

# HOA Governing Documents and Arizona State Law

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(Adapted from information supplied by the Green Valley Council)

To ensure transparency and clarity within our community, the Townhouse VI Board of Directors would like to provide a brief reminder regarding the legal framework that governs our association.

While our community is guided by our specific **Covenants, Conditions, and Restrictions (CC&Rs)** and **Bylaws**, these documents do not exist in a vacuum. Under Arizona law, there is a clear "Hierarchy of Authority" that must be followed:

1. **Federal Law** (Constitution, Fair Housing Act, etc.)
2. **State Law** (Arizona Revised Statutes, specifically Titles 10 and 33)
3. **Local Ordinances** (County or City codes)
4. **Community Documents** (CC&Rs, Bylaws, and Rules)

## Key Takeaway

**Arizona State Law supersedes any community-specific governing document.** If a provision in our CC&Rs or Bylaws conflicts with a state statute, the state law prevails, and the conflicting portion of our document becomes unenforceable.

The Board and our management team regularly review legislative updates—such as those regarding solar panels, flag displays, or political signage—to ensure our community remains in full compliance with the most current Arizona statutes. The Board will provide HOA-wide emailed notices to keep you informed of legislative changes of which we become aware that affect our community documents, as well as keeping a running list of such changes in the “Governing Documents Notes” document on the Townhouse VI website (under “Community Documents” on the “Documents” webpage of the TH VI website: <https://www.gvth6hoa.com/documents>)

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## Why This Matters

This hierarchy ensures that while we maintain the unique character of Townhouse VI, the fundamental rights of all homeowners are protected by the broader laws of the State of Arizona.

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## Frequently Asked Questions: HOA vs. State Law

**Q: If my CC&Rs say I cannot do something, but State Law says I can, which one wins?**

**A:** In almost every case, **Arizona State Law wins**. For example, even if an older set of CC&Rs strictly prohibits "all signs," Arizona Revised Statutes (ARS) protect a homeowner's right to display certain political or "For Sale" signs. The state law essentially "overwrites" the restrictive rule in our documents.

**Q: Can the HOA make rules that are *stricter* than State Law?** **A:** It depends. While the HOA cannot take away rights specifically granted by the state (like the right to display the U.S. flag), the HOA can often regulate the *manner* in which things are done, provided those regulations don't violate the spirit of the law.

**Q: Why doesn't the HOA just rewrite the CC&Rs every time the law changes?** **A:**

Rewriting CC&Rs is a complex legal process that often requires a community-wide vote. Because State Law automatically supersedes our documents, the law applies **immediately** regardless of what our old paperwork says. The Board will provide HOA-wide emailed notices to keep you informed of such "automatic" changes of which we become aware that affect our community documents, as well as keeping a running list of such changes in the "Community Documents Notes" document on the Townhouse VI website (under "Community Documents" on the webpage: <https://www.gyth6hoa.com/documents>)

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**Q: Where can I find the specific Arizona laws that govern HOAs?** **A:** Most HOA regulations are found in the **Arizona Revised Statutes (A.R.S.):**

- **Title 33, Chapter 9:** For Condominiums.
- **Title 33, Chapter 16:** For Planned Communities. (*Townhouse VI is in this category*)

**Q: Does the HOA have to notify us every time a state law changes?** **A:** While not always legally required for every minor tweak, our Board strives to communicate significant changes—especially those regarding property usage or assessment collections—to ensure everyone is on the same page.