

OTS 10.1

10.1 CONDOMINIUMS – BYLAWS

Problem A:

If the bylaws of a condominium are amended must the declaration be amended?

Standard A:

Yes.

Comment A:

The bylaws are attached to the declaration and for the bylaws to be amended, it is necessary to amend the declaration in the manner provided for in the declaration which normally requires the affirmative vote of unit owners exercising not less than 75% of the voting power. (Ohio Revised Code Sections 5311.05(B)(10), 5311.06(A)(2) and 5311.08 (B))

Problem B:

Must the bylaws be signed, witnessed and acknowledged by the owner?

Standard B:

No.

Comment B:

A true copy of the bylaws must be attached to the declaration. Chapter 5311 of the Ohio Revised Code contains no requirement as to the execution of the bylaws. However, *see* Ohio Revised Code Section 5311.05(A) as to the requirements for execution of the declaration.

(Amended July 24, 2020; amended May 13, 2009 to revise statutory references changed by 2004 amendment to the condominium statute; originally effective May 20, 1976)