

When Should Your Condo or Community Association Update its Governing Documents

Attorney Michael Shifrin discusses when it's appropriate to update your association governing documents.

CHICAGO, IL, UNITED STATES, August 13, 2021 /EINPresswire.com/ -- The declaration and bylaws of any condominium or community association form the backbone of any community. After all, they are the legal document that creates the association upon their recordation. They also serve as the roadmap and guidebook for association members to follow while living and residing within their community. As time passes technology advances, laws change and evolve as do the needs and wants of people living in these communities. It is critically important for association boards to review or have legal counsel review their governing documents every few years to ensure they remain relevant, timely, and beneficial to the community. After all, Association declarations and bylaws are living breathing documents that require updating to remain applicable.



Before setting out to amend or update an Association's governing documents a Board must first understand the process involved in making the desired change. There are different amendment processes depending upon the type of change an Association wants to implement. According to [attorney Michael Shifrin](#), the amendment process dictates whether an Association must obtain ownership approval - as opposed to board approval - for purposes of adopting a change to its governing documents. Knowing what approval requirements must be met often impacts the types of changes an association board undertakes. For example, if your community association has a hard time establishing a quorum for membership meetings, you might decide not to pursue a particular type of amendment that requires ownership approval.

Michael Shifrin Suggests Creating Commissions

If your Association has not created commissions to provide non-board members with a forum to

participate in the administration and operation of the association you may wish to consider creating them. Unlike committees, which require board member participation and which vest the committee with legal power to bind the Association, commissions serve in an advisory role whose primary purpose is to research and gather information and then make recommendations to the Association board. A commission allows the Board to delegate certain tasks, which is very helpful for Boards overwhelmed with work and offers a nice training ground for future board members that have demonstrated an interest in association affairs. An association can create a "governing documents" commission for purposes of reviewing existing declarations and bylaws and recommending updates to the board. This type of preparatory work will set up your association for success when deciding which documents to update, according [to Michael Shifrin](#).

What Are the Needs of Your Community?

When identifying important changes to make to your governing documents, keep the needs of the entire community in mind. Here are some great places to get ideas for change:

- Use of common areas
- Resident suggestions
- Maintenance of amenities
- State and local guidelines
- General aesthetics
- Current housing and use trends

You can also request to have your governing documents reviewed by an attorney who focuses his practice in condominium and community association law to ensure you meet all legal requirements when updating your community documents. It is also helpful to seek input from members of the property management team to ensure any changes help maintain a high value for the property as a whole, advises Michael Shifrin.

Make a List

Making a wish list of changes can help an association prioritize desired changes. For example, some changes may require the adoption of a special assessment or increase to the association's operating budget. When prioritizing each item, it's important to understand the time frame, cost, and impact of such change. As [Michael Shifrin puts](#) it, "Now is the time to ask, is this worth it?"

Communicate Openly With All Members

Changes to an association's governing documents affect every member of the board and every resident at the property. Therefore, it's important to establish an easy vehicle for communication between the residents and the board. Input from owners and residents before undertaking expensive and time-consuming updates to your governing documents is encouraged. It also

reduces the extent of resident complaints that inevitably follow any type of change. After all, change is hard and not always welcome by everyone.

Proceed With Caution

Once an association updates its governing documents it may be difficult to reverse those changes. As such, it's important to carefully examine the wording and nature of the proposed changes from every perspective before forging ahead. Consulting with legal counsel can provide a board with peace of mind that it has contemplated all interpretations and satisfied the letter of the law.

Change Equals Progress

Some people are instinctively opposed to change anything, it's just how they are wired. When presenting proposed amendments and other changes it's important to highlight the board's rationale and the benefits of adoption for all owners and residents. Sweeping and sudden community changes can create ill will and animosity towards the board and are discouraged. Whereas straightforward and necessary changes greatly benefit a community association and help reduce unforeseen catastrophe.

The best time to adopt amendments and updates to your governing documents is after you've taken all of these steps into consideration: research, communication, review, feedback, and professional input, says Attorney Michael Shifrin.

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