

## **WHAT IS THE PURPOSE OF A HOMEOWNER ASSOCIATION?**

*By Michael Rome, Esq.*

Some homeowners have misconceptions about the purpose and role of a homeowner association. They confuse it with a 'landlord' and believe that it should cure all ills. Others may feel that an association should not be able to tell them what they can do on their property.

Homeowner associations first became popular in the Atlanta area around the 1970s. There were four major reasons for their popularity:

1. Local government could no longer afford to provide the park areas needed for all the neighborhoods springing up with urban sprawl. Local governments encouraged developers to provide park and pool areas, and in return allowed homes to be built closer together;
2. Purchasers wanted 'country club' type amenities, such as pools, without having to pay country club prices;
3. Homeowners liked the idea that their property values and standard of living would be protected by a set of covenants, which would apply to all residents; and
4. Families liked the community feel and added sense of security for their children.

There is a basic trade-off for the advantages of a homeowner association. Homeowners give up some of the freedoms and property rights they would otherwise have if they lived outside a planned community.

Covenants for associations contain provisions called 'use restrictions.' Use restrictions are rules that apply to residents outside of the common areas. This includes architectural controls that apply to individual homes and lots, such as constructions of additions, house and yard maintenance, etc.. Use restrictions can also apply to areas as leasing, pet rules, sign limitations, and parking regulations.

Most residents are happy to trade off some of their freedoms for the advantages of living in an association. On the other hand, some homeowners do not want to be told that they need to cut their grass, or need approval before painting their house. These individuals probably want the advantages of a community association, without the trade-offs. Even though a majority of people would prefer to live in a planned community, homeowner associations are not for everyone.