

HOA Horror Stories: From Poop Disputes to Jail Time for Wrong Paint Colors—and How 2 States Are Fighting Back



By Julie Taylor
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Homeowners associations are supposed to maintain common areas and enforce community rules, which isn't a bad thing.

But when an [HOA](#) oversteps its bounds, its motives can seem punitive and predatory. And the fines it levies on residents can seem more like extortion or highway robbery.

"Some say some HOAs stand for 'hostile environments, ornery, controlling neighbors, and anger-infused management,'" jokes **Lee Davenport**, a real estate coach and fair housing educator in [Atlanta](#). And countless people, including **Kristen D. Conti**, broker-owner of Peacock Premier Properties in [Englewood, FL](#), agree.

"Oftentimes, people on the boards are on a total power trip and use that to advance their own desires," Conti says. "I don't invest in communities with HOAs anymore because their rules are so over the top that it upsets the tenants."

Conti recalls a personal encounter with such an HOA: “They came and measured the length of the grass, and if it was half an inch too long, we would get fined,” Conti says. “Here in the summer in Florida, grass grows quickly. So it can be half an inch too long just three days after being cut. It was a constant headache.”

Conti’s not the only one who says “no way” to HOAs. Here are three more examples of HOAs behaving badly.

The poop scoop

A [New Palestine, IN](#), homeowner who’s in an ongoing dispute with his HOA got an unwelcome surprise when an HOA board member went into his yard and [defecated on the side of his house](#) not once, but twice—and it was caught on camera.

The 74-year-old woman initially denied the accusations, according to court documents, but confessed once confronted by police with video evidence of her with her pants down.

The woman told authorities she had no personal agenda against the homeowner, but simply had to use the restroom.

She was charged with criminal trespass, criminal mischief, and public nudity, and has now stepped down from the HOA board.

Swingset skirmish

A Missouri mother painted her two young daughters’ swing set purple at their request. Two years later, [her HOA told her the hue was out of harmony](#) with the other colors in the neighborhood. It ordered her to dismantle the swing set or face fines or jail time.

The mom was so outraged, she took the HOA to court—and a judge ruled in her favor.

Bah humbug

One [Florida family decided to put up their holiday decorations](#) on Nov. 6, the only day their light installer was available.

Then they received a notice from their HOA saying they weren’t allowed to decorate until after Thanksgiving. If they kept their decorations up, they’d have to pay \$100 per day up to a max of \$1,000. The homeowners refused to take their display down on principle alone, and accused the HOA of being a “Grinch.”

“HOAs often push the boundaries and lead to unnecessary stress and conflict for homeowners,” explains broker **Deb Burger**, owner of Modern Era Realty in [Marion, IA](#).

“These associations can sometimes become overzealous, dictating minor details of homeowners’ lives and infringing on their right to quiet enjoyment of their property,” she says.

Florida and Michigan fight back

Two states are taking steps to fight back against overbearing HOAs.

Starting July 1, homeowners associations in Florida will lose a lot of their power when [a bill known as HB 1203 goes into effect](#).

When it does, Florida HOAs will no longer be able to restrict people from parking in their own driveway or on public streets. And HOAs won't be able to stop people from parking work cars in their driveway anymore, either. (This excludes commercial vehicles.)

Fining residents for leaving trash cans out on garbage day will also be a thing of the past. Plus, HOAs will no longer be able to enforce rules about backyards or the inside of structures, as long as they can't be seen from a neighboring property, from the street, or from a common area.

"It's possible that some residents may initially fear that the law could lead to a decline in property values due to less stringent regulations on things like visible air-conditioning units," Burger says. "However, I believe that over time, homeowners will come to appreciate the freedom and flexibility this law provides. Ultimately, all homeowners have the right to enjoy their homes, and we need to preserve that."

Meanwhile, Michigan Gov. **Gretchen Whitmer** just [signed](#) the [Homeowners' Energy Policy Act](#) into law. This legislation will block HOAs from prohibiting residents from having rooftop solar panels, electric vehicle chargers, clotheslines, rain barrels, and other energy-saving equipment in their homes or on their properties.

"All states need more solar energy, so I'm in favor of this bill," says attorney **Raul Gastesi**, of Gastesi Lopez & Mestre law firm in [Miami Lakes, FL](#). "Florida already has a similar bill that allows for the installation of solar panels, but pushes to have them on the side of the house that is not facing the street. I think more states should and will follow suit."

Do your homework

It's important to read HOA rules and regulations carefully *prior* to buying a home in one, Conti cautions. That way, you know exactly what you're getting into.

Been wronged by your HOA? Conti recommends writing a letter to the HOA management company and copy each member of the HOA board.

If you still get no relief, Conti advises seeking the assistance of a real estate attorney or mediator. You just might need one to reach a peaceful resolution.

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