

# Chapter 20 - Sources of Law



*Creating Community*

## ABC'S OF HOA LAW IN NEW MEXICO

A Guide to New Mexico Community Association Law

### Sources of Law

There are three primary sources of law:

1. The association's governing documents. These may include the declaration, plat, articles of incorporation, bylaws, rules and regulations, and design guidelines.
2. There are a variety of statutes that may apply to any given situation, including, but not limited to, the Condominium Act, the Building Unit Ownership Act, the Nonprofit Corporation Act, the Fair Housing Act, FCC regulations, the federal law governing the American Flag.
3. In addition to the association's governing documents and applicable law, there is a growing body of case law in New Mexico and other states pertaining to community associations. This case law is often the most important source of law, because the case law interprets the statutes and provisions of the association's governing documents. For example, New Mexico courts have often upheld the restrictions found in the association's governing documents, and have even stated that it is not proper for the court to evaluate whether a particular restriction is reasonable.

When the association is facing a particular question, it needs to evaluate all three of these sources before making a decision.