

# Is Gun Control a Good Idea in Community Associations?

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Unfortunately, every day it seems the news reports another episode of gun violence and almost immediately thereafter some form of action is suggested or demanded. Thoughts and prayers, legislation, gun bans, and other gun control measures come to mind. However, what should the world of community associations be doing at this time?

A community manager and the board of directors should not take action. This might not seem like a good answer, but it is the right one. Certainly, there is something that the community association can do to protect its owners and residents...Right? Probably not, as there are no absolutes when it comes to providing a perfectly safe environment.

Does anyone really think that promulgating a rule or regulation as to the possession of a firearm or committing a criminal act will influence anyone that our current law does not? What is the potential downside of passing a rule or regulation to attempt to modify a gun owner's behavior?

Well, promulgating a rule or regulation that will be difficult if not impossible to enforce is never a good idea. For example, your community passes a rule that says that weapons are not permitted on the common areas. Are all the common areas enclosed in a way that you can verify that no weapons are permitted access? Are you willing to purchase metal detection equipment like airports and personnel to monitor the accessing of these areas? If you are not willing to do this, only willing to post a sign, have you considered the ramifications of the following — an owner accesses the common area thinking that it's a gun free zone and is injured when someone discharges a firearm. Looks like a lawsuit to me. Also, consider the licensed gun owner who, when they notice the sign, leaves their firearm in their home or car and then is faced with a criminal element who ignored the sign and causes injury to the resident that followed the law.

Throughout the country the laws are all over the place and a community association could go down the wrong path and, although with good intentions, violate the laws of your jurisdiction. For example, in Texas there is a law referred to as the "castle doctrine" which protects an owner's right to possess guns in their place of residence without the need for a license. This right also extends to the owner's motor vehicles. In the most recent legislative session, the Texas legislature passed a law applying to condominiums and community associations stating that no restriction is enforceable if it modifies a legal gun right, including the right to own, possess and discharge a weapon. This legislation which goes into effect later this year will modify the restrictive covenants in many condominiums and community associations and is a good example of why associations should refrain from entering the fray of attempting to modify criminal behavior.

While it seems to be a good idea to jump on the bandwagon of gun control and regulating weapons on common areas, it really is best to leave these laws to the legislature and enforcement to law enforcement.

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