

	CITY OF PALM DESERT DEVELOPMENT SERVICES DEPARTMENT	
	<i>Subject</i>	Homeowner Association Involvement - Building Permit Process
	<i>Policy No.</i>	CC DS - 001
	<i>Date</i>	Issued: December 12, 2024
	<i>Approved by</i>	Resolution No. 2024-
	<i>Authored by</i>	Richard D. Cannone, AICP, Director

I. Intent

It is the intent of this policy to facilitate understanding of the need for homeowner association (HOA) approvals and establish the process by which these approvals must be obtained when they are not included with a building permit application. The City, through its planning approval process, establishes and reviews development covenants, conditions and restrictions (CC&R's). Many of the development requirements are incorporated into the various land use and zoning codes, architectural controls and CC&R's.

It should be clear that our role as Staff is to support the HOA. Given this understanding, the following policy guidelines are established in conjunction with the need for HOA approval.

This policy is meant to supplement, but not supersede, any existing laws or policies on this subject matter. This policy is a fluid document that may be updated and revised, from time-to-time as needed, to adapt to the needs of both the community and the City.

II. Policy

- A. If it is determined that a building permit application is subject to HOA approval and HOA approval was not included as part of the application, it will be checked against the latest copy of the HOA boundary map maintained by the Planning Division to determine if the property listed on the application is located within an HOA boundary.
- B. If it is determined that HOA approval is required, Staff shall do the following:
 - 1. Notify the HOA immediately in writing, by filling out and sending the attached form, that an application has been submitted.
 - 2. If there is no resolution of the issue(s), the permit shall be issued thirty (30) days from the date the HOA was notified. This 30-day period is to permit time for the Applicant or HOA to resolve issues or allow time for the HOA to take any actions required should resolution not be achieved.
 - 3. Should an HOA representative contact Development Services Staff either verbally or in writing, Staff will contact the Applicant and inform them of the HOA's concerns and strongly encourage the Applicant to work out any concerns with the HOA.
- C. The letter from the HOA must, at a minimum, be dated and signed by an authorized representative of the HOA's board, such as the President, Vice President, Architectural

Committee President and/or Landscape Committee President. Specific reference should be made to the plans and date of plans, to avoid misunderstanding should a revised set be submitted.

As board members change quite frequently and official letterhead is not always available, Staff shall do its best to ascertain authenticity of the approval letters, such as checking against latest City HOA listing. Beyond this, the City is not in a position to track and maintain lists of each authorized HOA representative and therefore accepts the written representations supplied by the Applicant.

- D. Plan revisions shall be at the judgment of the plan reviewer if further HOA approval is needed. Generally, only major revisions or revisions that would change approved construction materials or aesthetic treatment need to be resubmitted by the Applicant for HOA approval.
- E. The City's request for HOA approval as part of a building permit application does not supersede any requirements set forth in any applicable Municipal Code section, General Plan, Building Code standards, or state law. Lack of HOA approval will not necessarily result in rejection of the permit application.

III. Exemptions

The following building permit applications shall be exempt from this policy:

- Any interior modifications to habitable structures that do not have an impact on the structures' exteriors (except for shared-wall units).
- Accessory Dwelling Units
- Solar Panels or battery storage
- HVAC Replacement (Existing location only)
- Electrical Panel upgrades
- Water Heater Replacement (Existing locations only)

IV. Appeals

This policy, and any decisions made thereunder, shall be appealable to the City Manager.

SAMPLE "A"

[DATE]

TO:

ATTN: HOA Representative(s)

SUBJECT: Permit Application No.:

Address:

The Applicant, **[NAME]**, has applied to the City of Palm Desert Building Division to install the below-described improvements. The City will hold the permit application until **[MONTH/DAY]**, **[YEAR]** (30 days from the date of this notice), to permit the Homeowners Association to resolve any outstanding issues. Should the issues not be resolved by the above date, a permit will be issued on, **[MONTH/DAY], [YEAR]** (30 days from the above date). If you have concerns, please contact the Building Division.

PROPOSED WORK:

[STAFF NAME/PHONE NUMBER/EMAIL]

SAMPLE "B"**DO YOU NEED HOMEOWNER ASSOCIATION APPROVAL?**

Homeowner Associations (HOAs) are set up in many areas of the City to provide for such things as common area maintenance and improvements, control of individual exterior improvements, and to provide consistency with applicable Covenants, Conditions & Restrictions (CC&Rs). The CC&Rs were set up when the subdivision was first developed and provide guidelines to ensure that certain standards are continually met. Depending on the area in which you live, these standards can control the color of your unit, roof composition, architectural and landscape treatment, parking, etc. Consequently, the City supports the many HOAs and requires, in many instances as discussed below, HOA approval prior to City issuance of permits.

When is HOA approval needed?

You need HOA approval whenever you live in an area controlled by a HOA and you are planning to do work that may change or modify exterior architecture, color, landscape, etc.

When is HOA approval not needed?

Generally, HOA approval is not required when you are doing any of the following:

- Any interior modifications to habitable structures that do not have an impact on the structures' exteriors (except shared-wall units).
- Accessory Dwelling Units
- Solar Panels or battery storage
- HVAC Replacement (Existing location only)
- Electrical Panel upgrades
- Water Heater Replacement (Existing locations only)

What do I have to submit to the City?

If HOA approval is required, you must submit a letter from your board, signed by an authorized representative, approving the changes you are proposing.

What if I cannot get HOA approval?

If you cannot obtain approval, the City will notify the HOA board and withhold permit issuance for thirty (30) days to allow the HOA time for input.