

**Senate Local Government & Housing**

**04/23/2024 02:00 PM**

**HB24-1337 Real Property Owner Unit Association Collections**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
<p>Teresa Dyer For The Redress Movement</p>	<p>Thank you, Mr. Chair and members of the Committee,</p> <p>My name is Teresa Dyer. I'm a member of the Redress Movement, and I live in Green Valley Ranch. I'm here in support of HB24-1337. Our HOA fined me for leaving my children's bikes out front for 5 minutes while my child used the restroom. When I contested the fine, they repeatedly denied my request. They fined me for a shed they approved. They threatened to fine me for the trash cans not being moved even though the trash service had missed us &amp; instructed me to leave them out for the next morning. I was fined for flower pots on my patio after they changed the rules to disallow them. My flower pots have been used annually for years before without issue. I was fined without notification for an item I left on my porch for a neighbor to pick up. The unpaid fines were submitted to their attorney group, and a lien was placed on my home and threatened with foreclosure. I went to court over this issue and ultimately had to lose work, miss school, and spend nearly \$2000 to protect my family's home. Throughout this ordeal, I learned that many families are in homes like mine. They could say they sent notice but never said they mailed it to the homeowner or address of the home they were levying fines against. I missed work and school several times in order to navigate the worst of their practices.</p> <p>I lost income and savings. I have not financially recovered. It was such a traumatic experience that I still have anxiety regarding the HOA, their changing rules, fines, and lack of communication. I am hyper-aware of vehicles driving by my home and fear losing my home to them. If I lose my home, I fear it will destroy my family, a single-parent home with three kids.</p> <p>My children are aware of my hypervigilance and feel the financial impacts no matter how hard I try to shield them from it. This bill will protect vulnerable populations from the nefarious and predatory practices that many families in homes like mine endured. It will offer</p>

	<p>my family and many neighbors peace of mind. That’s why I’m asking you for a yes vote on HB24-1337 today.</p>
<p>Dwayne Meeks For The Redress Movement</p>	<p>Thank you, Mr. Chair and members of the Committee,</p> <p>My name is Diana Seehase, and I’m a member of the Redress Movement. I live in Grand Junction. I’m here in support of HB24-1337. On August 3, 2022, a new hoa was created. When the neighbors found out I was a person who is disabled or has a disability. Wedding Canyon Estates II has only seven lots and six neighbors on the board. I purchased my property of 3 acres in 2018. No Active HOA for over 32 years! What feels like it came from out of nowhere, I received excessive fines &amp; fees of \$365k. in 2022. Plus \$255k.in HOA Attorney's fees in 3 Months. Now, much more. I can’t think of any other way but predatory to describe this behavior from the HOA and Attorneys. On May 12, 2022, before they were a New HOA on August 3, 2022. Now, backing the documents. They sold a section of my land and recorded it without my knowledge. On August 6, 2022, they filed a lawsuit against me for Excessive Fees, ownership of my property, an Injunction against me &amp; my property, plus contempt of court to sue my Special Needs Trust &amp; pulling weeds on my property an “intent to Lien” in June before 2022 before August 3, 2022. Harassment, stocking, scare tactics, and taunting are every day every 2 hours, or if outside on my property, it’s every 15 mins or 30 mins. Yelling and flipping me off. Including taking videos and pictures of me. HOA Attorneys are trying to force me to sell them my home below market but keep the sales proceeds until after the trial. They aim to force me to do a HOA Foreclosure to take my home.</p> <p>My family and friends believe my life is in danger, being a single woman living alone. I am hopeful nothing will happen. My doctor is treating me for HOA Abuse and Trauma by neighbors, Bray Property Management, and HOA attorneys. More medical treatments on top of my disability treatments. We must stop abuse and Criminal acts by HOA Property Management Companies. HOA Attorneys are calling orders to harm homeowners and stop CAI Organizations. Stop the profiling of Homeowners with Disabilities, Retirees, Seniors, and the Elderly to steal their homes. Leaving them homeless and broke. They can’t afford to fight the HOAs. That’s why I’m asking you for a yes vote on HB24-1337 today.</p>

<p>Andrew Mowery For themselves</p>	<p>Thank you to the Chair and Committee for the opportunity to testify today. My name is Andrew Mowery, and I am here representing myself. I live in a very troubled HOA in Fort Collins, and have been a member of the HOA Board. I have also attempted to litigate HOA matters as CCIOA requires, and therefore know quite a bit about how HOA Boards act with attorneys.</p> <p>One of the key aspects of HB24-1337 is incentives. Far too often, when an all-volunteer HOA Board decides to collect delinquent assessments, the matter is turned over completely to Community Area Managers (CAMs) and the HOA General Counsel. The Board abdicates their duty to make deliberate decisions under the guise of fiduciary duty saying things like: "We are just volunteers and don't know the law, so we turn it over to the attorneys so that it is done right".</p> <p>While sounding like good judgement, it often isn't. Small, petty matters suddenly have thousands or tens of thousands of dollars of legal fees added to even just a couple hundred dollars of assessments. HB22-1137, on which this bill has foundation, was originally about an attorney in Parker who's automatic payments on \$200 in assessments failed. It was instantly turned into a \$3000 debt based solely on legal fees before he received first notice. The HOA Board didn't even email or call him, let alone vote on the legal cost now being added.</p> <p>What HB24-1337 does is incentivize HOA Boards to make deliberate good faith decisions about whether it makes sense to even involve attorneys over smaller delinquencies. The ratio and cap on legal fees doesn't mean Boards can't use attorneys, or that they won't be paid a fair and reasonable amount. This bill creates incentives to look at alternatives, including payment plans and alternative financing, before involving attorneys and adding to the homeowner's debts to make them insurmountable - inviting foreclosure.</p> <p>I know from my experience that without such incentives my HOA Board has repeatedly made decisions like this with several different HOA attorneys. This bill will significantly change the way Boards handle collections and legal matters for the good. I wish this bill had been in place years ago, and I know many other HOA homeowners who have been through the same or worse. We need protections</p>
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	from predatory attorneys who rely upon HOA Boards abdicating their duties.
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