

A close-up photograph of a man with short dark hair, wearing a light blue button-down shirt. He is looking down intently at a white document he is holding in his hands. The background is softly blurred, showing what appears to be an outdoor setting with greenery.

Essential HOA Rules, Regulations & Laws

FOR HOMEOWNERS AND HOA BOARD MEMBERS.



KEYSTONE

The primary responsibility of every HOA is to protect property values and enhance the enjoyment of the community for homeowners. This is accomplished in part by instituting agreed-upon rules to shape decision-making and behaviors, thus ensuring the community looks great and remains an enjoyable place to call home.

In this guide, we explore the essential HOA rules and regulations each homeowner should be familiar with, along with recent legislation that affects HOA communities.



3 Critical HOA Rules & Regulations Homeowners Should Know

Common feedback that we hear from homeowners revolves around violations of the association's Rules & Regulations. Below are three routine HOA rules that are often not fully understood. Keystone recognizes that receiving a violation notice often comes as an unpleasant surprise, so it is our goal to help homeowners become more familiar with and fully understand the Association's standards to protect against unwitting violations.



1. Architectural Requirements

An HOA's architectural requirements are in place to promote a consistent, attractive neighborhood. These rules ensure your own property value is not negatively impacted by a creative neighbor who decides to paint their house bright pink with purple stripes.

Keep in mind that architectural approval is not just limited to changes to a home's paint scheme or structure. Everything on or around your property that is visible from the common area requires approval for modification, including landscaping, fences, driveways, and mailboxes. That said, there is opportunity for plenty of creativity within a community's architectural guidelines. Approved paint colors, building materials and exterior landscaping choices all provide significant leeway to bring your vision to life while operating within the parameters of your HOA's architectural requirements.



Every association details the criteria for aesthetic improvements in the HOA'S [Covenants, Conditions & Restrictions \(CC&Rs\)](#) as well as in the community's Architectural Guidelines, usually contained in the association's Rules & Regulations. These important governing documents not only stipulate the approved materials for use in your community, they also detail the correct procedure for submitting the appropriate applications.



Depending on what you would like to change on your property, submitting the proper form will ensure a more efficient process:

➔ **Standard Application** - This form should be utilized for submitting a request for a project that falls within the scope of the standards already established by your community.

➔ **Variance Application** - If your architectural request varies from your community's Architectural Guidelines, you'll need to obtain special permission, called a "variance."

Your Keystone team can assist you as you complete each form, confirm you have assembled all required materials before submitting, and answer any questions. Don't hesitate to ask for their assistance.



Your HOA's management company will ensure that your application is on the board's upcoming meeting agenda. The board can typically take from 30 to 45 days to review.

If your application is denied or only partially approved, all is not lost. Work with your manager to amend your plans and application to address your board's concerns, then re-submit.

Remember, city and state codes supersede approval from your association. Always confirm that your plans meet code requirements before submitting your application.

In addition, if your community has both a master and sub association, you'll need to ensure that you satisfy guidelines for each.

2. Parking

Parking issues are another common concern for many communities. For communities with street parking, Rules & Regulations are in place to keep the community looking sharp and ensuring maintenance service providers (ex. street sweeping) are able to perform their duties. Being mindful of these rules creates consistency and order throughout your community.

In densely populated communities, parking scarcity can create frustration. Unfortunately, homeowner's associations do not have the luxury of creating more parking spaces. Therefore, they are tasked with managing the amount of existing parking in the fairest and most equitable way for all residents. Your HOA's Rules & Regulations will detail parking rules, including number of spaces allotted to each household, requirements for guest parking, carport or garage usage, and more.

Even though HOAs cannot create parking spaces where none currently exist, there are often rules in place to maximize the efficiency of existing parking. Permitting systems, security decals, guest passes and extra signage may seem like a hassle, but all are useful systems to ensure equitable parking for all residents and guests, as well as protect against unauthorized outsiders occupying your community's spaces.



3. Amenity Usage

The common areas of your community are controlled by your association. An amenity's rules are in place to make sure the common areas are well-maintained and available for use by everyone in the community, especially these days as residents spend more time at home. Rules for your community amenities may be posted onsite but will also be contained in your community's Rules & Regulations document.

In unexpected emergency circumstances (ex. Covid-19) your HOA's board may need to temporarily amend the rules of usage in order to prioritize the safety and well-being of its residents. Keep an eye on your community's website or speak with your property manager to receive the most up-to-date information.



Provide Feedback on Rules & Regulations

Please keep in mind, your association's volunteer board of directors is in charge of making the rules, while your property management company is only tasked with enforcing them fairly. When a new rule is up for approval, the membership receives written notice 28 days in advance to allow for enough time for discussion. If there is a regulation in your community that doesn't seem to serve in the best interest of the community as a whole, speak with your manager about putting your concern on the agenda at the next open-forum board meeting. Then take the time to share your perspective with the association.

Board members rely on feedback from the membership to determine what is working well for the community and what no longer serves the community's needs. Attend a board meeting (safely in-person or online using virtual meeting tools) to share your thoughts.



When articulating your point, state what you want, share your reasoning and demonstrate benefits to the overall community membership.

HOA Management Laws & Your Community

Ensuring HOA board members are educated and informed about state and local regulations is a valuable benefit that Keystone offers to the communities that we manage. Understanding new and upcoming changes to laws help HOA boards see the whole picture when making decisions and ensures they act within the association's legal rights.

In addition to new board orientation sessions, treasurer training, and [Community Associations Institute \(CAI\)](#) summits, we also release informative webinars and other video content with guidance from our management experts and legal counsel to help associations ascertain the impact of new laws on HOA management.

Recent events presented homeowners associations with unprecedented logistical and social challenges, some of which are reflected in new legislation.



Here are some of the key laws affecting associations that are set to go into effect in the near future:

Rental Restrictions (AB 3182)

The law voids provisions in an association’s governing documents that prohibit or “unreasonably restrict” renting. However, there are two key exceptions: an HOA can disallow short-term rentals of 30 days or less and can limit the total number of rentals in their community to 25% (but not less). Associations have until December 31, 2021 to change their governing documents to reflect this law. Failure to abide or update governing documents can result in a fine of \$1,000.



The Debt Collection Licensing Act (SB 908)

Debt collectors working on behalf of an association must now be licensed under the Debt Collection Licensing Act. All individuals representing the association’s interests during the process of delinquent assessment collections – the HOA management company, association’s legal counsel, or third-party collections vendors, etc. – must now be licensed by the state. It is important to ensure any party who participates in your association’s collection process is properly licensed. Fees for your collection partners may raise as they offset the cost of licensing their teams.



The COVID-19 Tenant Relief Act of 2020 (AB 3088)

This immediate, emergency relief measure temporarily prevents evictions due to COVID-19-related financial hardship through January 2021. The bill also postpones landlords' ability to recover rents until March 2021. The bill does not forgive or cancel payment obligations; it simply prevents evictions and postpones rent recovery through the first quarter of 2021.

This law applies only to residential tenants who can prove, in writing, any of the following as directly related to COVID-19: loss of income, higher out-of-pocket expenses related to performing essential work or impacted health, responsibilities to care for children, elderly, disabled, or sick family member that resulted in income limitations, or other coronavirus-related issues that reduced income or increased expenses.

This issue may affect homeowners in an association who are unable to pay assessments if their tenants have temporarily paused rent payments.



Exterior Elevated Elements in Condominium Associations (SB 326)

Condo associations with three or more units are now required to have a licensed structural engineer inspect the building's exterior elevated elements (balconies, elevated walkways, railings, stairways, etc.) every nine years. Associations must conduct their first inspection by January 1, 2025.

Work with your HOA management company to begin the engineer RFP process and restructure your association's reserve allocation to address the additional expense of inspection and possible required upgrades.

Debtor Homestead Exemption (AB 1885)

The homestead exemption provision in AB 1885 protects owners' equity in their homes by preventing creditors from collecting up to a certain dollar amount upon sale after foreclosure. In California, nonjudicial (lender) foreclosures may receive a homestead exemption of \$75,000, \$100,000, or \$175,000, depending on certain owner circumstances. This exemption extends protections for delinquent homeowners whose properties are subject to foreclosure from their HOA.



Contact your legal counsel to ascertain the level of impact this new law will have on your community's foreclosure/assessment collections process.



Review Your Rules, Regulations + Laws Regularly

We strongly recommend reviewing your association's governing documents on regular intervals, be it yearly or more often. If a regulation is unclear, your community association management can assist you in gaining a better understanding. Discuss the pros and cons of any new laws and start taking action to ensure that when these legislative updates are in full effect, your association will be prepared to comply.





Questions about your community's HOA rules and regulations or how legislation impacts your community?

Contact us to speak with a knowledgeable member of our team.

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