



## **COVID-19 & Community Associations: Leniency Regarding Recreational Vehicle/Trailer Restrictive Covenants for Frontline Health Care & Essential Workers**

As the COVID-19 pandemic impacts the health and well-being of people around the world, Community Associations Institute (CAI) calls on all board members, residents, managers, and business partners to lead with health and safety, compassion, flexibility, understanding, and business continuity in mind. CAI is dedicated to building better communities, including each community association's relationship with the greater community, and that mission is more important now than ever before.

In response to the pandemic, essential workers have been stepping up and are continuing to report to their jobs throughout our economy, including in health care facilities, grocery stores, infrastructure maintenance, delivery services, public transportation, government, and water utilities. The CAI Board of Trustees stands with these essential workers and encourages communities to consider relaxation of and temporary leniency regarding recreational vehicle/trailer restrictive covenants to permit essential workers and immediate family members exposed to COVID-19 to self-quarantine while remaining near their home and family.

Community association residents are subject to the rules and regulations as stated in their community's declaration of covenants, conditions, and restrictions. A covenant is an agreement a homeowner makes with an association and the co-owners regarding the use of their property. The goal of a restrictive covenant is to protect, preserve, and enhance property value, as well as protect the welfare of all residents. The subject matter of these covenants may range from mowing a lawn to repainting a home to limiting the type of pet one can have on the property. Many associations have restrictive covenants limiting the ability of a homeowner to park an RV/trailer on their property.

The enforcement of association restrictive covenants is the obligation and responsibility of the governing board and community manager. However, we believe governing boards and community managers, in consultation with their legal counsel, should exercise leniency with the enforcement of restrictive covenants when appropriate and possible given the pandemic at hand. When, under extraordinary circumstances, the enforcement of a covenant is contrary to enhancing the collective welfare of the residents, exceptions should be considered. Case law throughout the U.S. recognizes that variances from requirements, in appropriate circumstances, will not invalidate or waive restrictive covenants.

The CAI Board of Trustees developed the following set of principles for community associations to adopt pertaining to homeowners who are essential workers or have immediate family members exposed to COVID-19, and request temporary relief from association covenants specifically related to RVs/trailers. CAI believes these principles prioritize the health and safety of entire communities.

1. Community association residents seeking temporary exceptions from otherwise applicable covenants, conditions, and restrictions limiting their ability to park an RV/trailer on their property must get board approval. Homeowners shall comply with reasonable parameters, including quiet hours.
2. Community associations should be open to granting exceptions to restrictive covenants limiting the right of an owner who has a compelling pandemic-related circumstance to park an RV/trailer on their property during their respective state's emergency declaration, and any additional period that is reasonable under the circumstances.
3. Community association boards would be well-advised to issue a letter to the owner and distribute a community-wide policy stating that the board is making limited temporary exceptions of certain covenants due to the COVID-19 pandemic.
4. Community associations are encouraged to grant covenant exceptions for the health and safety of the community, particularly for those residents who are essential workers.

The Board of Trustees is committed to keeping our members informed on regulatory issues impacting their community associations and sharing guidance and best practices from the Centers for Disease Control and Prevention and state health departments.

Importantly, CAI and the Board of Trustees urge everyone to treat each other with respect and kindness during these unprecedented times. CAI will continue to monitor the pandemic and its impact on community associations and their residents. This statement will be updated as needed.

### **RESOURCES**

Now is a good time to remind community association residents, board leaders, and managers of their [Rights & Responsibilities for Better Communities](#) and the [Community Association Civility Pledge](#).

For the latest COVID-19 resources from CAI, visit [www.caionline.org/coronavirus](http://www.caionline.org/coronavirus).