

HOA Complaints

A presentation by the Colorado HOA
Information & Resource Center

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Legal Disclaimer

The information in this presentation should not be construed to be legal advice. It is intended for educational purposes only. If you have any legal questions, you should consult with a qualified, licensed attorney.

The Colorado Common Interest Ownership Act (“CCIOA”)

- Colorado state law that governs common-interest communities (HOAs)
 - Law became effective July 1, 1992
- Legislative declaration - 38-33.3-102, C.R.S.
 - (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 in common interest communities financially through the setting of budget guidelines, the creation of statutory assessment liens, the granting of six months' lien priority, the facilitation of borrowing, and more certain powers in the association to sue on behalf of the owners and through enhancing the financial stability of associations by increasing the association's powers to collect delinquent assessments, late charges, fines, and enforcement costs;
- No regulatory oversight
 - Individual homeowners must assert their rights in civil court

Previous Colorado Community Association Manager Regulation

- CAM licensing and regulation existed in the form of the Community Association Manager Program from January 1, 2015, to July 1, 2019.
- May of 2019, HB19-1212 was passed by the legislature
 - This bill would have continued the CAM program for one year while a stakeholder process took place.
- Governor Polis vetoed HB19-1212, and the CAM Program expired on June 30, 2019.
 - The Governor also issued Executive Order D-2019-006 (Directing a stakeholder process to examine community and homeowner associations)
- Currently, there is no regulatory oversight of HOAs or Community Association Managers.

The HOA Information & Resource Center

- House Bill 10-1278 created the HOA Information and Resource Center
 - Became effective on January 1, 2011.
 - Intended to be a resource for homeowners and board members in HOAs.
 - See [12-10-801, C.R.S.](#)
- HOA Information Officer acts as a clearing house for information concerning the basic rights and duties of unit owners, declarants, and unit owners' associations under the CCIOA.
- 2024 Sunset Review of the HOA Center recommended continuing the HOA Center for 13 years.
 - Sunset Review administered by the Colorado Office of Policy, Research, and Regulatory Reform ("COPRRR").

What the HOA Center does do:

- Provides information to homeowners regarding their basic rights and responsibilities under the Colorado Common Interest Ownership Act “CCIOA”.
- Gathers, analyzes and reports information through complaints and HOA registrations.
- Creates resource materials.
- Provides educational material and forums.
- Provides and maintains a website with information for the public.
- Registers HOAs in accordance with §38-33.3-401(1) C.R.S.
- Provides an Annual Report to the Legislature.

What the HOA Center does not do:

- Is not a regulatory program.
- Does not mediate/arbitrate.
- Cannot provide legal advice.
- Does not act as an advocate.
- Cannot assess fines or penalties.
- Does not enforce an HOA's failure to register.

Difference Between HOA and CAM

- An HOA is a homeowners' association governed by an executive board of directors. The directors are elected by the unit owners (or "homeowners") in an election held according to the HOAs governing documents.
- A CAM is a community association manager ("CAM") hired by the executive board of directors pursuant to a written contractual agreement.
 - The hiring of a CAM is usually done in agreement by the board, although the HOA President may have this sole authority.
 - CAM contract shall be terminable for cause without penalty to the association and shall be subject to renegotiation. 38-33.3-302(4)(a), C.R.S.
- The CAM reports to the HOA and carries out the wishes of the board of directors.
- **THE HOA IS NOT THE CAM AND THE CAM IS NOT THE HOA!!!**
 - Confusion exists understanding the difference between these two distinct entities.

HOA Complaints

- The HOA Center is statutorily required to administer a complaint program.
 - C.R.S. 12-10-801(3)(IV)(c) states:
 - ❖ The HOA information officer shall track inquiries and complaints and report annually to the director regarding the number and types of inquiries and complaints received.
 - Previous [HOA Annual Reports](#) may be found on the HOA Center's website.
 - No jurisdiction has been provided the HOA Center to investigate any complaint received.

HOA Complaints - Submitting a Complaint

- Anyone may submit a complaint by clicking on the “File a Complaint Online” button at:
 - <https://dre.colorado.gov/filing-hoa-complaint>
 - Printable complaint forms are also available for download and printing purposes.
 - ❖ Printed complaint forms must be submitted either:
 - Via **email** to <dora_dre_hoainquiries@state.co.us>, or
 - Via **USPS** to:
Dept. of Regulatory Agencies
Division of Real Estate
Attn: HOA Information & Resource Center
1560 Broadway, Suite 925
Denver, CO 80202

Online HOA Complaint

The screenshot shows a web browser window with the URL dre.colorado.gov/filing-hoa-complaint. The page title is "Filing a HOA Complaint". Below the title, there is a section titled "File a Complaint" with a blue background. The text in this section states: "The HOA Information and Resource Center and the Division of Real Estate do not have any investigative or enforcement capabilities to address your HOA complaint." It then lists three bullet points: "We record your issues and matters of concern into a statistical database, which is later compiled into an annual report.", "The HOA Officer will make every effort to contact you regarding your complaint if further information or clarification is needed, as well as provide you with possible resources that may assist.", and "Be advised that any information you provide in your complaint may not be considered confidential pursuant to the Colorado Open Records Act (CORA)." Below this text are three buttons: "File a Complaint Online", "HOA Only File a Complaint Form", and "HOA Only File a Complaint Form (Spanish)".

Filing a HOA Complaint

File a Complaint

The HOA Information and Resource Center and the Division of Real Estate do not have any investigative or enforcement capabilities to address your HOA complaint.

- We record your issues and matters of concern into a statistical database, which is later compiled into an annual report.
- The HOA Officer will make every effort to contact you regarding your complaint if further information or clarification is needed, as well as provide you with possible resources that may assist.
- Be advised that any information you provide in your complaint may not be considered confidential pursuant to the Colorado Open Records Act (CORA).


[File a Complaint Online](#)

[HOA Only File a Complaint Form](#)

[HOA Only File a Complaint Form \(Spanish\)](#)

Handling HOA Disputes

Most homeowners want to know where their money is going; air a grievance about the management company; or are concerned about an increase in assessments. Repeatedly, the situation unnecessarily escalates because the homeowner, board or manager fails to communicate in an appropriate and timely manner. Learn about the ways hoa homeowners can handle disputes.

 **Handling a HOA Dispute**

Physical HOA Complaint Form page 1

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HOA Information and Resource Center Homeowners' Association Complaint Form

The HOA Information and Resource Center ("Center") was established to provide basic information concerning the rights and duties of homeowners, declarants, and homeowners' associations under the Colorado Common Interest Ownership Act (CCIOA). The Center is also tasked with collecting and analyzing information on HOA issues and your input through the complaint process is valuable to the Center in accomplishing this goal. The Center does not have any investigative or enforcement capabilities to address your HOA complaint. The Center may attempt to contact you if further information or clarification is needed regarding your complaint. The Center cannot provide legal advice, nor can we mediate or intervene in disputes. The Center will track your complaint, and will report to the Director of the Division of Real Estate regarding the number and types of inquiries and complaints received. If you have any questions or wish to discuss your complaint, please contact the Division at (303) 894-2166. Please be advised that any information you provide in your complaint may not be considered confidential pursuant to the Colorado Open Records Act (CORA).

Please provide requested information (if known) in the spaces provided.

1. Information about you (Complainant):

First Name _____ Middle Initial _____ Last Name _____

Mailing Address _____
(Number and Street) (Apt, Suite, Unit) (City) (State) (Zip Code)

Phone Number () _____

E-Mail Address _____

Property Address which is the subject of this complaint: _____ (Check here if same as mailing address above)
(Number and Street) (Apt, Suite, Unit) (City) (State) (Zip Code)

Regarding the property subject to this complaint, are you the: Owner: _____ Tenant: _____

2. Information about the HOA which is the subject of this complaint:

Does a Management Company manage your HOA? Yes _____ No _____

Who is your complaint about? (Check all that apply) _____ HOA Board _____ Declarant/Developer _____

Name of HOA: _____

1

Physical HOA
Complaint
Form page 2

[illegible]

Physical HOA
Complaint
Form page 3

3 / 3
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By checking this box (required) and submitting this form to the Division of Real Estate, I certify that the statements and information supplied by me are true and accurate to the best of my knowledge.

Your Signature _____
(If printed and mailed or faxed)

Date: _____
MM/DD/YYYY

You can forward your complaint and any additional narratives or documentation to:

Division of Real Estate
 Attn: HOA Information and Resource Center
 1560 Broadway, Suite 925
 Denver, CO 80202
 Ph: 303-894-2166
 Email: dora_realestate_website@state.co.us

PLEASE NOTE: THE DIVISION OF REAL ESTATE IS NOT AUTHORIZED TO CONDUCT INVESTIGATIONS ON HOMEOWNERS' ASSOCIATIONS (HOA's) HOA BOARDS, OR COMMUNITY ASSOCIATION MANAGERS AND IT CANNOT PROVIDE LEGAL ADVICE.

What Happens once a Complaint is Received?

- Complaints are categorized for the issues and concerns they contain and are then entered into a statistical database.
- The HOA Officer then drafts an acknowledgement letter, which contains some basic information and resources, as well as any information specific to the issue which may be helpful.
 - This letter is provided to the complainant and only the complainant.
- The HOA Center does not contact the respondent.
 - However, the complainant may share the acknowledgement letter with anyone they'd like.
- No ability to investigate any complaint submitted.

Nature of HOA Complaints

(Highlighted bullet points = most common types of complaint)

- Accounting and/or Finances (Assessments; Fines; Interest; budgeting; audit).
- Communication with Homeowners; Board.
- Conflicts of Interest.
- Declarant Not Following Through With Transfer of Control.
- Discrimination.
- Diversion; Theft; Fraud; Misappropriation; and/or Deception.
- Elections and/or Voting.
- Excessive Assessments, Fees, or Fines; Collections; and/or Foreclosure.
- Failure to Produce Records.
- Harassment; Retaliation; and/or Intimidation.
- Improper and/or Selective Enforcement of Covenants.
- Insurance.
- Liens.
- Meetings.
- Miscellaneous (Green Energy; Pets; Pools; Satellite Dishes; Political Signs).
- Not Following Governing Documents.
- Not Performing Maintenance and/or Repairs; Construction Defects.
- Nuisance.
- Parking.
- Regulatory Compliance, Registration and/or Health & Safety.
- Reserves.
- Xeriscaping and/or Landscaping.

Possible Solutions for Common HOA Complaints

Accounting and/or Finances

- Governing documents may require periodic audits.
- CCIOA only requires an audit at discretion of the executive board or if requested by owners of at least one-third of the units represented by the association.
 - For owner-requested audit to occur, association must have annual revenues or expenditures of at least two hundred fifty thousand dollars. For more information see 38-33.3-303(4)(b)(I) of CCIOA.

Communication with Homeowners; Board.

- Contact board in writing.
- If no response, contact in writing again via certified mail with return receipt requested.
- Request the board or CAM to engage in alternative dispute resolution (“ADR”).
- Colorado Judicial Branch’s Office of Dispute Resolution.
- Mediation Association of Colorado.
- Contact an attorney.

Excessive Assessments, Fees, or Fines; Collections; and/or Foreclosure

- Attend board meetings, voice your concern, ask questions.
- Review governing documents to determine how assessments may be raised (if at all), or if there is a cap on the amount the board can raise dues per year.
- Vote in community elections for candidates who share your same vision for the community.

Failure to Produce Records

- Owners are entitled to detailed records of receipts and expenditures affecting the operation and administration of the association, minutes of all meetings of its owners and board, a list of the names of all owners, tax returns of the association for the past seven (7) years, and many other records.
- See 38-33.3-317, C.R.S.
- The association may impose a reasonable charge to produce the requested records. The charge may not exceed the estimated cost of production and reproduction of the records.
- Unit owners may be able to recover penalties of fifty dollars (\$50.00) per day, up to a maximum of five hundred dollars (\$500.00), or actual damages sustained, as a result of an association's refusal to honor a proper records request.

Improper and/or Selective Enforcement of Covenants

- Generate interest of fellow homeowners.
- Remove offending board members.
 - 38-33.3-303(8) discusses the process for removing board members.
- Vote for individuals in elections who share your same vision for the community.

Not Performing Maintenance and/or Repairs

- Section 38-33.3-307, C.R.S. of the Colorado Common Interest Ownership Act (“CCIOA”) states that Except to the extent provided by the declaration, subsection (2) of this section, or section 38-33.3-313(9), C.R.S., the association is responsible for maintenance, repair, and replacement of the common elements, and each unit owner is responsible for maintenance, repair, and replacement of such owner's unit.

THANK YOU!

HOA Information & Resource Center

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303-894-2166
dora_dre_hoainquiries@state.co.us

Website:
<https://dre.colorado.gov/division-programs/hoa-center>

Division of Real Estate YouTube Channel:
<https://www.youtube.com/c/DORADivisionRealEstate>