

Restrictions and Prohibitions: What can Community Associations control?

Community Associations can create prohibitions and restrictions regarding property within the Association, and actions of its members on that property, so long as the prohibitions and restrictions conform to the Association's governing documents and do not violate State or Federal statutes limiting those prohibitions and restrictions. The Minnesota Common Ownership Interest Act (MCIOA), to which many Associations are subject, provides that rules and regulations must be consistent with the governing documents and may:

- regulate the use of common elements;
- regulate the use of units and conduct of unit occupants which jeopardizes health, welfare, or safety of other occupants, which is noisy or disturbing activity, or which may damage the common elements or other units;
- regulate or prohibit animals;
- regulate changes to the common elements;
- regulate the exterior appearance of common elements; and
- regulate to implement the governing documents or facilitate operation of the Association.

See Minn. Stat. 515B.3-102(a)(1)

(over)

Even if your Association is not governed by MCIOA, review your governing documents to determine the extent to which your Association can impose control, restrictions, and prohibitions. Associations may also be able to institute other restrictions and prohibitions, such as to control any rentals permitted within the Association. These restrictions and prohibitions, however, must be carefully implemented to ensure they are effective and to avoid violating law.

Certain State and Federal statutes limit an Association's ability to create particular restrictions or prohibitions. For example, State and Federal laws that prohibit discrimination may prevent an Association from excluding members with children. In addition, there are some subjects that have specific State or Federal laws allowing certain conduct or improvements, or limiting the restrictions on certain conduct or improvements; these limitations on the Association's powers are often in regard to subjects that Associations at one time felt they had the ability to prohibit, including, for example, satellite dishes and flag flying prohibitions.

Associations should start with their governing documents and then look to statutes to determine what can and cannot be restricted and prohibited. Though a restriction or prohibition may legally be allowed, Associations should also consider what is practical and what creates harmony within the Association and amongst its members.



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