

WHAT ARE CCRs?

YOU'VE SEEN CCRs ON YOUR PRELIM, BUT WHAT ARE THEY AND WHY DO THEY MATTER?

In California real estate, **CC&Rs are a legally recorded declaration of rules** that govern the use of properties within a development, like a subdivision, common-interest community, or condominium project. **CC&Rs stand for Covenants, Conditions, and Restrictions** and are usually created by the original developer before the first sale. Once recorded with the county recorder's office, they "run with the land," meaning that they bind not only the original buyers but all future owners of the affected properties. The purpose of CC&Rs is to maintain consistent property use and community standards — for example, regulating exterior paint colors, landscaping, parking rules, architectural changes, or restrictions on certain activities.

Under California law, CC&Rs have two important legal characteristics: **contractual effect** and **equitable servitude status**. This means they are treated both as private agreements between the association and homeowners and as enforceable obligations tied to the land itself. Courts in California (including under the Davis-Stirling Common Interest Development Act) generally presume recorded CC&Rs to be reasonable and valid unless they violate public policy or are proven to be disproportionate or unreasonable in effect.

When a buyer orders a **preliminary title report** as part of the home-buying process, one of the items the report will **typically disclose is whether CC&Rs are recorded against the property**. However, the title report generally does not include the full text of those documents — it simply lists them as exceptions or recorded instruments affecting the title. The buyer typically must request or obtain copies of the actual CC&R documents separately (often through the HOA or title company). This allows buyers to review detailed restrictions before closing.

In many communities, an **HOA (Homeowners Association)** is established to administer and enforce the CC&Rs. The CC&Rs themselves usually specify the HOA's powers and the obligations of members — including assessment collection, architectural control, maintenance duties, and enforcement authority. While CC&Rs are the primary governing document relating to property use restrictions, HOAs also often adopt additional rules, regulations, or architectural guidelines consistent with the CC&Rs.

Enforcement of CC&Rs in California can occur in several ways. Most commonly, an HOA's board will first issue notices or warnings if a homeowner violates a restriction. If the violation persists, the HOA may impose fines, suspend certain privileges (like access to amenities), or — in extreme cases — pursue legal action in court to compel compliance. California law also generally requires that dispute resolution (like mediation) be offered before litigation in many enforcement matters. Under some circumstances, individual homeowners themselves can enforce CC&Rs against other owners if the HOA fails to act.

It's important for buyers and owners to understand a few practical points about CC&Rs in California: they are **not negotiable during a standard sale** (the buyer must accept the existing restrictions to purchase the property); they can be **amended by a vote of the community membership** according to procedures spelled out in the CC&Rs; and they coexist with — but do not override — applicable local laws, zoning, and building codes. Reading and understanding CC&Rs early in the escrow process helps avoid surprises about what is or isn't allowed on a property.

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