



Rights & Responsibilities

Understanding the Balance Between Homeowner Rights & Community Obligations

One of the most important conversations you can have with your clients before they purchase in an HOA community is about rights and responsibilities. Many homebuyers view living in an HOA as purely restrictive—a set of rules imposed on them. But the reality is more nuanced. HOA communities are built on a social contract where homeowners have meaningful rights AND important responsibilities.

This section is based on the Community Associations Institute (CAI) framework for “Rights and Responsibilities for Better Communities”—a widely adopted standard in the HOA industry. Understanding this framework will help you prepare your clients for successful HOA life.

Homeowner Rights in an HOA Community

Your clients should understand that they have real rights as HOA members. These aren't suggestions—they're fundamental protections.



THE RIGHT TO A RESPONSIVE & COMPETENT COMMUNITY ASSOCIATION

WHAT THIS MEANS

The HOA must be professionally managed, responsive to homeowners, and competent in handling community finances and operations.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Regular, timely communication from the HOA
- ☐ Professional management (*either in-house or through a management company*)
- ☐ Prompt responses to maintenance requests and concerns
- ☐ Competent financial management and budgeting

RED FLAGS

- ☐ Slow or unresponsive management
- ☐ Frequent HOA management company changes
- ☐ Poor financial record-keeping
- ☐ Lack of professional expertise

HOW TO HELP YOUR CLIENTS

Before they purchase, ask the HOA about their management structure, response times, and track record. Talk to current residents about their experience with management responsiveness.



THE RIGHT TO HONEST, FAIR, & RESPECTFUL TREATMENT

WHAT THIS MEANS

HOA leaders and managers must treat homeowners with honesty, fairness, and respect. This is fundamental for good governance.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Transparent communication from the board and management
- ☐ Fair enforcement of community rules and regulations
- ☐ Respectful treatment in all interactions
- ☐ No discrimination or favoritism

RED FLAGS

- ☐ Board members who are dismissive or disrespectful
- ☐ Selective or arbitrary enforcement of rules
- ☐ Lack of transparency in decision-making
- ☐ Complaints from community residents about mistreatment

HOW TO HELP YOUR CLIENTS

Encourage them to attend a board meeting before purchasing. This will give them a sense of the board's tone and how they interact with residents.



THE RIGHT TO PARTICIPATE IN GOVERNING THE COMMUNITY

WHAT THIS MEANS

Homeowners have the right to be involved in decision-making through meetings, committees, and elections.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Open, well-publicized board meetings
- ☐ Opportunities to serve on committees
- ☐ Fair and transparent elections for HOA board positions
- ☐ A voice in major community decisions

RED FLAGS

- ☐ Closed or infrequent board meetings
- ☐ Difficulty finding information about HOA meetings
- ☐ Uncontested elections
(no choice of candidates)
- ☐ Board members who don't welcome resident input

HOW TO HELP YOUR CLIENTS

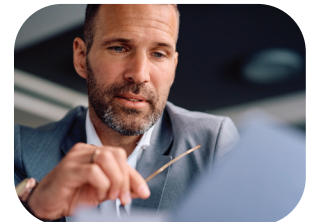
Encourage them to get involved. Attending meetings and understanding how decisions are made will help them feel invested in the community.



THE RIGHT TO ACCESS APPROPRIATE ASSOCIATION BOOKS & RECORDS

WHAT THIS MEANS

Homeowners can request and review financial statements, budgets, meeting minutes, and other important documents.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Easy access to financial records
- ☐ Timely responses to record requests
- ☐ Transparency in how money is spent
- ☐ Documentation of board decisions

RED FLAGS

- ☐ Difficulty obtaining records
- ☐ Slow responses to record requests
- ☐ Vague or incomplete association financial information
- ☐ Lack of documented meeting minutes

HOW TO HELP YOUR CLIENTS

Before they purchase, request the HOA's financial documents and review them. This will give you insight into the community's financial health and the HOA's transparency.





THE RIGHT TO PRUDENT EXPENDITURE OF FEES AND ASSESSMENTS

WHAT THIS MEANS

The HOA must spend homeowner money wisely and in accordance with the budget.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Competitive bidding for services and repairs
- ☐ Reasonable and justified expenditures
- ☐ No wasteful spending
- ☐ Clear documentation of how money is spent

RED FLAGS

- ☐ Excessive spending on non-essential items or services
- ☐ Lack of competitive bidding
- ☐ Unexplained budget overruns
- ☐ Favoritism in vendor selection

HOW TO HELP YOUR CLIENTS

Review the HOA's budget and ask questions about major expenditures. This will help you assess whether the HOA is managing money responsibly.



THE RIGHT TO LIVE IN A WELL-MAINTAINED COMMUNITY

WHAT THIS MEANS

The HOA must maintain common areas and enforce standards to preserve property values and community appeal.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Well-maintained landscaping and common areas
- ☐ Timely maintenance and repairs to community infrastructure
- ☐ Enforcement of maintenance standards
- ☐ A clean, attractive community

RED FLAGS

- ☐ Visible neglect or deferred maintenance
- ☐ Broken amenities or facilities
- ☐ Poor landscaping or common area upkeep
- ☐ Lack of enforcement of community maintenance standards

HOW TO HELP YOUR CLIENTS

Walk the community with your clients. Look at the condition of common areas, landscaping, and facilities. This will give you a sense of whether the HOA is maintaining the community well.



THE RIGHT TO FAIR TREATMENT REGARDING FINANCIAL OBLIGATIONS

WHAT THIS MEANS

Before the HOA initiates foreclosure, homeowners have the right to discuss payment plans and alternative arrangements.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Opportunity to discuss financial hardship with the HOA
- ☐ Willingness to work out payment plans
- ☐ Fair and reasonable collection practices
- ☐ Foreclosure only as a last resort

RED FLAGS

- ☐ Immediate threat of foreclosure
- ☐ Unwilling to discuss payment options
- ☐ Aggressive collection tactics
- ☐ High delinquency rates (*indicating the HOA is not working with residents*)

HOW TO HELP YOUR CLIENTS

Make sure they understand that if they face financial hardship, they should contact the HOA immediately to discuss options. Most HOAs are willing to work with residents.



THE RIGHT TO RECEIVE ALL GOVERNING DOCUMENTS

WHAT THIS MEANS

Homeowners must receive copies of the CC&Rs (Covenants, Conditions & Restrictions), bylaws, rules and regulations, and other governing documents.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ Complete copies of all governing documents before or at settlement
- ☐ Clear, understandable language
- ☐ Updated documents reflecting the current rules
- ☐ Supplementary materials explaining complex provisions

RED FLAGS

- ☐ Difficulty obtaining community governing documents
- ☐ Outdated or incomplete documents
- ☐ Overly complex language without explanation or clarification
- ☐ Missing or unclear rules

HOW TO HELP YOUR CLIENTS

Request all governing documents before your clients make an offer. Have them reviewed by an attorney. This is critical due diligence.



THE RIGHT TO APPEAL DECISIONS AFFECTING THEIR RIGHTS OR FINANCIAL OBLIGATIONS

WHAT THIS MEANS

Homeowners can appeal board decisions that affect them personally, especially regarding non-routine financial responsibilities or property rights.



WHAT YOUR CLIENTS SHOULD EXPECT

- ☐ A clear process for appealing decisions
- ☐ Fair consideration of their appeal
- ☐ Opportunity to present their side
- ☐ Reasonable resolution

RED FLAGS

- ☐ No formal appeal process
- ☐ Dismissive treatment of appeals
- ☐ Inability to challenge board decisions
- ☐ Lack of due process

HOW TO HELP YOUR CLIENTS

Make sure they understand the appeal process and know how to use it if needed.

Homeowner Responsibilities in an HOA Community

Just as homeowners have rights, they also have important responsibilities. These responsibilities are what make HOA communities work.



READ & COMPLY WITH GOVERNING DOCUMENTS

WHAT THIS MEANS

Homeowners must understand and follow the CC&Rs, bylaws, and rules.

WHY IT MATTERS

The governing documents are the foundation of the community. If everyone ignores them, the community falls apart.

HOW TO HELP YOUR CLIENTS

Encourage them to read the governing documents carefully before purchasing. Have your clients ask questions about anything they don't understand. Make sure they're comfortable with the rules before they commit.



MAINTAIN PROPERTY ACCORDING TO STANDARDS

WHAT THIS MEANS:

Homeowners must keep their unit or home in good condition and in compliance with community standards.

WHY IT MATTERS

Individual properties affect the entire community. Poor maintenance on one home can drag down all property values.

HOW TO HELP YOUR CLIENTS

Help them understand what "maintenance standards" mean in their community. Are there specific requirements about landscaping, exterior appearance, or upkeep? Make sure they're willing and able to meet these standards.





TREAT ASSOCIATION LEADERS WITH HONESTY & RESPECT

WHAT THIS MEANS

Homeowners should interact with board members and managers professionally and respectfully.

WHY IT MATTERS

Board members are volunteers who donate their time. Treating them with respect creates a positive community atmosphere.

HOW TO HELP YOUR CLIENTS

Encourage them to be respectful in all interactions with the board and management, even if they disagree with decisions.



VOTE IN COMMUNITY ELECTIONS & ON OTHER ISSUES

WHAT THIS MEANS

Homeowners should participate in HOA elections and major community decisions.

WHY IT MATTERS

Community governance depends on participation. When homeowners vote, they help ensure that the board represents the community's interests.

HOW TO HELP YOUR CLIENTS

Encourage them to vote in HOA elections and to stay informed about major community issues.



PAY ASSESSMENTS & CHARGES ON TIME

WHAT THIS MEANS

Homeowners must pay their monthly HOA assessments and any special assessments when due.

WHY IT MATTERS

HOA assessments fund all community services and maintenance. If homeowners don't pay, the HOA can't function.

HOW TO HELP YOUR CLIENTS

Help them understand that HOA assessments are a non-negotiable obligation, like property taxes. They should budget for these payments just like they budget for their home mortgage.



CONTACT THE HOA TO DISCUSS FINANCIAL OBLIGATIONS IF NEEDED

WHAT THIS MEANS

If homeowners face financial hardship, they should proactively contact the HOA to discuss options.

WHY IT MATTERS

Most HOAs are willing to work with residents who communicate. Ignoring bills leads to liens and foreclosure.

HOW TO HELP YOUR CLIENTS

Make sure they understand that the HOA is often willing to work out payment plans if they're facing hardship. Encourage them to reach out early.



REQUEST RECONSIDERATION OF DECISIONS THAT AFFECT THEM

WHAT THIS MEANS

If homeowners disagree with a board decision, they can formally request reconsideration.

WHY IT MATTERS

This ensures that decisions are fair and that homeowners have a voice.

HOW TO HELP YOUR CLIENTS

Make sure they understand the appeal process and know how to use it.



PROVIDE CURRENT CONTACT INFORMATION

WHAT THIS MEANS

Homeowners should keep the HOA updated with their current phone number, email, and mailing address.

WHY IT MATTERS

The HOA needs to be able to reach homeowners with important information.

HOW TO HELP YOUR CLIENTS

Remind them to update their contact information with the HOA whenever they move or change their phone number.



ENSURE THAT THOSE LIVING ON THEIR PROPERTY COMPLY WITH RULES

WHAT THIS MEANS

If homeowners have tenants, family members, or guests, they're responsible for ensuring those people follow the community rules.

WHY IT MATTERS

Homeowners can't avoid responsibility by renting out their property or allowing others to live there.

HOW TO HELP YOUR CLIENTS

If they're planning to rent out their property, make sure they understand that they are still responsible for tenant compliance with HOA rules. This should be spelled out in their lease.



Community Leader Rights & Responsibilities

While this section is primarily for homeowners, it's important for your clients to understand what board members are responsible for. This helps them hold the board accountable.

COMMUNITY LEADERS HAVE THE RIGHT TO:

- ☐ Expect owners to meet their financial obligations
- ☐ Expect residents to comply with rules and regulations
- ☐ Receive respectful and honest treatment from residents
- ☐ Conduct meetings in a positive atmosphere
- ☐ Receive support and constructive input from residents
- ☐ Personal privacy at home and during leisure time
- ☐ Educational opportunities related to their responsibilities

COMMUNITY LEADERS HAVE THE RESPONSIBILITY TO:

- ☐ Fulfill their fiduciary duties to the community
- ☐ Exercise sound business judgment
- ☐ Balance community needs with individual homeowner needs
- ☐ Understand governing documents and applicable laws
- ☐ Obtain input from residents through committees and meetings
- ☐ Conduct open, fair, and well-publicized elections
- ☐ Welcome and educate new residents
- ☐ Encourage resident input and community events
- ☐ Conduct business transparently
- ☐ Provide access to community records
- ☐ Collect assessments and work with residents on payment arrangements
- ☐ Use foreclosure only as a last resort
- ☐ Make governing documents understandable
- ☐ Disclose conflicts of interest

How You Can Help Your Clients Understand Rights & Responsibilities

FRAME HOA LIFE AS A SOCIAL CONTRACT

"Living in an HOA community is a social contract. You have real rights—the right to a well-maintained community, the right to participate in governance, the right to access information, and the right to fair treatment. In exchange, you have responsibilities—to pay your assessments on time, to maintain your property, to follow the rules, and to treat your neighbors and community leaders with respect. It's a fair exchange."

EMPHASIZE THAT RIGHTS AND RESPONSIBILITIES GO TOGETHER

"You can't have the benefits of community living without accepting some responsibilities. The amenities, the bulk purchasing power, the maintained common areas—these all depend on everyone paying their assessments and following the rules. If homeowners don't meet their responsibilities, the community can't deliver on its rights."

USE THE CAI FRAMEWORK AS A REFERENCE

"The Community Associations Institute has developed a framework called 'Rights and Responsibilities for Better Communities.' This is the industry standard for how HOAs should operate. If your community follows this framework, you can expect fair treatment and good governance."

HELP THEM IDENTIFY RED FLAGS

"If the HOA isn't respecting homeowner rights—if they're not transparent, if they're not responsive, if they're not maintaining the community—that's a red flag. Similarly, if homeowners aren't meeting their responsibilities—if they're not paying assessments, if they're not maintaining their properties, if they're not following rules—that creates problems for the whole community."

ENCOURAGE THEM TO GET INVOLVED

"The best way to ensure that your rights are respected is to get involved. Attend board meetings, serve on committees, vote in elections, and stay informed. When homeowners participate, the community works better for everyone."

PREPARE THEM FOR THE REALITY OF COMMUNITY LIVING

"Living in an HOA means you have less autonomy than you would in a non-HOA home. You can't paint your house any color you want. You can't park your RV in your driveway. You can't let your lawn go unmowed. But in exchange, you get a well-maintained community, shared amenities, bulk purchasing power, and a sense of community. It's a trade-off. Make sure it's one you're willing to make."

Red Flags: When Rights & Responsibilities Are Out of Balance

RED FLAGS THAT HOMEOWNER RIGHTS ARE BEING VIOLATED:

- ☐ The HOA board is unresponsive or difficult to reach
- ☐ Financial information is not transparent or accessible
- ☐ Community rules are enforced selectively or arbitrarily
- ☐ HOA Board meetings are closed or infrequent
- ☐ Homeowners are not given opportunities to appeal decisions
- ☐ The community is poorly maintained
- ☐ The HOA uses aggressive collection tactics without offering payment plans

RED FLAGS THAT HOMEOWNERS ARE NOT MEETING THEIR RESPONSIBILITIES:

- ☐ High delinquency rates (*more than 10% of homeowners are behind on assessments*)
- ☐ Visible maintenance issues on individual properties
- ☐ Residents complaining about other residents not following rules
- ☐ High turnover or difficulty selling homes (*indicating resident dissatisfaction*)
- ☐ Conflict between residents and the HOA board

SEE A RED FLAG? DIG DEEPER.

Potential issues with homeowner rights or responsibilities can signal bigger concerns. Encourage your client to get the full picture before purchasing.

Key Takeaways

- Living in an HOA is based on a social contract of rights and responsibilities.
- Homeowners have real rights: to responsive management, fair treatment, participation in governance, access to information, and a maintained community.
- Homeowners also have real responsibilities: to pay assessments, maintain their property, follow rules, and treat others with respect.
- Rights and responsibilities must be balanced between the board and homeowners. If one side is missing, the community suffers.
- The Community Associations Institute's "Rights and Responsibilities for Better Communities" is the industry standard.
- Before purchasing, review the governing documents and understand what rights and responsibilities come with HOA life.
- Get involved in the community. Participation helps ensure that rights are respected and responsibilities are met.
- If you see red flags—either that rights are being violated or that residents aren't meeting responsibilities—investigate further before purchasing.

Pro Tip For Your Clients

THE BEST HOA COMMUNITIES
ARE BUILT ON A FOUNDATION
OF MUTUAL RESPECT &
SHARED COMMITMENT.

When homeowners understand and embrace their rights and responsibilities, and when community leaders fulfill their fiduciary duties, everyone benefits. By helping your clients understand this balance before they purchase, you're setting them up for success in their HOA community.

Further Questions? Reach Out.



SHANE TOPONCE
EVP OF SALES

SToponce@HOALiving.com

(385) 695-6673 direct

OR

Go to hoaliving.com/uar/
& complete the form