What is the difference between association bylaws and CC&Rs in HOAs?

**Learn the difference between the HOA Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and the HOA bylaws.**

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If you buy a home (such as a single-family home, condo, or townhome) in a planned, covenanted community, you will most likely be required to be part of a homeowners’ association (HOA). The HOA will have its own governing documents in the form of a Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and bylaws.

Read on find out the difference between CC&Rs and bylaws.

Covenants, Conditions, and Restrictions (CC&Rs)

The Declaration of CC&Rs is the legal document that lays out the guidelines for the planned community. The CC&Rs are recorded in the county records in the county where the property is located and are legally binding. This means that when you purchase a lot or a home in a planned community, for example, you automatically become a member of the HOA.

Basically, the CC&Rs are the rules of your neighborhood. They govern what you can, cannot, or must do with respect to your home. For example, the CC&Rs may require you to keep your garage door closed or prohibit certain types of landscaping. It is also typical for the CC&Rs to regulate things such as:

* basketball hoops
* clotheslines
* fences
* TV antennas/satellite dishes, and
* garbage cans
* If you don’t abide by the CC&Rs, the HOA may impose penalties for any violations. (Learn more about

Bylaws

An HOA, which is generally set up as a non-profit corporation, is an organization established to manage a private, planned community. Like other corporations, the HOA is governed by a board of directors (who are elected by the members) and a set of rules called bylaws.

The bylaws govern how the HOA operates and contain the information needed to run the HOA as a business. For example, the bylaws cover matters such as:

* how often the HOA holds meetings
* how the meetings are conducted
* the duties of the various offices of the board of directors
* how many people are on the board, and
* membership voting rights.

If you are thinking of purchasing a home in an HOA community (or already live in one), you should take the time to familiarize yourself with the CC&Rs and bylaws so that you are aware of any neighborhood restrictions and so that you fully understand how the community operates.

What Homeowners' Associations May Regulate (not an exhaustive list)

* shingles and exterior paint
* fences and hedges
* trees, lawns, and weeds
* pools
* swing sets and basketball hoops
* garages and sheds
* mailboxes
* clotheslines and garbage cans
* outdoor lights and satellite dishes
* window coverings and wreaths
* home businesses
* pets (size or even acceptability), and
* noises and obstructions of views.