

# Chapter 19 - Rules and Regulations



*Creating Community*

## ABC'S OF HOA LAW IN NEW MEXICO

A Guide to New Mexico Community Association Law

### Rules and Regulations

Many associations adopt rules to govern various portions of their community. When an association adopts rules, it needs to understand whether it has the authority to adopt a particular rule. When the association is considering adopting rules to govern the community, it should keep the following information in mind:

1. The association's power to adopt rules usually comes from its governing documents. Therefore, the association needs to review its governing documents to determine how broad is its rule-making power. The association's rules need to be within its rule-making power. As a general rule, the association has the power to adopt rules governing the use of the common area, but only has the power to adopt rules governing the units or lots if the association documents specifically provide such authorization.
2. Even if the association has the power to adopt certain rules, it cannot adopt rules that are in conflict with provisions of the declaration, articles of incorporation, or bylaws.
3. The association's rules need to be reasonable.
4. The rules cannot violate any applicable statutes, such as the Fair Housing Act, the FCC rules governing satellite dishes, or the federal law governing the flying of the American flag.