

Can I Park Here?

Q: *Why don't we have enough parking?*

A: Developers want to build the most homes possible to make the most money, so they often allot the fewest parking spaces required by law. Unfortunately, that leaves the association to deal with the shortage.

Q: *Why can't we park on the street?*

A: The association's roads are subject to local regulations that specify the space needed for access by emergency vehicles. When cars are parked on the street, there isn't enough clearance for fire trucks to maneuver.

Q: *Why do we have to park our SUVs and trucks out of sight?*

A: Our governing documents were created by people who were unable to anticipate today's lifestyles. Who knew 30 years ago that SUVs would replace station wagons as the standard family vehicle and trucks would become passenger oriented and even luxurious? Until our documents are amended, we're obligated to abide by this requirement.

Q: *Why do I have to register my car with the association?*

A: The association's registration system allows the manager to match vehicles with residents. In case of emergency we can contact you. It also allows the association to identify nonresidents who are parking in our spaces. Be sure your parking pass is clearly visible at all times.

Q: *It seems the parking lot loses another space to handicapped parking every day. Why so many?*

A: It may look like a disproportionate number of spaces are reserved for handicapped parking, but for each space there is a resident in need. The Fair Housing Amendments Act makes it unlawful to "discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of that person." The "provision of services or facilities" includes providing reserved parking. When a resident requests a handicapped parking space, the association makes every effort to reserve one. Not only does federal and state law require it, but it's also the right thing to do.

Q: *What gives the association the right to tell me where and how to park?*

A: When you purchased your home, you entered into a contractual agreement with the association to abide by its covenants. Those covenants include bylaws that empower the board to adopt and enforce rules they believe are necessary for everyone's good. The parking policy explains the parking rules and specifies procedures for enforcing them; not only is the board allowed to develop the policy, it's legally obligated to do so.

Q: *Why don't we just assign reserved parking?*

A: Our parking spaces are a type of property called common elements. That means all spaces are owned commonly by everyone, and everyone has the right to use them. Another type of property is called limited common elements. Like parking spaces, limited common elements are owned by everyone, but not everyone can use them. They are *limited* to one owner. Patios and balconies are examples of limited common elements. By assigning reserved parking, we would effectively change the property status from common element to limited common element, which goes against our governing documents and our own property rights. Before we could assign reserved parking, we'd have to amend our governing documents. This process is complex, expensive, lengthy and it requires approval by all members.

Q: *Why can't I use my parking pass for an inoperable vehicle?*

A: Our parking rules disallow inoperable vehicles for the simple purpose of keeping the community looking nice. Even covered vehicles give the appearance of neglect.

Q: *Why was I cited for a vehicle that complies with all the association's parking rules?*

A: Sometimes the association tickets vehicles considered a nuisance. These are vehicles that consistently leak oil on the common areas, emit excessive exhaust or gas fumes, are excessively noisy or are otherwise inconsiderate of others. These situations result when your vehicle is in poor repair.

Q: *Why is the visitor parking area always full? It's frustrating for my guests.*

A: The guest parking area serves as overflow parking for the residents. We regret the inconvenience for your guests, but this arrangement guarantees that you always have a parking space for yourself.



Community Associations Institute

6402 Arlington Blvd., Suite 500

Falls Church, VA 22042

Phone: (703) 970-9220 (M-F, 9 a.m.-6 p.m. ET)

TOLL-FREE: (888) 224-4321 (M-F, 9 a.m.-6 p.m. ET)

CAI-INFO@CAIonline.org