



# Greystone HOA

## Everything you need to know about HOA Bylaws, Regulations and CC&Rs

(a general guide to Association rules)

As much as we might not like to admit it at times, homeowner's associations have rules and regulations in place for a reason. Mostly, they are for community safety and structure. Additionally, the rules help to protect the value of one of your major investments- your home! If you find yourself questioning whether your HOA has the authority to regulate a certain item or action, check its governing documents and bylaws, as well as your state and local laws.

### CC&Rs

To get this guide started, it's important to understand what is in place that gives the HOA the power to act in the first place; this begins and ends with the CC&Rs. The Declaration of Covenants, Conditions and Restrictions (CC&Rs) dictate the rules or restrictions the owners of the land must follow in all homeowner's associations (HOAs). The CC&Rs are said to "run with the land," meaning that the restrictions for the property are in place no matter who owns the property.

The CC&Rs include specific guidelines for such items as yard maintenance, basketball hoops, noise, pets, parking, vehicle storage, and general nuisances.

The CC&Rs also list in detail the association's covenant for assessments. This covenant gives the association the right to charge dues to each of its members and lists the consequences for non-payment. Oftentimes, the HOA can enforce these rules through their HOA management company. The guidelines for establishing and executing the architectural review committee are also included in the CC&Rs. All of these items are vital to an association and ensure that the association is always maintained and well kept by your HOA management company and/or Board.

When a homeowner purchases a home in a community with a mandatory homeowner's association, they must sign documents that state that they have been told that the property they are purchasing has rules and restrictions. It's important to read through the CC&Rs and be aware of all of the rules of the neighborhood before purchasing a house or lot in a mandatory HOA.

### The ARC

Now, while the CC&Rs provide the outline for how the community is run, it is the Architectural Review Committee (ARC) that is responsible for ensuring that any changes to the exterior of the homes conform to the standards set by the governing documents, such as the CC&Rs and bylaws, making them one of the most important committees established in any HOA. They also ensure that no exterior modifications will be approved that will negatively impact the appearance of the community. In other words, if a community member wishes to, say, paint their house, and your CC&Rs have a provision giving the board and ARC control over such an action, it is the ARC who will approve or deny said structural improvement. Your HOA management company's responsibilities include assisting your community with ARC's policies, and the CC&Rs.

As Board members, and even HOA management companies, change over the years, it's vital to have the ability

to review alterations, as well as have a modicum of control over these improvements so the community can continue to aspire to the image its residents desire. If alterations to a home occur without HOA approval, the Board needs to take appropriate action to follow up, and a hearing should possibly be conducted. These kinds of regulatory procedures not only help to preserve order in the community but allow the freedom for reasonable modifications to the homes.

### **The Powers of the Board and ARC**

As you can see, the powers of these two governing bodies are far reaching and quite substantial. However, just how far do they go? Fortunately for the Board, and unfortunately for homeowners, in some cases, these powers go as far as the CC&Rs allow. In other words, they are almost limitless when it comes to the appearance of the neighborhood and the management of the HOA.

Many of the rules that you'll see outlined in the CC&Rs that the Board has the power to enforce have to do with the appearance of your house and lawn. The CC&Rs list general rules for the maintenance of community members' lawns, including mowing, edging, weed removal, watering, removal of dead trees and plants, and replacing dead grass. Additionally, if you live in a gated community, your association owns the streets, and specific rules regarding parking must be in place for proper enforcement (this is why many HOAs are able to dictate where you can and cannot park).

Specific guidelines about what types of vehicles can be stored on the property are also often addressed in the CC&Rs. Boats, trailers, broken down vehicles, tractors or other recreational vehicles that are parked in the driveway are unsightly and can ruin property values over time.

Other rules may have to do with the care, noise level, and overall maintenance of pets. The CC&Rs normally list which types of domestic animals and how many can be kept on a lot. Also, most CC&Rs mention that animals must be confined to the owner's lot or on a leash at all times. And these are just some of the rules you may encounter. When it comes to changing the exterior of their home, there can be even more.

In fact, one of the most common complaints we hear from HOA homeowners concerns the difficulty of being able to paint their house in the color and fashion they want.

People who hate the very existence of any HOA will say that it's insane that you have to get approval in order to paint the outside of the property that YOU own. And, while that's a popular complaint against the idea of a homeowner's association, it's also one of the most common issues that homeowner's associations have to deal with.

For example, when you come home from work one day and your neighbor has decided to change their home from a sandy color to a bright green, you might have a negative reaction. It could dramatically affect you and your community's property values. Now, all of a sudden, this has become a major issue for you and your other neighbors. At this point, you will be glad that you live in a homeowner's association that can take action and protect your investment from the person next door.

So, what if you want to change the color of your home, not to some radical color, but just a slight adjustment? Well, the best place to start is by calling your HOA management company, who will assist you in contacting your Architectural Review Committee. The ARC will help you take the necessary steps to get your paint proposal approved.



## **Common Areas**

The common areas of a HOA also fall under the jurisdiction of the Board. These areas are of the utmost importance for any HOA, as they are where your association members will spend time in and share together. That's why it's necessary that you keep your common areas maintained and encourage members to do the same. You may come across members who have no courtesy for the community common areas. In such cases, it's wise to have specific rules in place for members who use the common areas.

Bothersome members in your community association (such as those who are overly noisy or leave their personal belongings in common areas) are detrimental to the harmony of your HOA. Community members must be reminded that these common areas belong to the community as a whole and that they need to be responsible for their actions.

Association members may be confused as to what exactly is considered a common area. In order to ensure that everyone is on the same page, common areas are defined in the CC&Rs. Common areas consist of entry gates, pathways, lawns, and any areas with community amenities, such as fitness centers, pools, and sport courts.

Association members should never leave any of their personal belongings in common areas, but if they do, your HOA must reserve the right to remove those items. Whether it's a bike attached to a railing or a bushel of children's toys scattered across a lawn, having these items in the common areas is not only an eyesore, but hazardous to other members of the community.

Common area rules deter members from causing a nuisance in your community common areas. Nuisances include loud noises, inappropriate clothing, anti-social behavior, and playing loud music without wearing headphones.

Association members should know that they are also responsible for the actions of their tenants and guests. If a tenant or guest of a member violates the common area rules, the member will be held accountable for those actions.

## **Can Your HOA Access Your Property?**

With all these rules, the Board may be starting to seem like a little too powerful, even for Board members who are just out to keep their community in line. So, just how far is an association permitted to go in the name of regulation? Many people view their HOA as desirable organizations that prevent property values from dipping too low. However, others are uncomfortable with the idea of their HOA overstepping its bounds and invading their personal privacy, particularly by entering their property.

If you're wondering whether your HOA has access to a homeowner's property, the first action you should take is to check the homeowner's association's CC&Rs or bylaws. Within those legal documents, the homeowner should be able to determine what rights are granted to the association explicitly.

Additionally, just because a term is not stated in black in white doesn't mean the homeowners association doesn't have the right. The property owner should carefully read the agreement, to determine if the document gives the association any implied rights.

For example, the bylaws may state that the property owner's presence within the neighborhood gives implicit consent for the homeowner's association to come onto the property, whether the owner is home or not, for the purpose of inspection or complaint investigation. In the event the association initiates communication regarding an inspection and the homeowner denies access, the implicit consent clause lets the association onto the prop-



erty whether the homeowner consents or not. That being said, they cannot force themselves through the front door against the owner's will. They would only be able to inspect the exterior of the property.

Another example in which your HOA may enter the homeowner's property is if a rule of the association agreement has been violated. Perhaps the owner has broken a rule regarding outside decor or lawn ornamentation. If the owner fails to respond to citations by the association, he or she may be subject to fines or an unwanted visit from the homeowner's association. While the association cannot harass the property owner, they can enforce the rules of the association code.

### **Unenforceable Rules**

Running a community association takes a lot of work, so sometimes HOA management companies may overlook changes in state, federal, or local laws. When changes in laws regarding homeowner's associations occur, it's important to reflect these changes in the rules.

If your current rules contradict current laws, those rules become unenforceable, and even worse, you could be breaking the law. HOA management companies must look through the governing documents to make sure certain rules aren't included to avoid problems.

### **Know the Rules, Improve your Community**

When all community and board members understand the governing documents, rules, and restrictions of your HOA, it's much easier for everyone to follow those regulations.