



Homeowners Associations and Community Rules

RESPONDING TO DOUBLE STANDARDS INVOLVING JEWISH IDENTITY

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Homeowners associations (HOAs) are organizations that manage shared property and enforce community rules called Covenants, Conditions, and Restrictions (CC&Rs). HOAs have the authority to impose fines, restrictions, and other penalties to enforce CC&Rs. However, that authority *cannot* be used to violate federal law by discriminating against Jewish residents or those who express support for Israel as part of their religious, national, or ethnic identity.

StandWithUs created this fact sheet to empower you to understand and use your legal rights to identify, challenge, and address these double standards within your community.



Your Legal Rights

The Fair Housing Act (FHA) makes it unlawful for an HOA to discriminate against you based on a protected class like race, national origin, religion, etc. Jews may experience unlawful double standards when homeowners associations, condo boards, and similar groups establish or enforce rules for housing and shared spaces. These double standards may include

- Inconsistent restrictions on displaying the Israeli flag
- Tolerance of hostile signage
- Prohibitions on Jewish religious symbols and practices (i.e. mezuzot)
- Silencing of Jewish voices at community meetings

Action Tip

Search the internet for your state's HOA laws. Some state laws provide additional rights that override HOA restrictions. For example, Florida protects your right to display one portable, removable United States flag regardless of HOA rules restricting flags.

Selective Enforcement

One of the most common forms of HOA discrimination is selective enforcement. This occurs when an HOA applies a rule against certain residents but overlooks the same violation by others.

Example

An HOA fines an Israeli family for displaying the Israeli flag while permitting other families to display flags of different countries.

HOAs may adopt and enforce neutral policies like the sample policy on Signs and Flags provided on the right, but they must apply those rules consistently.

Action Tip

Carefully review your HOA's rules to understand what is permitted. This will help you recognize when the HOA may be applying a double standard that targets or restricts Jewish identity.



SAMPLE SIGN AND FLAG POLICY

Our documents state that no lot owner shall cause any sign or flag of any nature whatsoever to be posted or fixed on any portion of his or her lot if such sign or flag may be seen from the exterior of the residence, except: (1) that a security sign not exceeding 2 feet by 1 and a half foot may be displayed so as to notify third parties of the presence of a security system; (2) any owner may display such flags as allowed by Section 720.304 of the Florida Statutes, such as an American Flag; (3) garden flags not exceeding 2 feet by 1 and a half foot that are for decorative purposes only and not for political, business advertising, or other messaging of any kind; and (4) a sports team flag not exceeding 2.5 ...

Meetings or Maintenance on Shabbat or Holidays

Federal law requires HOAs to provide reasonable accommodations for religious practices. If your HOA schedules a mandatory meeting, vote, or maintenance work on the Sabbath or Jewish holidays, you may request an accommodation. Depending on the situation, this may mean voting before the meeting, rescheduling the meeting or maintenance work, or receiving meeting minutes afterward. You may suggest specific accommodations, but **the HOA is not obligated to grant your exact request, as long as the alternative they provide is reasonable.**

Action Tip

Do not assume your HOA knows about the Sabbath or other religious practices. Politely educate and notify them of your religious practice and submit a written request for a religious accommodation.

Mezuzahs and Menorahs

Many states have laws that protect your right to display religious symbols, such as mezuzahs or menorahs, on your property or doorframes. For example, in California, the "Mezuzah Bill," SB 652, ensures landlords and HOAs cannot prohibit residents from putting religious items on their doors. If your HOA rules seem to prohibit you from displaying a religious symbol, submit a written request for a religious accommodation or exception to the board to resolve the issue before it escalates.

Action Tip

Include relevant state laws in your request and be sure to use the phrase "religious accommodation" to make your request clear.

Harassing Neighbors

A hostile environment exists when conduct by the HOA board, its agents, or other residents is so severe or pervasive that it interferes with your right to use and enjoy your home. The FHA protects you from harassment and hostile environments in your home or apartment, in shared spaces like lobbies or hallways,



and during the process of renting, buying, or financing. If your HOA becomes aware that you are being harassed, it must take steps to address and stop the harassment. For the FHA to apply, the harassment must be connected to a protected class such as your Jewish or Israeli identity.

Action Tip

If harassment ever makes you feel like you are in imminent danger, contact local law enforcement immediately before escalating the issue elsewhere.

Speaking Up

In most states, you have the right to attend HOA board meetings with limited exceptions. Generally, you can observe the meeting and, in many cases, participate during a designated comment period. Understand that your board may restrict speech it considers off-topic, disruptive, threatening, or defamatory. However, anti-discrimination protections still apply, and your HOA must enforce its rules consistently.

Action Tip

Others in your community may be facing similar issues. Feel empowered to speak out at your HOA's board meetings. Always do so at the appropriate time and with respectful, measured language, so your HOA does not have a legitimate reason to silence you or remove you from the meeting.



Retaliation

HOA boards may not retaliate against you for exercising your legal rights, such as speaking out respectfully, requesting an accommodation, or filing a complaint against them with your state housing agency or with the U.S. Department of Housing and Urban Development (HUD) and its Office of Fair Housing and Equal Opportunity (FHEO).

Action Tip

If you suspect retaliation, document it carefully by noting when you exercised your rights, when the HOA took a retaliatory act in response, and what that response entailed.

Action Checklist

Residents who believe their HOAs are targeting them because of their Israeli or Jewish identity should:

- ❑ Review your HOAs CC&Rs and other governing rules and regulations, as well as your state's relevant laws.
- ❑ Speak with your neighbors to determine whether your HOA is enforcing its rules consistently or engaging in double standards.
- ❑ Request a reasonable accommodation if your HOA is restricting Jewish religious practices.
- ❑ Raise your concerns at an HOA meeting or directly to HOA leadership to resolve issues amicably.
- ❑ Document everything and keep records by communicating in writing whenever possible. Notify your HOA of all issues in writing.
- ❑ If issues persist, file a complaint with your state's relevant agency or with the HUD FHEO within the applicable time limit.
- ❑ Remember that lawsuits are expensive and time-consuming, so threaten them as a last resort.

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StandWithUs Saidoff Law is here to support you. Report antisemitic incidents [here](#).

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