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Condo/HOA Noise: Silencing Those Deafening Leaf Blowers!

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Did you know that repeat exposure to noise at a level of just 70 adjusted decibels can cause permanent hearing issues, according to the Center for Hearing and Communication?

Did you also know that leaf blowers register 110 on that scale?

And that doesn't even take into account the ratcheting up, then ratcheting back of the leaf blower's engine—which many operators seem to get a kick out of, despite the fact that people nearby are feeling their stress levels spike, then ease, then spike again, over and over.

All of this leads to an HOAleader.com reader's question: "Our HOA's landscaper uses gas-powered equipment, and our village is considering a seasonal ban on gas-powered leaf blowers. It's true the equipment isn't climate-friendly, and the noise and air pollution are serious issues, especially on weekdays during business hours now that more people are working from home. Are there policies or rules we can adopt for our maintenance company and owners? And how do we enforce them?"

We Hear You

If leaf blowers are so frequently used in your community that you feel as though they're becoming a nuisance, we feel your pain. But can you do much about it?

That depends.

The District of Columbia and some cities (reportedly more than 150 cities across the country) have enacted bans on gasoline-powered leaf-blowers. California will start phasing them out January 1, 2024. So, first check your local regulations.

If there's no ban at the state or local level in your area, can your association step in?

Some of the clients of Janet Oulousian Aronson, a partner at Marcus Errico Emmer & Brooks in Braintree, Mass., who is licensed in that state, in addition to Rhode Island and New Hampshire, do regulate leaf blowers. "I have communities that say residents can't use them," she states. "I haven't seen communities that require the owners to operate the quieter ones.

"In one community, it was a summer community of second-home residents, and they were very adamant that they didn't want leaf blowers," says Aronson. "Owners have to instruct their landscaper that they can't use leaf blowers. We also have communities in Massachusetts that are banning them in the summer. Residents can use leaf blowers only for a short time in the spring and fall, for spring or fall cleanup.

"That prohibition could be done by rule," she adds. "The question would be whether a court would say such a rule was arbitrary. But here in Massachusetts, I think a court would uphold it because there's a reasonable basis for it. I think it would survive the legal challenge."

That's the question of the day—would such a rule be enforceable elsewhere, too?

"I can't think of any of my communities that have tried to regulate this issue," says [Alex Noland](#), CCAL, founder of Noland Law PC in San Francisco, which represents 200-plus community associations throughout California. "I guess if the community has a rule that says no leaf blowers and it was properly adopted, they could enforce it.

"But why no leaf blowers?" he asks. "And what's the alternative to a leaf blower? Are you going to require your owners and landscapers to use rakes? How are you going to argue the reasonableness of that rule in front of a judge?"

"I suppose you could pass a rule that says residents can use only electric and not gas-powered blowers and only between these hours on these days, or once a week on these particular days," says Noland. "Those efforts to minimize noise impact are probably more reasonable. But leaf blowers aren't the only things people use in their yards that make noise."

Maybe Nuisance is the Answer

You may already be able to regulate this issue if your documents have nuisance provisions, which are typically very broad.

"I don't know that a community can dictate that owners use only electric leaf blowers because that might require owners to spend money," notes [Elina Gilbert](#), a shareholder at Altitude Community Law in Lakewood, Colo., who has specialized in community association law for 23 years. "But I do have a lot of communities that have rules and covenants that talk about quiet hours. They say no loud music between 9 p.m. and 7 a.m. Monday through Friday. They're not specifically targeting leaf blowers but generally any loud noise."

"Here, leaf blowers aren't as much of an issue because yards aren't really big, and we don't have as many trees as in other states," says Gilbert. "But other noises are a problem, such as people having their TV or radio too loud or revving their car engine in the parking lot. We typically see covenants address these things, and a lot of times it's under the nuisance provisions."

That's also the case in Florida. "Many of my communities have quiet hours," explains [Zuly Maribona](#), LCAM, the Bonita Springs, Fla.-based senior vice president and partner at KW Property Management who oversees the company's southwest Florida, Jacksonville, Orlando, Tampa, and North Carolina operations. "Also, most of our

communities are full-service landscape, which means the community does all the landscaping for all the homes, though I'm sure some owners have their own blowers for their own miscellaneous debris."

Quiet hours are typically after 9 p.m. and before 8 a.m., says Maribona. And many communities have nuisance provisions, and those may—or may not—work for loud leaf blowers.

"It's typically in the documents what's considered a nuisance," she says. "Or it's elaborated that the board can provide rules and regulations to expand on what those nuisances might be. Generally, nuisance provisions target loud noise and lights."