



RULES, COMPLIANCE, AND ARCHITECTURAL REVIEW

How Boards Can Enforce Fairly, Consistently, and Defensibly

A practical guide to authority, due process, fines, architectural review, documentation, and consistent enforcement.

Compliance is the goal - not punishment.

Strong enforcement starts with a valid restriction, clear authority, consistent process, good evidence, and a reasonable path to compliance.

Because Communities Deserve Better!

Community Association Management, Limited

Educational White Paper | September 2026

Good Enforcement Starts With Authority

Community associations are expected to enforce their governing documents, but enforcement is not simply a matter of finding a restriction and sending a violation letter. The Board must first determine whether the association actually has authority to regulate the conduct, whether the restriction is clear enough to apply, and whether the enforcement process is consistent with the governing documents and applicable law.

Courts generally construe restrictive covenants carefully, and ambiguous language can be difficult to enforce. North Carolina courts have repeatedly emphasized that ambiguities in private restrictive covenants are resolved in favor of the unrestricted use of property. South Carolina courts likewise strictly construe restrictions and do not enlarge them beyond their clear meaning.¹²

The standard

Do not ask only, “Is there a rule?” Ask whether the association has clear authority, objective evidence, a consistent process, and a remedy it is actually entitled to use.

What this guide covers

- How to confirm the source and limits of the association's enforcement authority
- Why ambiguous or subjective restrictions create enforcement risk
- North Carolina hearing requirements and South Carolina document-driven fining authority
- Why fines should support compliance - not become a revenue source
- How inspections, photographs, notices, hearings, and follow-up should work together
- How architectural applications should be received, reviewed, decided, and documented
- How to handle Board-directed exceptions without creating selective-enforcement problems
- When Fair Housing or disability issues should pause routine enforcement and trigger professional review

1. Start With the Source of Authority

A Board should be able to identify the exact source of authority before directing enforcement. Depending on the issue, that authority may come from the declaration or CC&Rs, bylaws, properly adopted rules, architectural guidelines, or applicable law.

Use the hierarchy

Question	Why It Matters
What document creates the restriction?	A Board-adopted rule cannot casually override a declaration or create authority the association does not possess.
Who has authority to act?	The Board, ARC, hearing panel, or management may have different roles under the documents.
What area is being regulated?	Common property, an owner's lot/unit, and public property can involve very different authority.

¹ South Carolina Supreme Court and Court of Appeals decisions on restrictive covenants apply strict construction and generally do not enlarge restrictions beyond their clear meaning; accessed September 2026.

² See, e.g., *C Investments 2, LLC v. Auger*, 277 N.C. App. 420 (2021), and related North Carolina authority applying strict construction to restrictive covenants and resolving ambiguity in favor of unrestricted use.

What remedy is authorized?

A covenant may authorize notices, fines, suspension, self-help, or court enforcement - but not necessarily all of them.

Community's enforcement process should not be used simply because a Board wants a behavior to stop. The association must first have a defensible basis for treating the conduct as an association violation.

2. Being Written in the Documents Does Not Automatically Make a Restriction Enforceable

A restriction can appear in the governing documents and still be difficult to enforce. Problems arise when language is vague, subjective, internally inconsistent, contrary to law or public policy, or directed at activity outside the association's actual control.

Common examples that deserve a closer look

- Noise or nuisance provisions that rely on words such as “excessive,” “annoying,” or “unreasonable” without objective evidence or a workable standard
- On-street parking restrictions when the roads are publicly owned or maintained and the association's authority over the roadway is uncertain
- Speeding, building-code, zoning, or other municipal issues that are primarily within governmental enforcement authority
- Architectural preferences that have never been adopted as objective standards
- Neighbor-to-neighbor disputes that do not actually involve a covenant or rule violation

A fine does not cure a weak violation.

If the underlying restriction is ambiguous, unsupported, or outside the association's authority, adding fines may only increase the amount in dispute without strengthening the association's position.

Before sending the violation, ask

- Is the restriction clearly written?
- Does the association control the conduct or location involved?
- Can the alleged violation be proven with objective evidence?
- Has the same standard been applied consistently in similar situations?
- Is the requested remedy something the association is actually authorized to require?

3. Consistency Is Part of Enforceability

Selective or inconsistent enforcement undermines owner confidence and can weaken the association's position when a dispute escalates. Similar facts should produce similar treatment unless there is a documented reason for a different result.

Consistency does not mean refusing to use judgment

Boards still need discretion. Circumstances can differ, governing documents may allow variances, and some issues warrant legal review before action. The discipline is to document why an exception was appropriate rather than simply creating an informal favor for one owner.

Board-directed exceptions

When a Board wants to waive or vary a requirement, the decision should be made by the Board as a body, supported by the governing documents, and documented in the minutes or appropriate record. If the exception could create precedent or affect future enforcement, the association should consider legal guidance before acting.

4. Due Process Matters Before Fines

Enforcement should give an owner clear notice of what is alleged, what must be corrected, what may happen if the issue remains unresolved, and what opportunity exists to respond.

North Carolina

For North Carolina planned communities and condominiums, the statutes provide a hearing process before fines are imposed when the declaration does not establish a specific procedure. The owner must receive notice of the charge, an opportunity to be heard and present evidence, and notice of the decision. The statutes also limit fines to \$100 per violation and permit continuing daily fines only after the statutory waiting period.³

South Carolina

South Carolina enforcement is more document-driven. Community's practice is not to assume that a Board can create a fine schedule when the governing documents do not grant fining authority. South Carolina law also requires governing documents to be recorded to be enforceable. If older documents provide enforcement "at law" or "in equity" instead of an administrative fining mechanism, the association should have counsel confirm the remedy before attempting to fine; judicial enforcement may be the appropriate path.⁴

Fines are an enforcement tool - not a revenue strategy

The purpose of a fine is to encourage compliance. Once the underlying violation has been corrected, the Board should consider whether collecting every dollar of accrued fines advances the association's objective. When permitted by the governing documents and applicable law, a Board may reasonably consider reducing or waiving a portion of fines after compliance is achieved - provided the decision is consistent, documented, and not an arbitrary favor.

5. Compliance Is More Than Sending Letters

A durable enforcement process creates a record showing what happened, when it was observed, what the owner was told, what response was received, and what the Board ultimately decided.

A strong compliance file may include

- Inspection date and objective description of the condition
- Photographs when they materially help demonstrate the violation
- The specific covenant, rule, or architectural standard involved
- Prior notices and homeowner responses
- Deadlines for correction and follow-up inspection results
- Hearing notice, evidence, and written decision when applicable

³ North Carolina General Statutes §§ 47F-3-107.1 and 47C-3-107.1 (planned community and condominium fine/hearing procedures), accessed September 2026.

⁴ South Carolina Code § 27-30-130 requires homeowners association governing documents to be recorded in the applicable county office to be enforceable.

- Board action on fines, waivers, variances, or escalation
- Referral to legal counsel when voluntary compliance has failed

Partner Plus includes routine compliance inspections performed through Community's field-inspection model. Partner Basic, eManageSuite, and Accounting Only do not include routine compliance inspections. eManageSuite can provide tools for a self-managed Board to track and administer its own compliance activity, while the responsibility for identifying and managing violations remains with the Board.

6. Architectural Review Needs Its Own Discipline

Architectural review is related to enforcement, but it should operate as a defined approval process rather than an informal extension of violation enforcement. The purpose is to evaluate a proposed change against the standards the association is authorized to apply.

Community's role

For Partner Plus, Partner Basic, and eManageSuite, Community performs a preliminary completeness review so the ARC or Board receives an application with the required supporting information. The Board or architectural committee makes the actual approval or denial decision. Architectural processing is not included in Accounting Only.

Four controls matter most

Control	Board Standard
Complete submission	Know what information starts the review clock and what remains missing.
Documented criteria	Evaluate the application against adopted standards - not personal preference.
Decision deadline	Track the governing-document timeline so inaction does not create an automatic approval where the documents provide for one.
Written decision	Approve or deny in writing and identify the applicable standard or condition.

Where the governing documents provide that an application is automatically approved if the association does not act within a defined period, tracking the date of a complete submission becomes a material governance control.

7. Know When Enforcement Becomes a Fair Housing Issue

Routine enforcement should pause when a homeowner indicates that a disability may require an exception or adjustment to a rule, policy, practice, or service. The Fair Housing Act can require reasonable accommodations when necessary to provide a person with a disability an equal opportunity to use and enjoy housing.⁵

Common triggers

- Assistance-animal requests that conflict with pet rules or restrictions
- Requests for parking, access, or procedural exceptions related to a disability

⁵ U.S. Department of Housing and Urban Development, *Assistance Animals and reasonable-accommodation guidance under the Fair Housing Act*, accessed September 2026.

- Requests to modify common-area or architectural requirements because of disability-related needs
- Situations where routine enforcement could effectively deny equal use or enjoyment of the home

The correct response is not to ignore the governing documents or automatically grant every request. It is to recognize that the issue has moved beyond ordinary enforcement and should be evaluated through the association's reasonable-accommodation process, with legal or insurance guidance when appropriate.

8. Questions Every Board Should Ask About Enforcement

- Can we point to the exact provision we are enforcing?
- Is that provision clear enough for an owner to understand what compliance requires?
- Does the association actually have authority over the conduct or location?
- Have we handled materially similar violations consistently?
- Do our notices state the facts, the governing provision, and the required corrective action?
- Are photographs and inspection records sufficient to support what we are alleging?
- Are hearing and fining procedures being followed before penalties are imposed?
- If the violation is cured, are we using fines to reinforce compliance rather than generate revenue?
- Are ARC applications complete, evaluated against adopted standards, and decided within required timelines?
- Does a disability, Fair Housing, or other legal issue require us to pause routine enforcement and seek guidance?

How Community Supports Consistent Enforcement

Community Association Management, Limited is an AAMC-accredited, independently owned community association management company serving North Carolina and South Carolina. Our approach is designed to make enforcement more consistent, documented, and focused on compliance rather than conflict.

Our compliance framework includes

- Routine compliance inspections for Partner Plus communities
- Dedicated compliance resources so field inspections are not dependent solely on the CM
- Photographic and activity documentation where appropriate
- Systemized escalation and follow-up instead of relying on individual memory
- Preliminary ARC completeness review for Partner Plus, Partner Basic, and eManageSuite
- Tracking of ARC decisions and timelines within the applicable service model
- Board decision support when exceptions, prolonged violations, or escalation require governance judgment
- Recognition that management administers the process - the Board retains the authority and responsibility to make governance decisions

Compliance should solve the problem - not become the problem.

The strongest enforcement process is clear enough to understand, consistent enough to trust, documented enough to defend, and reasonable enough to encourage voluntary compliance.

Ready to Review Your Enforcement Process?

Use this guide with your Board to review how violations and architectural requests are identified, documented, decided, and resolved. Pay particular attention to restrictions that are subjective, difficult to prove, or directed at conduct outside the association's clear authority.

Visit communityassociationmanagement.com to learn more or request a conversation about your association's management needs.

Because Communities Deserve Better!

***Educational Notice:** This white paper is intended for general educational discussion and is not legal advice. Association authority and enforcement procedures vary by governing documents, association type, jurisdiction, and the facts of each matter. Boards should consult qualified legal counsel when enforceability, fining authority, Fair Housing, or litigation risk is uncertain.*