

# CC&Rs – What are they?

So, you've decided to buy into a Homeowner Association (HOA). Here are some facts you should know about Homeowner Association documents:

**1. What are the CC&Rs?** CC&Rs (Covenants, Conditions and Restrictions) are the governing documents that dictate how the homeowners association operates and what rules the owners – and their tenants and guests - must obey. These documents and rules are legally enforceable by the homeowners association, unless a specific provision conflicts with federal, state or local laws.

**2. Suppose I don't like the rules. Can they be changed?** Most rules are easy to accept, but some may strike a nerve. Such issues as pets, parking spaces, recreational facilities and subleasing can prove quite controversial. The procedure for changing the rules should be explained in the governing documents. A majority vote or, in some cases, a super-majority, will be required. Changing existing rules is rarely easy.

**3. What are the consequences of breaking a rule?** Penalties might include fines, forced compliance, a lawsuit by the association, the misery of being at odds with your neighbors and emotional distress. Read the rules thoroughly before you buy an association-governed home.

**4. Do I need an attorney to explain the CC&Rs to me?** It's always a good idea to seek legal counsel if you have questions about the governing documents or rules. It is suggested reading the documents yourself and preparing a list of questions, then asking your attorney to interpret anything you don't understand.

**5. What is the intent of CC&Rs?** The intent of the CC&Rs is to preserve property values, both yours and those of your neighbors, and to protect the quality of life that you and your neighbors enjoy.

**6. What are some of the CC&R items that are sometimes “hard points” with homeowners?**

- The provisions of its Articles of Incorporation, its Bylaws and its CC&RS shall control the manner in which the HOA carries out its responsibilities. The provisions of these documents shall control in the event of a conflict.
- All homes within the HOA shall have an occupancy by at least one person per household 55 years of age or older and all resales or rentals of homes within the HOA shall be subject to the 55 years of age requirement.
- No minor (any person less than 18 years of age) shall reside in any HOA home.
- Each owner shall be solely responsible for all landscaping and shall keep areas in a clean, neat and well-landscaped condition.
- No improvements may be built upon the Front Yard/Driveway Easements or Rear Yard Easements unless the HOA Architectural Committee has approved them.
- No owner may repaint his/her home an unauthorized color unless the HOA Architectural Committee has approved the color.
- The HOA, through its Board of Directors, shall have the power to levy regular annual assessments and such special assessments as shall be determined.
- All delinquent assessments shall be a lien on the Lot of the Owner who fails to pay them and the lien against any Lot may be foreclosed in the same manner as a Mortgage.
- All architectural matters within the HOA shall be subject to the discretionary review of the Architectural Committee. All decisions of such Architectural Committee are final.
- The Architectural Committee may forbid the planting or maintenance of certain plants, trees and shrubs or restrict the propagation of such to native or indigenous species.
- No mobile homes shall be permitted or placed upon any Lot or anywhere else in the HOA.
- Parking and/or storing of recreational vehicles (including, but not limited to, motorhomes, vans, campers, trailers and boats) is prohibited on all portions of the HOA.

**CC&Rs vary within Homeowner Associations, so please review carefully the CC&Rs of the HOA you are interested in.**

