

# BYLAWS AND DOCUMENTATION



Presented by:

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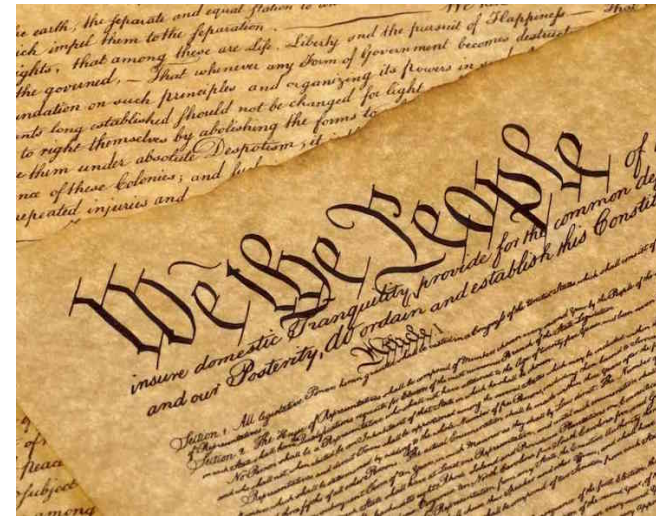
# GOALS

- ◆ Understanding the Hierarchy of your Governing Documents
- ◆ Knowing when you need approval of the Members to Amend the Document
- ◆ Fill in Gaps in Other Dedicatory Instruments
- ◆ Knowing which Rules and Policies are
  - Required by Legislation
  - Recommend by your Counsel



# COMMUNITY ASSOCIATION GOVERNANCE

- ◆ Dedicatory Instruments (Controlling Documents)
  - Plat
  - Articles of Incorporation
  - Restrictions (Covenants, Conditions & Restrictions)
  - Bylaws
  - Architectural/Builder Guidelines
  - Rules and Regulations
- ◆ Statutory Law
  - Federal, State, Local



# AMENDING THE DOCUMENTS

- ◆ Articles of Incorporation – Typically 2/3rds of all Members
- ◆ Restrictions (Covenants, Conditions & Restrictions)
  - Single Family – 67% of all Owners or lesser %
  - Condominium – 67% of all Owners or greater %
- ◆ Bylaws – Board may have power to amend regardless of what Bylaws state
- ◆ Architectural/Builder Guidelines – Board should have power to amend
- ◆ Rules and Regulations – Board should have power to amend

# POLICES REQUIRED FOR SINGLE FAMILY

- ◆ Policies Required by the Dedicatory Instrument
- ◆ Policies Required by Legislation
  - Payment Plan Guidelines
  - Document Retention Policy
  - Document Access, Production and Copying Policy



# POLICIES RECOMMENDED FOR ALL ASSOCIATIONS

- ◆ Collection Policy
- ◆ Solar Energy Devices and Roofing Materials
- ◆ Display of Religious Items
- ◆ Flags and Flag Poles
- ◆ Rain Water Harvesting Devices
- ◆ Generator Policy
- ◆ Xeriscaping
- ◆ Deed Restriction Enforcement and Fining Policy (if fining authority exists!!!)
- ◆ Parking/Towing Policy
- ◆ Rental Policy
- ◆ Camera Policy



# POLICIES RECOMMENDED FOR ALL ASSOCIATIONS

- ◆ Leasing (short-term, etc.)
- ◆ Damage to Common Areas, Association Property
- ◆ ACC Guidelines
- ◆ Social Media
- ◆ Committee Chairs/Members
- ◆ For Sale/Lease Signs
- ◆ Rules and Regulations
- ◆ Employment Manual
- ◆ Board Member Code of Conduct
- ◆ Gun Policy
- ◆ Many More!!!!!!!!!!



# POLICIES RECOMMENDED FOR SINGLE FAMILY

- ◆ Sidewalk Repair Policy (Installed by Builder on Owner Property to be Maintained by Owner)
- ◆ Exterior Home Video Surveillance Camera Policy
- ◆ Gate Fee Policy for Events
- ◆ Solicitation of Candidates
- ◆ Election Policy





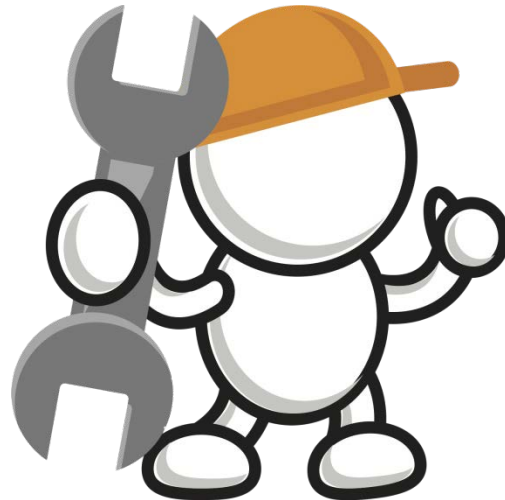
# POLICIES RECOMMENDED FOR CONDOMINIUMS

- ◆ Insurance Deductible Policy
- ◆ Maintenance Matrix
- ◆ Document Retention Policy
- ◆ Move In/Out Policy
- ◆ Antenna Policy
- ◆ Obstruction of Common Area
- ◆ Decorations in Common Area
- ◆ Requiring Proof of Insurance
- ◆ Pet Rules



# CONCLUSION

- ◆ Organized well thought out policies assist the Association
- ◆ Must be reviewed periodically
  - Never less than after each legislative session
- ◆ Periodic Tune Ups of Governing Documents are a Must
- ◆ DON'T Cut and Paste from other Associations



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