

UNDERSTANDING ARCHITECTURAL CONTROLS FOR COMMUNITY ASSOCIATIONS

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By purchasing your home you agreed to certain rules and use restrictions. Rules apply to the common areas; such as the pool, clubhouse or playground, whereas use restrictions apply outside of the common areas. Architectural controls are one of the most common types of use restrictions.

Architectural controls apply to changes on a homeowner's Lot. Some of the typical areas of regulation include; constructing additions, exterior painting, and changing the landscaping around your home. In short, these types of modifications usually require written pre-approval from the Architectural Control Committee ("ACC").

The Declaration of Covenants often provides that the ACC will be appointed by the Board, but occasionally it will provide that the committee members are voted in by the homeowners. In small subdivisions it is not uncommon for the Board members to also serve as the ACC.

The covenants will typically state that the ACC or Board can create Architectural Guidelines. These guidelines are details about what is allowed and what is not allowed when making changes on a Lot. For instance, the covenants may prohibit chain link fences. Guidelines could then be passed that specify what types of fences are allowed, the height of the fence, materials to be used, etc... This gives the owners some direction on what is permitted before submitting their application for pre-approval to the ACC.

If the homeowner does not get written approval from the ACC prior to making changes on their Lot, he or she could be made to return the modification to its prior condition. Additional penalties can range anywhere from an initial warning letter to fines, and/or a suspension of membership rights.

Architectural controls help maintain a consistent aesthetic throughout the subdivision, which in turn help maintain property values. It is important that a homeowner obtain written pre-approval from the association prior to making changes on their Lot. When this is not done it sometimes ends-up as one of the long and expensive legal battles you sometimes here about on the local news.