

Subject: Opposition to OOHO Association Document Changes
From: John C Dean <johncdean@aol.com>
Date: 4/8/23, 9:50 AM
To: hoa@oohaboulder.org, governance@oohaboulder.org

Committee and Board Members:

I oppose these documents for the following reasons:

First: I have asked for redline copies of the changes that separate out any absolutely required changes to bring the documents into compliance with Colorado law from all other changes. The documents supplied conflate the required Colorado law changes (if any) and changes the board would like to see. Accordingly, I must assume that none of the changes suggested are actually required by law.

Second: Major changes to the to the Architectural Control section now allow the board to change the design guidelines to control design compatibility, harmony, scale, location, natural environment, street visibility etc. None of these vague terms are defined or definable. Those changes may be approved with 15%+1 of the homeowners. Meaning dramatic restrictions on all homeowners property rights can be pushed through by a small minority of the homeowners.

Some years ago, the board tried to make changes in the size of houses allowed on the properties. And this proposal goes far beyond that, it is just not as obvious. I will remind the members of the committee that the boards proposal to control home size was roundly defeated at an annual meeting. Other than board members, only one or two homeowners were in favor. The ability of the board to make changes such as these has already been rejected. But here we are again.

This list of my issues with these documents is not exhaustive.

In totality, these documents dramatically shift homeowner property rights from the homeowners to the board.

I will be actively opposing any adoption of these documents.

John C Dean

4342 Apple Way, Boulder CO 80301

On 4/5/23 9:08 AM, Orange Orchard wrote:

Hello neighbors—

As a reminder, we will hold a virtual meeting to discuss the changes to the OOHA governance documents and answer questions. That meeting will be held **TOMORROW, Thursday, April 6, at 5:30 pm**, using the following Zoom link: <https://cuboulder.zoom.us/j/94949065745> (Meeting ID: 949 4906 5745).

We will record the meeting for those unable to attend live.

Thank you to those who have already commented on the documents. We are maintaining a list of changes that seem to the committee to have broad support, which you can see [here](#).

The draft documents, with redlines indicating differences from our current documents, are available here:

- Declaration of Covenants, Conditions and Restrictions: [Word](#), [PDF](#)
- Bylaws: [Word](#), [PDF](#)

We continue to welcome your suggestions and comments via email to governance@oohaboulder.org.

Thanks and we look forward to seeing you tomorrow evening.

OOHA Governance Committee:

Kate Fay
Dick Harris
Daryl James
Lisa Jensen
Christine Mullen
Howdy Pierce
Mark Taylor

Original email:

From: Orange Orchard <hoa@oohaboulder.org>
Subject: OOHA: Draft governance documents for review and comment
Date: March 28, 2023 at 4:15:36 PM MDT

OOHA Neighbors—

As we have shared a few times, OOHA needs to update its governance documents because of changes to the Colorado law concerning HOAs. A committee of the neighborhood has been meeting since last summer to recommend changes for our neighborhood. We have engaged a lawyer specializing in HOA law and educated ourselves on the issues. We also surveyed the neighborhood (thank you all for your responses) — that survey was quite influential.

We now have final draft versions of revised declarations and bylaws, which are linked below for your review and comment. If you have comments, we ask for them before April 20. Please email comments to governance@oohaboulder.org. You may also share your concerns directly with any member of the governance committee, listed below.

We will also hold a virtual meeting to discuss the changes and answer questions. That meeting will be held via Zoom at 5:30 pm on Thursday, April 6, using the following Zoom link: <https://cuboulder.zoom.us/j/94949065745> (Meeting ID: 949 4906 5745)

After the comment period is over, we intend to prepare final versions of these documents for approval. These versions will be sent to each household by both US Mail and email. We will need to receive written approval from 81 houses within 60 days.

The revised documents are available (with redlines indicating differences from our current documents) here:

- Declaration of Covenants, Conditions and Restrictions: [Word](#), [PDF](#)
- Bylaws: [Word](#), [PDF](#)

As discussed at the annual meeting, the changes can be summarized as follows:

- Updated provisions required or allowed by the Colorado Common Interest Ownership Act (CCIOA), which is the law governing HOAs in Colorado. Because CCIOA has updated how HOAs can enforce their rules, there is a new section on enforcement (Declaration, Article X), along with other changes
- Clarified that Zoom meetings and email communications can be used for meeting announcements and meetings themselves, and that votes can be taken electronically (Bylaws, Articles III, V and VI)
- Relaxed the process for amending our architectural rules (Declaration, Article V)
- Clarified that owners are responsible for ensuring that guests and tenants follow OOHA rules (Declaration, Article IX)
- Clarified insurance obligations (Declaration, Article XII)
- Made it easier to remove a Board member; added Board qualification requirements & standards of conduct (Bylaws, Article IV)
- Added option for the Board to require arbitration if two neighbors who share a driveway cannot agree on maintenance (Article VIII of the Declaration)
- Clarified requirements for homeowners to maintain exterior property and landscape (Declaration, Article VI)
- Established provisions that limits leases to 30 days or longer, thus outlawing short term rentals (Declaration, Article XI)

No changes were made to how the neighborhood raises dues, although we considered this idea. The proposed documents keep our existing rules regarding dues, with small clarifying changes only (see Article IV of the Declaration).

The committee looks forward to your suggestions and comments. Again, our email is governance@oohaboulder.org.

Thanks and we look forward to seeing you around the neighborhood.

OOHA Governance Committee:

Kate Fay
Dick Harris
Daryl James
Lisa Jensen
Christine Mullen
Howdy Pierce
Mark Taylor