

Board Member Foundations: Part 4

Understanding association governing documents



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Understanding association governing documents

As a new board member, it is essential to familiarize yourself with the association's governing documents. Specifically, you should focus on the declaration of covenants, conditions, and regulations (CC&Rs), community bylaws, articles of incorporation, and rules and regulations.

These documents establish the rights and obligations of the association and its members, provide a framework for how the community is governed, provide tools to assist with the functionality of the community, and protect property values by confirming that all homeowners comply with the same set of rules and regulations.

Declaration of Covenants, Conditions, and Restrictions (CC&Rs) typically:

- Outline the basic rules and regulations.
- Cover topics such as using common areas, restrictions on using individual properties, architectural guidelines, and more.
- Are recorded with the local government, binding on all homeowners.

Bylaws typically:

- Outline the internal operating procedures of the association.
- Determine how the board of directors is elected, how meetings are conducted, how decisions are made, etc.
- Can be amended by a vote of the board or the membership.

Articles of Incorporation typically:

- Establish the existence of the association.
- Include basic info: association's name, purpose, location, duration, etc.
- Are filed with the state/provincial government.

Rules and Regulations typically:

- Supplement the CC&Rs by providing specific guidelines on a range of issues, such as pet policies, parking regulations, noise restrictions, etc.
- Are easier to modify than CC&Rs
- Can be adopted or amended by the board.