

Association Governing Documents

- Declaration of Restrictions
- Articles of Incorporation
- Bylaws
- Plat Map
- Board Resolutions, Policies, and Rules and Regulations

Association Governing Documents

Declaration of Restrictions

- Establishes the planned community
 - Identifies the lots or units
 - Creates use restrictions
 - Designates responsibility for maintenance
 - Sets architectural controls
 - Establishes voting rights
 - Institutes assessments

Plat Map

- Shows the lots and any common areas on a map

Association Governing Documents

Articles of Incorporation

- Incorporates Association as a nonprofit corporation

Bylaws

- Bylaws establish Association governance
 - Designate Board of Directors Number and Qualifications
 - Identify Officers and Duties
 - Require annual and board meetings
 - Establish quorum requirements

Association Governing Documents

Rules and Regulations

- Established by the Board of Directors as a “policy resolution” (unless owner vote required)
- Consistent with the Declaration and Bylaws

Governing Laws

➤ Federal Law

- Fair Housing Act (as amended) - 42 U.S.C. 3601-3619 (prohibits discrimination in housing)
- Americans with Disabilities Act of 1990 – 42 U.S.C. 12101 (prohibits discrimination to persons with disabilities in places of public accommodation)
- Freedom to Display the American Flag Act of 2005, Pub.L.No. 109-243, 120 Stat. 572 (2006)
- United States Bankruptcy Code – 11 U.S.C. 101, *et seq.*
- Regulations
 - Over-the-Air Reception Devices Rule – 47 C.F.R. 1.400

➤ Oregon Planned Community Act – ORS 94.550 *et seq.*

- Because the Homes Association was created before 2002 only limited provisions apply to the extent those provisions are *consistent* with the Declaration and Bylaws.

➤ Oregon Nonprofit Corporation Act – ORS Chapter 65

- Applies to the Homes Association to the extent *consistent* with the Bylaws.

➤ Washington County Ordinances

- Zoning, parking, noise, etc.

Hierarchy Pt. I

- 1. Federal and State Law*
- 2. Plat
- 3. Ordinances
- 4. Declaration
- 5. Deed
- 6. Articles of Incorporation
- 7. Bylaws
- 8. Rules and Regulations

(*except for conflicts with the Oregon Planned Community Act, this order *generally* applies)

Hierarchy Pt. II

- ORS 94.770(2) (which applies to the Homes Association because not inconsistent with the governing documents) provides:
 - In the event of a conflict between the declaration and the bylaws of a planned community or between the declaration and the articles of incorporation, the declaration shall prevail except as otherwise provided in the Act.