

Need legal advice about an HOA foreclosure? Contact:

A HUD counseling agency nearest you at www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm
— OR —

Legal Services of Northern California 916.551.2150 OR www.lsnr.info — OR —

Southern California Legal Aid www.lafla.org or call them at 323.801.7921 — OR —

Statewide Senior Legal Hotline (free to persons age 60+) at 1.800.222.1753 or log on to www.seniorlegalhotline.org.
—OR seniorhotline@lsnr.net

OR National Association of Consumer Advocates at www.naca.net to find a consumer attorney near you—OR—

The Federal Trade Commission www.ftc.gov enforces Federal Fair Debt Collection laws. File complaints with the FTC online.

To see a state list of community dispute resolution programs indexed by California county log on to www.dca.ca.gov/r_r/mediati1.htm

Is discrimination involved? Consult a Fair Housing agency at www.hud.gov/offices/fheo/index.cfm OR email the Center: calhoalaw@aol.com

Center for California Homeowner Association Law
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Oakland, California 94610
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Homeowner Association Foreclosures: Know Your Rights!



Is your homeowner association (HOA) threatening to foreclose on your home because of late/unpaid assessments? A new law, SB 137, effective Jan 1, 2006 requires homeowner associations to follow strict rules before foreclosing. EITHER:

- The amount you owe **must be** \$1800 or more OR ELSE must be owed 12+ months.
- Before collecting assessments, your HOA must give you, in writing, on an annual basis, **ALL** of its collection policies, including any policies on foreclosure.
- Before recording a lien on your home, your association must give you 30 days written notice of its intention to do so. Within this 30 days you are entitled to a meeting with the board to verify whether you owe any money and to ask for a payment plan if one is needed. You can dispute the alleged debt using a neutral 3rd party.
- You are entitled to see all accounting records to verify the debt. You are not liable for collection costs/charges if you can show that your dues were paid on time.
- If the HOA records a lien in error against your home, it must release it within 21 days, provide you with proof of release, and bear all the associated costs.
- An HOA cannot foreclose on your home for fines or penalties.
- If your HOA hires a third party to collect your debt, then that party's collection process must comply with state/federal Fair Debt Collection laws.
- If the HOA forecloses, you have 90 days to repurchase your home from the person or business that had the winning bid at the foreclosure auction. .