

WHAT ARE COVENANTS, CONDITIONS AND RESTRICTIONS? (CC&Rs)



What is a CC&R: What is a Covenant, Condition and Restriction?

A Covenant, Condition and Restriction is also known as CC&Rs. A CC&R is the instrument used to rule over the community in a tract of homes or development area to keep consistency in the Community. They aim to maintain property values and to protect the rights and interests of homeowners. They are also used to provide guidelines to what you can do and cannot do to the home or structure.

What do CC&Rs do?

CC&Rs regulate what the property owners can or cannot do. Covenants ensure that a residential area will remain a desirable one to live in.

Who governs the CC&Rs?

The CC&Rs in a community are usually controlled and enforced by the Homeowners Association (HOA) in the Community. However, they can be brought to enforcement by any homeowner in the community. They are different and unlike zoning laws or Governmental Covenant and agreements, whereas the CC&Rs are controlled by the community and not the City or County officials.

What to watch out for when buying a home?

You find the home you have been looking for. It has a beautiful backyard with a beautiful pool, nice kitchen and bathroom. It is a little small for your growing family, but you believe you can build upon the house or expand and increase the square footage of the home. Buyer beware of the CC&R restrictions, though. Although CC&Rs are addressed in the Real Estate Contract, the details are not. Your buyer goes on to buy the home without reviewing the CC&Rs. The buyer, then, plans to build a second story on the existing home. Come to find out the CC&Rs do not allow the home to have a second story due to view restrictions in the area. Unfortunately, the CC&Rs were delivered to the buyer through escrow and that is constructive notice. **It is the buyer's responsibility to have read the CC&Rs to confirm its restrictions.** The purchaser should review, read, and understand the CC&Rs before they move ahead with the purchase if they have plans to change the current dimensions or structure of the home.

