



Priority of Your Association Documents

By Associated Property Management

In all community associations, various documents make up and support the structure, governance and operations of the association. Different sections of the various association documents should be consistent and support each other.

Association documents are complex and contain a tremendous amount of information that sometimes will contain inconsistencies and may contradict each other. When documents contradict each other, there is a legal priority that will provide the association with guidance on which section will prevail.

The following is a priority of condominium documents: 1) The Declaration of Condominium; 2) The Articles of Incorporation; 3) By-Laws of the Association; 4) Rules and Regulations that were recorded with the Declaration of Condominium; 5) Rules and Regulations made by the Board of Directors; and 6) Resolutions and policy statements.

In homeowner associations the following are what makes up their documents and their priority: 1) Declaration of Covenants and Restrictions; 2) The Articles of Incorporation; 3) By-Laws of the Association; 4) Rules and Regulations that were recorded with the Declaration of Covenants and Restrictions; 5) Rules and Regulations made by the Board of Directors; and 6) Resolutions and policy statements.

Overall, whenever there is inconsistency between documents, the document with the highest priority with the conflicting provision would prevail. Whenever there is a provision in the documents that is inconsistent and in conflict with local, state or federal law, those laws will prevail over that provision.

Always check with the association's attorney, as a final and confirming source when interpreting provisions in your association documents.

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