

HOA versus ACC



- Architectural Control or Architectural Review Committees are subcommittees of community associations
- ACCs are ruled by the HOA bylaws
- Typically appointed by the HOA Board
- HOAs are almost always registered nonprofit corporations
- HOAs manage CC&Rs, Architectural Control Committees review house plans

Architectural Control Committees are most typically a subcommittee of Homeowners Associations and not standalone organizations. When forming the corporation, the members stated over and over again in meetings, as evidenced in meeting minutes, that they must avoid the appearance of an HOA to make sure the owners do not revolt. Today, the only real difference between the "ACC" (Dixie Springs Architectural Control Committee, Inc.) and an HOA is that there are no dues paid. Everything else is the same. The board members roam the neighborhood looking for violations, they have created a small network of people to "anonymously" report violations so they can then send letters notifying home or lot owners of violations, then they fine them if left unanswered.

The State of Utah requires that HOAs register with the state so they can be regulated to ensure that the law is not violated and individual owners' rights are protected. Dixie Springs Architectural Control Committee, Inc. has failed to register, despite filling the requirements for classification as a Community Association.

Is the ACC really an HOA?

The State of Utah defines a community association as a corporation that claims authority over a subdivision where the owners pay their own taxes, insurance or maintenance. Dues or common property are not defining factors for community associations. To learn more, see Utah State Code 57-8a Community Association Act. The act places requirements on the corporation that are being ignored by Dixie Springs Architectural Control Committee, Inc.:

- Fees may only be in the amount of the actual cost. Current plan review fees are \$300, this is not allowed by state law.
- All meetings must be open to owners
- All financial documents must be open to review
- Audits are required
- Financial reserves are only allowed as a function of annual expenses (they are not allowed to build up too big of a bank balance on the backs of owners)

Dixie Springs Architectural Control Committee, Inc. makes claims to lot owners that they are not an HOA, however official documents say otherwise.

- Articles of Incorporation state the purpose of DSACC, Inc. to be the “association for Dixie Springs subdivision”
- Taxes filed in 2018 and 2019 state the purpose of the corporation and their tax exempt status is to “Act as the association for a subdivision”
- Liability insurance for the corporation, directors and officers was applied for stating that the ACC is an HOA or a committee of an HOA.

Legal review of the formation documents, their claims of authority and their actions determine that Dixie Springs Architectural Control Committee, Inc. is in fact a community association.