

# Basic homeowners association documents and hierarchy of authority

All associations have the following basic set of governing documents (listed in order of hierarchy) that dictate how a community may be governed:

1. **Federal and state law** - Unless the statute defers to the association's documents.
2. **Declaration of Covenants, Conditions & Restrictions (CC&Rs)** - Contains the rights and responsibilities of each member and the responsibilities of the HOA to its members. Information about architectural restrictions, property use restrictions, property maintenance standards, and more.
3. **Articles of Incorporation** - Includes basic information about the HOA including the name of the association, its location, and the purpose of the association.
4. **Bylaws** - Set out the technical rules and procedures for things like voting, the election of directors, and term limits.
5. **Rules and Regulations** - Details how the CC&Rs are interpreted and implemented.

These documents are legally binding based on the implied contractual agreement as a homeowner member of the community. Therefore, it is very important that prospective buyers carefully review the terms of each of these documents because buyers will be contractually bound by them once they acquire ownership of the property. Violating the terms may also constitute a breach of contract.

[Colorado Revised Statutes, § 38-33.3-117\(2\)\(a\)](#) - This law provides that "all records maintained by the association must be available for examination and copying by a unit owner or the owner's authorized agent, the association may require unit owners to submit a written request, describing the reasonable particularity the records sought, at least ten days prior to inspection or production of the documents, and may limit examination and

copying times to normal business hours or the next regularly scheduled executive board meeting if the meeting occurs within thirty days after the request. Notwithstanding any provision of the Declaration, Bylaws, Articles, or Rules and Regulations of the association to the contrary, the association may not condition the production of records upon the statement of a property purpose."

Colorado HOA Information and Resource Center

<https://www.colorado.gov/pacific/dora/hoa-information-and-resource-center>