



# 2010 Community Association Law Seminar & Expo

February 20, 2010

Preparing for the Journey:  
Board Responsibilities and  
Governing Documents

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&  
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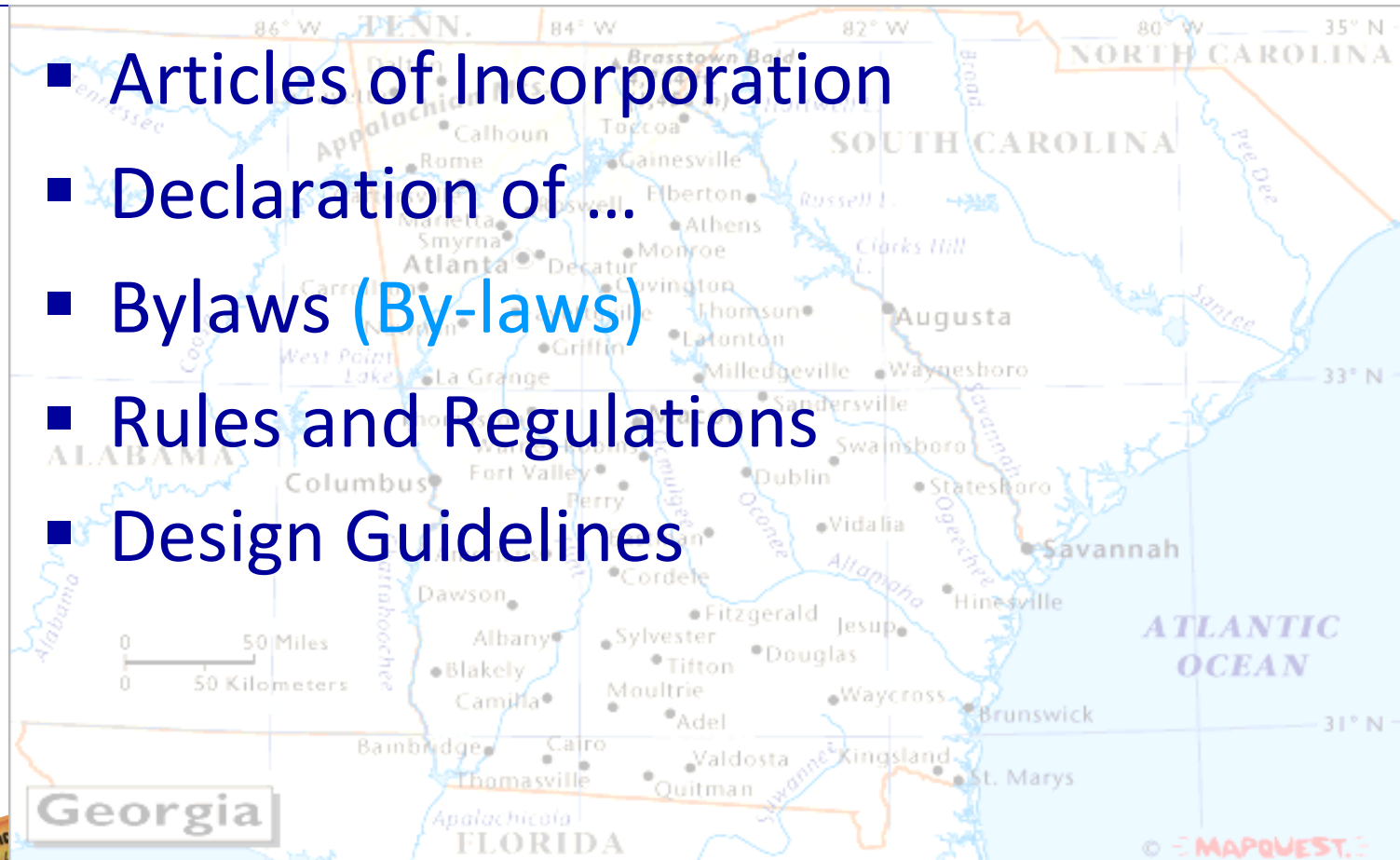


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# The Maps

- Articles of Incorporation
- Declaration of ...
- Bylaws (By-laws)
- Rules and Regulations
- Design Guidelines



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# The Maps – Traffic Signs

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## Other laws that may affect a Community Association

- Georgia Condominium Act
- Georgia Nonprofit Code
- Georgia Property Owners Association Act
- Local City/County Ordinances
- Federal/State Laws (e.g. Fair Housing laws/FCC regulations/Flag Act)



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# What to Do When You are Lost

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# What to Do When You are Lost

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- What do you do in the face of conflicts?
  - Conflicts within the governing legal documents
  - Conflicts between governing legal documents and applicable law



# What to Do When You are Lost

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## Examples of Conflicts

- parking in handicapped spaces on private property
- occupancy restrictions
- restrictions on satellite dishes
- restrictions on owner's right to fly U.S. flag



# Pay Attention to Traffic Signs

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# Traffic Signs to Look For

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- Court Rulings
  - Upholding security provisions
  - Defining reasonable fines
  - Limiting lease restrictions



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# Traffic Signs to Look For

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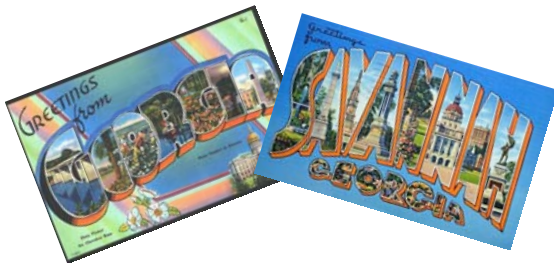
- Court Rulings
  - Towing of vehicles from public streets
  - Posting



# Traffic Signs to Watch For

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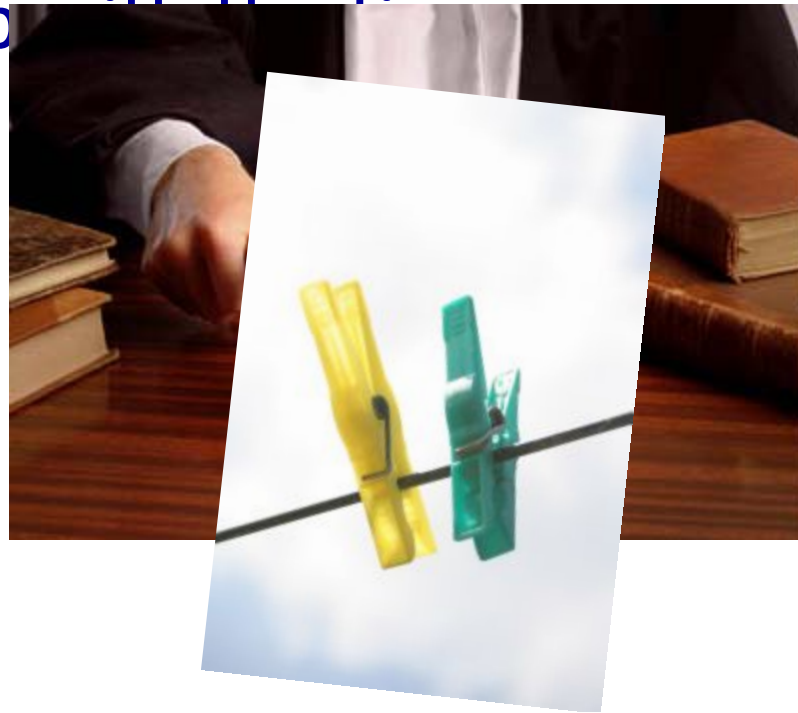
- In the face of Owner challenges to legality of Association's actions authorized under legal documents/law
  - Utility suspension (hazardous/unsanitary condition)
  - Parking Suspension (unreasonable or denies access to unit)
  - Elevator Suspension (denies access/medical condition)



# Is It Time for a New Map?

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- To take advantage of court cases
- To keep up with the times



# Is It Time for a New Map?

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- To restrict the number of homes that can be leased
- To add the right to tow
- To add the right to fine
- To add the right to set up rules for the conduct of meetings
- To add the right to remove a director for failure to pay assessments



# Is it Time for a New Map?

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- To clarify provisions – i.e. suspension of use of common elements or areas
- To better reflect the way the community currently operates



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# Is it Time for a New Map?

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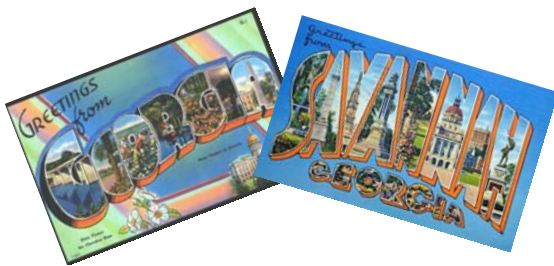
- To take advantage of the provisions of the Georgia Property Owners Association Act, especially in light of the limitations now placed on the ability to add leasing restrictions



# How do You Upgrade Your Map?

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- Declaration
- Bylaws
- Rules and Regulations



# How do You Upgrade Your Map?

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- Design Guidelines – can be amended by the ACC or the Board
- Articles of Incorporation – need to follow the Articles of Incorporation or the Georgia Nonprofit Corporate Code – may only need a vote of the Board of Directors



# Questions

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# Thank you!



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