

Amending Your HOA's Governing Documents

Covenants, Conditions, and Restrictions are legal documents that lay out the responsibilities of the Homeowner Association and the property owners belonging to it. These rules may be established by a neighborhood, homeowners association, builder, or developer. They may include things like restrictions on noise, home or garage paint colors, and parking, among other things.

There are lots of reasons to amend or make changes to your HOA documents. Quite often, the HOA documents are created at the same time the community is constructed. For older communities, this means that some of the provisions may be outdated. Changing your HOA documents is not difficult, as long as you are prepared for the process.

Some of the more common reasons that HOA's need to change their governing documents are:

- Adding restrictions
- Removing restrictions
- Community demographic changes
- Ambiguous provisions
- Legislative changes

Before You Amend Your HOA's Governing Documents

Before you set the wheels in motion to amend CC&Rs, you should consider whether this needs to be done. It will take an investment of both time and money to get this done, so make sure it is worth it. Also, be aware that even if you go all the way through the process, the changes may not pass a vote and this could all have been for nothing. You don't want to be bitter or upset if this happens.

You should also make sure that you fully understand the process of changing your HOA's governing documents. The legalities related to changing your CC&Rs or other HOA governing documents vary between states and localities, so it is essential to research these laws and issues as well. It can be a complex and time-consuming undertaking. Missing a step could cause delays and even mean starting over from the beginning in some cases!

5 Important Steps for Amending Your HOA's Governing Documents

1. Contact an attorney.

To fully protect the HOA, you will want to hire an attorney to ensure that the process goes as smoothly as possible.

2. Notify homeowners of proposed changes.

The easiest way to do this is by mailing out notices to the individual homeowners explaining the need for the changes and explaining exactly what the proposed changes are.

3. Host community meetings about the changes.

People will be more open to change if they feel as if their ideas have been considered. Understand beforehand that not everyone will agree, and that some people don't accept change very easily.

4. Take a vote on the proposed changes.

The process for taking a vote will depend on your particular HOA. Some will require an in-person vote, while others may allow for a vote to be taken by mail or online. Some HOA documents may enable you to organize the vote with more freedom.

5. Sign and finalize the records.

Once the changes have been approved, amendments will have to be notarized and filed with the clerk of courts or county recorder's office. Even after they have been approved, amendments are not effective until they are recorded.