

HOA Government Document Hierarchy - State of Washington

U.S. CONSTITUTION

The document against which all legal matters in the United States is judged

FEDERAL LAW

Such as the Fair Housing Act of 1985 and rules promulgated thereunder

STATE CONSTITUTION

Since homeowner associations are created pursuant to state statutes, the state constitution is the document against which all state statutes are tested.

STATE LAWS

Fairway View is governed primarily by RCW 64.32, plus the parts of the Condominium Act listed in RCW 64.34.010(1), and the parts of WUCIOA listed in RCW 64.90.080. As particular situations arise, take a look at RCW 64.34.010 or RCW 64.90.080 to make sure a particular section does not state that it also applies to older condominiums.

Generally, these statutes govern interpretation of other project documents. However, in some cases the statutes specifically defer to the declaration and bylaws. Legal counsel should be consulted before conclusions are drawn about those conflicts.

PLAT (Condo or Subdivisions)

The plat defines physical boundaries and may contain language about who is responsible for maintaining particular portions of the real property.

COUNTY AND CITY ORDINANCES

Zoning codes, conduct codes and development codes are the most common types of ordinance applicable to HOAs. Often an individual ordinance is passed in connection with a specific development. These must be understood and reviewed by the homeowner association. If a restriction of the homeowner association is more restrictive than the municipal code, the HOA restriction will apply.

DECLARATION (CCRS, Master Deed, etc.)

The declaration is the document that defines the rights and liabilities of each owner. The declaration, like the plat, is recorded in the property records of county where the property is located.

DEED (Unit or Lot)

The deed to the individual unit or lot may contain language that supplements the declaration as to that unit or lot in terms of the rights and liabilities of the owner of the unit or lot

ARTICLES OF INCORPORATION

While not always a legal requirement, HOAs should be incorporated to limit the liability of any individual owner.

BYLAWS

The document that governs the administration and management of the HOA. In the Bylaws we find out how people may vote, whereas in the declaration we find out who may vote.

PROPERLY ADOPTED AND COMMUNICATED RULES, REGULATIONS, RESOLUTIONS, ETC.

Subject to all other documents, properly adopted rules when published to the owners) are binding.