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Holiday Decorations

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Holiday Decorations Being Reasonable

In years past, when someone said “Holiday Decorations” we all thought of strings of lights outlining the form of homes and landscaping, and figures of Santa and reindeer gracing the lawn or the roof itself. Recent statistics find that Halloween is approaching the same magnitude of outdoor displays once reserved for Christmas. In addition, we are increasingly a multicultural society with holidays being celebrated we may not have been aware of previously, or in some instances, which have only recently been established.

How do common interest communities respond to the outdoor displays individuals may wish to have? Many communities have covenants which prohibit items of any type whatsoever to be placed exterior to the living units without prior board or architectural committee approval. In those communities, must the board or architectural committee require every person wishing to have an outdoor display apply for approval for each such holiday? Can certain holiday decorations be denied based on the type of holiday? Can approval of these displays include restrictions of size and a time limit at which time the displays must be removed?

Associations should approach the issue of holiday decorations in the same manner as any other community issue: By being reasonable! Of course an association may choose to prohibit all such decorative displays. If an association chooses to prohibit all such decorative displays, and it has the authority under its governing documents to do so, it may as long as all decorative displays are prohibited. Associations have an obligation to be nondiscriminatory and uniform in the application and enforcement of covenants, rules and regulations. It is not acceptable, for example, to allow Thanksgiving displays but deny Easter displays based on nothing more than the holiday being celebrated. It should also be noted that there may be a difference between holiday decorations and the practice of certain religious ceremonies. We are not addressing the practice of religion in this article, only the display of holiday decorations.

An association may choose, however, to allow holiday decorations exterior to units. We recommend that associations who choose to allow these displays develop and adopt reasonable rules which address size, illumination and time restrictions which would be distributed to all owners and residents. Obviously, single family homes may want more liberal rules than townhomes, and condominium communities may choose to allow only an exterior door to be decorated. As in other types of rules, an association should consider the needs and desires of the community as well as the protection of the property. The rules could provide that no further approval would be required for displays which complied with the stated restrictions so that the board or architectural committee would not be burdened with the consideration of these temporary displays.

Typical holiday decoration rules should address how soon before a holiday such displays may be placed and how long after the end of the holiday the displays must be removed. The size or total square footage of displays should be also be addressed. Although it may be personally satisfying to some people to cover every inch of available space with decorations, it is usually not conducive to the look of most common interest communities. Similarly, illuminated displays may be lovely for the passerby but unless restricted, may be a nuisance for the next door neighbor. Rules

regarding illumination should be expressed in terms of the effect on neighboring units and allow for immediate correction at the request of the Board if offensive or intrusive to others. Times of day during which illumination may be allowed is one method to restrict and control the impact on neighbors.

In many communities holiday decorations are one of the ingredients in creating a feeling of community among the residents. Associations can help build community by being reasonable in handling the issue of holiday decorations in a proactive and balanced way. Adopting rules to assist the board or architectural committee by creating uniform, consistent and nondiscriminatory approval of holiday decorations without burdening these volunteers further is one way the association can work toward accomplishing that goal. As with any new association rules, the board should have the association's legal counsel review the proposed rules prior to distribution to the owners and residents.