

Attorneys Help Draft HOA Founding and Governing Documents

When an HOA is first formed, a variety of legal documents must be drafted, to comply with Michigan State Law and to set guidelines for the ongoing operations and management of the HOA. The most important of these documents include the HOA's articles of incorporation, the bylaws, covenants, conditions, and restrictions (CC&Rs), and perhaps less formal rules and regulations.

Many of these will be lengthy documents, setting out rules for everything from how many people will serve on the board to how meetings must be run.

It's important to get these documents drafted by a professional, given that all homeowners, depending whether the intended organization is volunteer or mandatory. The HOA will be legally bound by them in the future, and will look to them for guidance in situations that no one might have anticipated early on. Therefore, many HOAs (or the construction company that builds the new development) will hire an experienced HOA attorney to draft or review the documents.

Doing so makes it less likely that an HOA will be stuck with rules, such as how much it can charge in fees or how to terminate someone who's on the board, that it can't feasibly live with or lawfully enforce.