

What is the difference between HOA Bylaws and Covenants?

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Many people incorrectly use these terms interchangeably, and even those who are no strangers to HOA living sometimes get them confused. The difference, though, is night and day.

What Are HOA Bylaws?

What are bylaws in an HOA? Simply put, Homeowners Association bylaws dictate how an HOA should run. Since HOAs are considered corporations under law, albeit non-profit, they require bylaws to govern day-to-day operations. HOA bylaws are also sometimes referred to as neighborhood association bylaws or subdivision bylaws.

Are HOA bylaws enforceable? Yes, Homeowners Association Bylaws are generally legally binding and enforceable. Typical provisions found in homeowner association bylaws include:

- Frequency of board meetings
- Meeting and quorum requirements
- Frequency of board elections
- Board nomination and election procedures
- Number of board members that can serve at a given time
- Duration of board member service
- Board member duties and responsibilities
- Membership voting rights

HOA Bylaws vs State Law: Which One Wins?

Even though an association's bylaws tell the HOA how to operate things, they generally do not trump the laws of the land. This includes constitutional, federal, and state laws. For example, if the HOA bylaws require 50 percent of the membership present to meet a quorum but state laws say otherwise, the latter takes precedence. On occasion, state laws say, "Unless otherwise stated in the association documents..." or other similar languages. In that case, whatever provisions exist within the HOA bylaws take precedence.

What Are Covenants (CC&Rs)?

What does CC&Rs stand for? CC&Rs stand for the Declaration of Covenants, Conditions, and Restrictions. Homeowners Association CC&Rs are, in essence, the rules of a community.

They describe the HOA's obligations and rights to its members and vice versa. They are often referred to as Homeowner Association Covenants or simply Covenants.

An association's CC&Rs are recorded and filed officially with the state. Much like HOA Bylaws, the provisions within the HOA CC&Rs are legally binding and enforceable. Common HOA covenants and restrictions can include the following:

- Property-use restrictions
- Deed restrictions or restrictive covenants (such as architectural restrictions, **pet restrictions**, vehicle restrictions, etc.)
- Rule enforcement procedures and penalties
- Dues and assessment obligations
- The HOA's maintenance obligations
- Individual members' property maintenance obligations
- Insurance obligations
- Dispute resolution processes

How long do Covenants last? Crazy as it seems, HOA Covenants do expire in many states, lasting only 30 years. Beyond that, Covenants can become unenforceable. Associations can essentially undo this, though, with the help of covenant revitalization. This process requires a majority vote from the membership and approval from state or local governments

CC&Rs vs HOA Rules and Regulations: What's the Difference?

An association's CC&Rs shares many similarities with Rules and Regulations. Basically, though, the HOA's Rules and Regulations are operating rules that are not included within the HOA bylaws or CC&Rs. Such rules are easier to change than covenants, as the former usually only requires a membership review and a vote from the board.

Rules and Regulations can vary wildly from association to association. A rule from one HOA might not be a covenant for another.