

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.lsnc.info — OR —

Legal Aid Foundation of LA at 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@lsnc.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.

Community dispute resolution programs indexed by California county are here: http://www.dca.ca.gov/consumer/mediation_programs.shtml

Is discrimination involved? Consult a Fair Housing agency at www.hud.gov/offices/fheo/index.cfm OR email info@calhomelaw.org

Center for California Homeowner Association Law
3758 Grand Ave. Ste 56
Oakland, California 94610
Tel 510.388.1426
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www.calhomelaw.org
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Homeowner Association Foreclosures: Know Your Rights!



Effective Jan 1, 2006 homeowner associations must follow strict state laws governing foreclosure used to collect unpaid homeowner assessments: EITHER:

- The amount owed IN ASSESSMENTS ONLY **must be** \$1800 or more OR ELSE must be owed 12+ months. \$1800 EXCLUDES collection costs.
- 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. Your payments shall be applied FIRST to assessments until they are paid IN FULL and LAST to collection costs.
- 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.
- Third party debt collectors hired by a HOA must also comply with these laws as well as 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.