

IS IT TIME TO AMEND YOUR DOCUMENTS?

GENERAL AMENDMENT CHECKLIST

General Provisions and Definitions

- Does your Declaration define important words and phrases such as “short-term rental,” “guest,” and “single-family residence”?
- Should your amendment process/procedure be amended to make it easier to pass proposed changes?

Association Maintenance Responsibility and Owner Maintenance Responsibility

- Does the current Declaration clearly define the maintenance responsibilities of the association and owners for such things as landscaping, shared walls, or other shared amenities?
- Does your Declaration contain an “incidental damages” clause?
- Does your Declaration allow for self-help procedures for abandoned or vacant properties?

Collections and Assessments

- Does your Declaration contain language which automatically incorporates statutory changes to Chapter 720 (HOA) or Chapter 718 (Condo) (“Kaufman Language”)?
- Does your Declaration allow you to charge the highest allowable interest rate and/or late fees when an owner becomes delinquent?
- Does your Declaration entitle you to pre-suit attorney fees and costs for collections enforcement?

General Use Restrictions

- Do your Governing Documents limit the type and amount of animals allowed to occupy a unit or household?
- Do your Governing Documents prohibit smoking while on association property?
- Do your Governing Documents regulate where and what type of landscaping is allowed on lots?
- Are your Governing Document references to clotheslines, occupancy, car charging stations, and antennae consistent with current law?

Bylaws and Other Governing Document Amendments

- Should the date and time of the annual meeting be amended to reflect updated preferences and practices regarding the same?
- Should the number of director positions be amended?
- Should the quorum threshold be lowered to make it attainable based on current owner participation?

Board and Member Meetings & Official Records Requests

- Has your board adopted rules governing the frequency, duration, and other manner of member statements during board and member meetings?
- Has your board adopted rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections for official records requests?