

What are the most common documents that govern a Community Association?

An Association's governing documents detail the individual unit member's rights and responsibilities, and vest authority in the board of directors to operate and regulate the Association.

The Declaration usually contains the covenants, conditions, and restrictions that are binding on all of the individual unit owners by virtue of being recorded against their property. These covenants, conditions, and restrictions establish Association responsibilities and define the individual unit owner's rights and obligations. If the Declaration has never been reviewed for consistency and legal compliance, then a review should be performed. An Association should also review its Declaration when there are changes in the law affecting Associations. Regular changes to the Declaration are not advisable as it is labor intensive and requires the approval of a significant portion of the membership (usually 2/3 or more).

The Articles of Incorporation, upon filing with the Secretary of State, create the Association and set forth the basic terms of the Association's corporate existence, such as the number and classes of ownership shares as well as the purpose and powers of the

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Association. The number of directors, terms of office, and other specifics about how the board of directors functions might also be included in the Articles of Incorporation.

Bylaws are those rules or provisions adopted by the Association for its internal governance, such as meetings, procedures for electing board members and officers, and the general duties of the board of directors. Oftentimes the Declaration and Bylaws cover the same topics. If an Association is amending or overhauling its Declaration, it is a good idea to amend the Bylaws at the same time to maintain consistency and avoid troublesome conflict of provisions.

An Association's board of directors generally also adopts **Rules and Regulations** that are consistent with the Association's other governing documents and state law. The rules and regulations are typically passed by motion at board meetings and recorded in the board of directors meeting minutes. The same must be published to the members to be effective. A board should review Rules and Regulations annually to determine what is and is not being enforced and what rules are failing to effectively address issues.



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