



HOA Rules and Regulations

How they impact you and your community

Whether you're an active HOA member or someone that is new to the club, you are probably well aware of many rules that may contain within an HOA. An organization's longevity largely depends on members complying to specific bylaws. While it is true that an HOA does require its members to abide by all community guidelines, being in an HOA is far more than just following a list of rules and guidelines.

Keep reading to discover the answers to the most commonly asked HOA questions and become a homeowner's association expert, just like us!

HOA Rules for Renters

Are renters required to pay HOA fees?

A renter that moves into a neighborhood overseen by an HOA, may be required to abide by the organization's guidelines and in some cases, pay certain HOA fees enforced by the landlord. It is the landlord's responsibility to communicate and provide their tenants with a copy of the CC&Rs rules, along with any other neighborhood guidelines that may impact them throughout the duration of their lease. If in the situation, a renter may violate an HOA rule, the responsibility is on the landlord to remedy the infraction.

Can an HOA evict a renter?

The HOA may not evict or enforce any of its governing documents with regard to third parties such as renters. Yet, if a renter does violate a rule governed by the HOA, the HOA will have authority to take action against the landlord.

Can HOAs ban renters?

A concern that intimidates many HOAs is if renters will run into the issue of neglecting their property or causing trouble amongst their neighbors. In situations that an HOA may allow a community to rent, there may be additional regulations and rules enforced for that renter. According to the Fair Housing Act, all HOAs must follow all fair practices. An HOA cannot take an adverse action affecting a person's right to buy, rent, or enjoy the use of real estate based upon that individual's membership in a protected class.

For example, an HOA may not ban a landlord for renting homes to families or persons of a certain race or gender. Other rules may include:

- How long a homeowner can rent out his or her space
- A HOA may require landlords to provide tenants with a copy of the HOA rules.
- A HOA may require the landlord to provide the HOA with tenant contact information and a copy of their lease.
- A HOA may cap the number of units that rent during a certain period.

What are some common HOA rules that a landlord must follow?

As the landlord of a property, one is required to follow all maintenance rules presented by the HOA and CC&R guidelines. Some responsibilities may include:

- Clearly communicating that HOA's rules and regulations to all tenants.
- Maintaining their renter's yard and lawn duties that abide by that HOA's community guidelines.
- Maintaining the cleanliness of driveways, pools and the removal of trash.

It has also been known that some HOAs may require the landlord to provide the HOA board with a written explanation of how they will maintain and meet all HOA guidelines before renting out to a tenant.

HOA Rules for Dogs and other Pets

Although specific pet restrictions may be enforced, the majority of HOAs are pet friendly. For example, some rules may prohibit the number of pets one can have, along with having pets of a certain size, weight and/or breed. In addition to this, HOAs may also enforce noise restrictions and pet maintenance.

What are common HOA rules behind having a dog?

Most HOAs do allow dogs with restrictions on and/or breed to limit the fear other community members may experience as it relates to certain breeds or sizes. Other rules may enforce how one's dog must be looked after in specific community spaces. For example, HOAs may limit areas that dogs are allowed access to such as a playground or swimming pool. In addition, most HOAs do require pet owners to maintain their pets' hygiene while around other residents.

What rules do HOAs have on dogs that may bark a lot?

An HOA is only able to enforce the rules that are laid out in their CC&R. In the situation that there are written rules regarding dogs and/or general noise, an HOA is able to enforce those rules. Typically, HOAs will require a written notice of a noise complaint, following a written warning to the dog owner. If the problem persists, the HOA board may enforce the policy by issuing a fine, muzzling, or disallowing the dog all together.

Can an HOA restrict service animals?

According to the federal housing and disability protection laws, all individuals with physical, mental and emotional disabilities are given the right to have a service animal. Because of this, HOAs cannot restrict service animals in any shape or form.

What if my pet violates an HOA rule?

If a member violates an HOA rule in regard to their pet, the resident may be notified of a violation. The board may then impose a fine (if authorized by the community's governing documents). In other situations, if the resident refuses to address the issue, legal action may occur. Furthermore, if a member then refuses to obey with any court orders, a judge may direct a sheriff to take action on the situation, which could lead to a much larger fine or even jail time.

HOA Rules for Plant Maintenance

HOA rules for plants and lawn maintenance may vary by type of property. The purpose of having HOA rules based around both these topics is so that a community can continue maintaining its value. Not to mention, it creates a positive and welcoming look for its members and other residents.

Single-Family Home Communities – for single-family home communities, plant rules tend to be centered on lawn and tree upkeep. In most cases, a family will hire a landscaping company to care for common areas. This may include front entrances, signage areas, mowing, pruning, weeding, seasonal flowers, pools and playground areas.

Condo Communities – for condominium communities, an HOA will likely provide landscaping for front lawns. Regulations around upkeep may also be provided if they do not provide the upkeep themselves.

Townhouses Communities – HOAs that govern properties as these, will often include landscaping such as mowing once a week, leaf pick-up, mulching and pruning plants.

HOA Rules for Backyards

Backyard HOA rules depend on that specific property's type. For example, the following are common rules that most HOAs may implement.

Single family properties – communities with fenced yards are typically limited to what can be seen above fence lines and prohibit certain types of additional buildings like sheds and certain trees or shrubs that may be seen over fence lines.

Condo or townhome properties – may have more regulations that pertain to potential shared spaces or non-fenced/iron-fenced properties due to more visibility in the community.

HOA Rules for Commercial Vehicles

Most HOAs restrict, and occasionally prohibit parking commercial vehicles such as pickup trucks, semi-trucks, vans or even trailers on streets, in driveways or in common areas, especially overnight. Many CC&Rs require commercial vehicles to be parked in a garage, with the garage door down in most cases. In regard to branded vehicles such as a plumber or electrician, it is common that HOAs may ask that these vehicles temporarily park or park in a designated temporary administered area.

HOA Board Members and Rules

Although the actual laws may differ, HOA Board members must abide by rules that are similar in every community and state. In addition to specific state laws, boards must uphold rulings around maintaining some of the following areas:

- Common areas rules and regulations.
- Maintaining and organizing a budget.
- Adopting and enforcing rules to all community members.
- Organize politically to elect their representatives – the board must ensure a fair and free board is properly implemented each year.
- Upkeep on all proper documentation.
- Prepare processes and procedures in the situation of an emergency.
- Maintain all insurance policies.
- Maintain contracts, leases and other agreements.
- Keep track of all minutes and board meetings.