

# Tenants Rights

...when living in a homeowners association (HOA) or condominium:

*With limited exceptions, tenants have most of the same rights as owners:*

- **Quiet enjoyment:** Tenants have the right to enjoy the community without excessive intrusion from the HOA or landlord.
- **Fair treatment:** Tenants are entitled to fair treatment under the same rules and conditions as other residents.
- **Non-discrimination:** HOAs must follow the Fair Housing Act, which means they cannot discriminate against tenants based on race or family status.
- **Access to amenities:** Tenants have access to the common area amenities that come with the association.
- **Rule disclosure:** Tenants have the right to know all rules and changes that apply to them (...and associations may be mandated to provide such rules to tenants).
- **Habitability:** Tenants have the right to live in a safe and habitable community.
- **Dispute Resolution:** If an association has the right to fine or otherwise “discipline” tenants for rules violations, they would generally have to provide the same options for dispute resolution as for owners.
- **General Tenant’s Rights:** Tenants do not give up state or Federal rights in association housing. Example: Except rarely, associations cannot prohibit service animals, even if they otherwise prohibit dogs. *In NJ, except in rare instances, landlords are prohibited from raising a tenant’s rent during the term of the lease, even if the landlords costs increased.*

***But, compared to HOA members, tenants rights are limited, including:***

- **Board Membership & Voting:** Tenants, as non-owners, cannot run for Board membership. And, tenants usually cannot vote in association elections, but state law or association by-laws may provide or require that tenants be allowed to vote on behalf of their landlord, if the landlord authorizes this in writing.
- **Board meetings:** Tenants may not be allowed to attend HOA board meetings. Or, if allowed to attend, they may not be allowed to speak during the meeting open sessions. On the other hand, as an accommodation to distant owners, there may be association provisions for landlords to authorize, in writing, their tenant to attend meetings &/or speak on behalf of the landlord.
- **Suing the association:** The right of tenants, as non-owners, to sue the association may be prohibited or limited...though such a *provision, itself, is limited by the general US tradition that “anyone can sue anyone”.*