

Chapter 6 - Architectural Guidelines



Creating Community

ABC'S OF HOA LAW IN NEW MEXICO

A Guide to New Mexico Community Association Law

Architectural Guidelines

Many associations have provisions in their governing documents that give the association architectural control over any construction, alterations, or additions to the individual lots. Furthermore, if the association has the power of architectural control, it also usually has the power to adopt architectural guidelines.

If an association has that type of power, it should keep the following issues in mind when creating architectural guidelines:

1. If the association's governing documents state that the association shall have architectural guidelines, the association needs to make sure that it has actually adopted such architectural guidelines.
2. The association needs to make sure that the proper entity adopts the architectural guidelines. In other words, if the declaration states that the architectural guidelines shall be adopted by the architectural committee, the association needs to make sure that the architectural committee, rather than the board, adopts the architectural guidelines.
3. The architectural guidelines cannot conflict with provisions in the declaration of the association.
4. The architectural guidelines cannot conflict with the law.