

HIERARCHY OF DOCUMENTS

Common interest developments have a number of documents controlling the development. Not all documents are created equal--some have more authority than others. As provided for in **Civil Code §4205** (effective January 1, 2014) the hierarchy of authority is as follows:

1. Law (unless the particular law **defers to the governing documents**)
2. **CC&Rs**
3. **Articles of Incorporation**
4. **Bylaws**
5. **Rules & Regulations**

Although not specifically covered by the Davis-Stirling Act, a similar hierarchy would apply to elections, recalls, meetings, officers and directors, etc.:

1. Law (unless the particular law defers to the bylaws)
2. CC&Rs--to the extent they address corporate issues. (Corporate matters should not be found in CC&Rs but older documents sometimes have them. Newer CC&Rs are careful to segregate property obligations and restrictions to the CC&Rs and corporate matters to the Bylaws.)
3. Articles of Incorporation
4. Bylaws
5. **Election Rules**
6. Parliamentary procedures (such as **Robert's Rules of Order**)

Internal Conflicts. Conflicts between provisions in the same document can often be resolved by applying general **rules of interpretation**.

RECOMMENDATION: Boards should seek legal counsel whenever they discover conflicts within their documents, between their documents, or between their documents and statutes. For assistance, **contact us**.