception or misappropriation
 ● Discrimination
 ● Problems with meetings (timing, facilitation, access, etc)
- Issues with elections or voting
 ● Failure to produce records
 ● Harassment, retaliation or intimidation
- Homeowners or HOA Board not following governing documents
 ● Excessive fees or assessments
- Problems related to accounting or finances
 ● Improper or inconsistent enforcement of covenants
- Issues with regulatory compliance, registration or health and safety
 ● Failure to perform maintenance, repairs or construction
- Poor communication between homeowners and HOA Board

Optional question (1502 response(s), 208 skipped)

Question type: Checkbox Question



## ENGAGEMENT TOOL: QUICK POLL

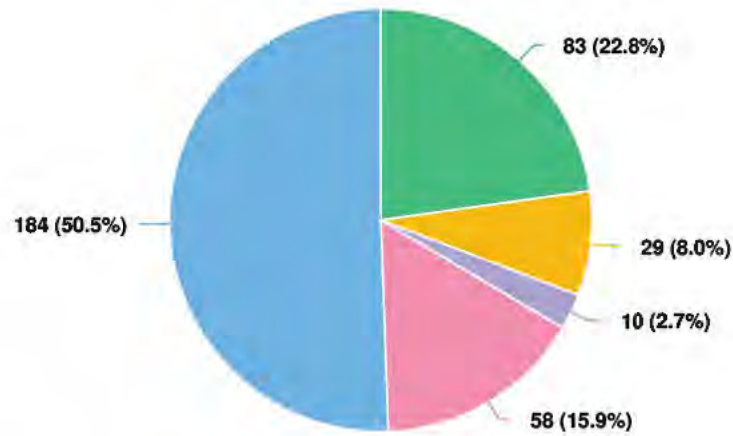
How satisfied are you with your HOA?

Visitors **372**

Contributors **364**

CONTRIBUTIONS **364**

How satisfied are you with your HOA?



### Question options

☐ Very unsatisfied ☐ Somewhat unsatisfied ☐ Neutral ☐ Somewhat satisfied ☐ Very satisfied

Mandatory Question (364 response(s))

Question type: Radio Button Question