

The law may be in your corner if you're making environmental updates to to your home

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(Illustration by Emily Sabens/The Washington Post; iStock)

Joseph Schiarizzi started his rebellion by planting heirloom tomatoes.

With the pandemic raging in spring 2021, his front yard, in a picturesque community just outside D.C., transformed from a sparse lawn to an explosion of 10 tomato varieties, cucumbers, marigolds, a native mint and jalapeños to make his own hot sauce bursting out of three raised beds. Neighborhood kids helped plant carrots and garlic.

"My neighbors love it," Schiarizzi, 28, a software engineer for a fintech start-up, told me over the phone, estimating his garden furnished 215 pounds of food for several families last summer, along with habitat for pollinators. "I'd say my life and the world in general is a little bit better for its existence."

His homeowners association (HOA) disagrees. It's sent him three letters insisting he remove landscaping that's ostensibly "detrimental" or "unattractive in appearance."

"If I don't cut it back, they can have a landscaper trim overgrown plants at my expense," he said. "I specifically bought this house because nothing in the HOA documents said that I couldn't garden."

So Schiarizzi, who lives in Falls Church, Va., hired a lawyer. He estimates he has spent 100 hours of his time and \$3,000 on legal advice, to keep gardening. For now, he's ignoring the notices on the advice of his lawyer.

"Most people don't have the energy to fight back," he says. "I'm very fortunate that my career and life are very flexible, I have a lot of tenacity and make time for this." HOA representatives did not respond to multiple inquiries.

More Americans than ever are running afoul of their HOAs for updating their homes in ways that benefit the environment, such as adding solar panels, native lawns, EV chargers, clotheslines or gardens. While HOAs were once a rarity, [84 percent](#) of newly built single-family homes sold in 2022 were part of one, according to the U.S. Census Bureau.

At their best, these self-governing associations can maintain common areas and roads, or deal with neighborhood hazards, charging a modest fee for common services. At their worst, however, they can [descend into petty vendettas or outright theft](#).

You have more power over your HOA than you think. New laws are empowering owners, while tested strategies let you enforce your rights to plant a native yard or install solar panels.

Here are a few ways to win — sometimes without a fight.

For about 74 million Americans, home now comes with an HOA. In many states, it's [virtually impossible](#) to buy a new house without one.

In theory, HOAs are mini-democracies. These organizations are run by community members tasked with preserving property values (although evidence of their [effectiveness at the latter is mixed](#)). Their rules are typically written by corporate real estate developers before being turned over to elected volunteers who can, theoretically, amend them — though doing so is difficult. HOA dues may range from [\\$50 per year to thousands of dollars per month](#). If homeowners violate the rules, HOAs can send notice letters followed by fines. In some cases, HOAs will issue liens, withhold wages and even [foreclose](#) on homes.

As homeowners make eco-friendly additions, they're encountering opposition from HOAs, sometimes in violation of state law. [Texas](#) joined [Florida](#), [Maryland](#), [Colorado](#) and other states to block HOAs from banning some low-impact landscaping such as [drought-resistant xeriscaping](#), rain gardens or native plant gardens. If you want to install EV chargers at home, [Hawaii](#), [Oregon](#), [Florida](#), [Colorado](#) and [California](#) have your back.

Power is shifting back into the hands of property owners now that state legislators have begun [rolling back decades](#) of escalating HOA restrictions. But many members of HOA boards don't know these provisions, or ignore them.

“Unfortunately, it sounds cliché, but there are association board members

who are on a power trip," says Luke Carlson, an attorney and founder of [LS Carlson Law](#), which specializes in HOA disputes. "They will not listen to reason until you notify someone in their camp that what is happening is wrong, and it's violating the owners' rights and well-established law. But it takes a little bit of fight to get some traction."

For Dylan Baddour, his fight against the HOA has become a Texas-sized crusade.

Baddour, a journalist with [Inside Climate News](#), tried to restore his yard to native prairie in his new Lockhart, Tex., home. "I always had the dream of owning land and growing a garden," he says. But first, he had to turn a six-inch layer of construction fill into rich, loamy soil.

"Our subdivision is called the Meadows," he says. "All streets are named after wildflowers that were removed. ... Somewhere the culture decided that the plants that are supposed to be here are unacceptable."

Using seeds from [Blackland Prairie](#), a native endangered Texan ecosystem, he grew a crop of wildflowers and pioneer plants that put down deep roots, breaking up the compacted soil with little irrigation or maintenance. The yard is now a seasonal riot of flowers and prairie plants growing head-high, blooming each spring before dying off and resprouting. Even with no water during last summer's relentless 107-degree days, says Baddour, the camphor and aster plants stayed "green and perky."

Baddour overlooked, however, filing the right paperwork. While a 2013 Texas law ensures HOAs must [approve all "reasonable" requests](#) for xeriscaping, drought-resistant plants and landscapes, they can still require preliminary approval of plans. Last September, his HOA sent Baddour a notice of violation, spurring a flurry of letters, notices, and testy exchanges with the group's lawyer, who questioned whether prairie plants qualified as

xeriscaping.

For now, Baddour has filed the request, and employed tactics he learned covering the oil and gas industry. "I've learned the playbook off oil lawyers: Throw up very procedural roadblocks, make it so expensive and so difficult to deal with they would prefer not to deal with me," he says. He plans to share his strategy with others at a conference later this year.

How to take a stand against your HOA

The first step is to avoid a fight. If your HOA doesn't listen to you, first obtain your association's governing documents (also known as [CC&Rs](#), or covenants, conditions and restrictions), and see any relevant state laws.

If the rules support your position, you (or a lawyer you've hired) can send a [demand letter](#), outlining the dispute and the desired resolution. This strategy can often prevent problems from escalating, said Carlson. After an HOA asked one of his clients to pay for expensive retrofits before installing solar panels, Carlson pointed out this request went against state law. The HOA backed down. Often, it's not worth it to the HOA to fight you.

If that doesn't work, you can involve a third party such as a mediator. While somewhat more complicated and expensive, it can often resolve any misunderstandings, while avoiding a costly legal battle, a benefit to both parties.

And there's always court. If you take this course, it pays to be right: The prevailing party in court may be awarded attorneys fees. Lawsuits can balloon into six figures.

But if you can't beat your HOA (or don't want to fight it), join it, says Joel Stanford of Austin, who became an enthusiastic member of his HOA after

hearing horror stories.

"I wanted to be part of the solution," he wrote by email. "I thought that I could serve as a moderating force if need be, and help shape discussions and policies. Since then, I have done exactly that. Hawkish members can be reasoned with and just having a moderating voice often brings balance to the process."

Getting others to join him has been harder. Most of the work is mundane: hiring contractors to repair gates, clear brush, clean trash, treat fire ants in common areas — or doing it themselves. "[We] basically serve in thankless, uncompensated roles so that the place we live can be better and so that HOA costs for residents are mitigated," he writes.

That's also allowed him to ensure that unreasonable rules — such as a ban on bird feeders — aren't enforced. "Most people never take this step and instead view it as a detached entity over which they have no power," he says. "Even a minor role ... can still ensure one has a voice."