

Homeowners Associations: Good or Bad? Here Are Some Points to Ponder

Although "covenants" have been around for decades, the concept of homeowner associations to enforce those covenants is more recent. By my observation (from reviewing title documents for numerous closings), it is primarily the subdivisions created in the 1990's and later which have HOAs that collect dues and manage their subdivisions — and which can enforce their covenants.

The older subdivisions had covenants, but typically there was no entity created to enforce them. If a homeowner violated a covenant, a neighbor who was upset at that violation had no recourse, other than to sue in civil court.

In addition, the older covenants typically had expiration dates, such as 30 years. If, after that time, the majority of homeowners did not petition to extend the covenants, then the covenants simply expired.

When buyers look at the various homes on the market, they will often want to know about the HOA and the dues charged. Occasionally a buyer will not even consider a home which belongs to an HOA, regardless of the amount of the dues. This could be based on a previous bad experience, or perhaps the buyer has an RV or boat trailer and wants to be able to park it at home instead of paying to store it somewhere else.

The main purpose of HOAs and the covenants they enforce is to protect the property values by preventing individual properties from becoming eyesores or annoyances to neighboring properties.

Examples include keeping driveways clear of RVs and boat trailers (other than for loading and unloading), but they also include making homeowners mow their lawns, clear weeds, and keep the exterior

of the house freshly painted. In my own subdivision, I have been forced to repaint my faded garage doors, remove a lawn ornament from the open space adjacent to my house, and take trash cans inside instead of leaving them next to my house. I also got a letter once saying they had reason to believe I was planning exterior changes to my house and reminding me to get permission before starting work. (I had written about my plans in this column!)

On one level, I found this annoying, but on another I thought it was reasonable and I complied. (If I hadn't, I could be fined, and state law allows an HOA to foreclose on a member's home, if necessary, to collect unpaid dues and fines.)

Regarding dues, these can be excessive, but in most cases they cover valid expenses such as insurance, trash removal, common area maintenance, etc. *(Continued on JimSmithBlog.com.)*

This Week's Featured New Listing

Ranch-Style Home in a 55+ Golden Community

Parkview Villas is a well-maintained community of ranch-style homes built by Pulte for those 55 and older. However, the covenants require that only one resident of this home at 5724 Gore Range Way be 55. All permanent residents must be over 18, and younger short-

term visitors are allowed. This particular home features great finishes -- hardwood floors except in the bedrooms, which are both carpeted; separate laundry room; slab granite countertops, stainless steel appliances, a 5-burner gas cooktop, under-cabinet lighting, drawer pulls and knobs on cabinets, easy guest parking, plantation shutters, and more. There are many other upgrades. Its desirable end lot is close to mailboxes and away from the noise of Highway 93. Both bathrooms feature Corian counters.



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