

Why Live In An Association with Restrictions?

If you have been on a Board of Directors for any length of time, you will hear members complain about the “unreasonable” restrictions of an association or “why do we even need a homeowner’s association.” For sure, some members do not even see a need for any restrictions, but for many other members they may not understand the ramifications of loose or no enforcement of these restrictions. One thing is for certain; that an association that has restrictions and enforces these restrictions increases the overall property values of everyone in the association.

The Covenants of an association are legally binding rules, filed with the register of deeds of the county where the association is located. These Covenants layout how the property will be used and maintained; in other words how homes look and what can be done in the association.

When someone purchases in an association they are purchasing a lifestyle and a way of life of not only their making but of the larger group or membership. Homeowners with this purchase wish for their surroundings, at a minimum, to remain the same. Many factors go into purchasing a home but the old axiom of the three most important aspects of buying a home is location, location, and location. Or more precisely: neighborhood, neighborhood, and neighborhood.

When Covenants are not enforced, it is a slippery-slope to see how far or how bizarre member’s taste or styles vary from the Covenants and the association’s other members. Through the years William Douglas Management and our client associations have seen an array of outrageous infractions of the covenants. A few we have fought alongside with our client’s Board of Directors to the North Carolina Supreme Court to enforce covenants against rogue members.

Some extreme examples we have encountered through the years have been a member who does not have sufficient space in his backyard constructing a junior Olympic size swimming pool in his front yard or the time we had a member dismantling and restoring a 50 foot sailboat in his driveway.

Some members will amaze you with what they consider perfectly acceptable which will vary greatly from the Covenants and 99.99% of the rest of the membership. But unless it is an extreme situation such as some of the examples noted, some in the membership will say; “what is the harm?” Again, it is a slippery-slope that begins with small infractions.

Failure to enforce the Covenants may seem like a small issue in most instances until you come across the member who wants to build an 800 square foot air-conditioned tree house for his grandchildren. Enforcing Covenants may be a thankless task, but it is crucial to maintaining the property values of the association.
