

HOUSE BILL REPORT

SB 5083

As Reported by House Committee On:
Judiciary

Title: An act relating to political yard signs in homeowners' associations.

Brief Description: Concerning the display of political yard signs in homeowners' associations.

Sponsors: Senators Benton, Shin, Carrell, Kline and Hasegawa.

Brief History:

Committee Activity:

Judiciary: 3/28/13, 4/2/13 [DPA].

Brief Summary of Bill
(As Amended by Committee)

- Amends the statute that prevents a homeowners' association from prohibiting the outdoor display of political yard signs before primary and general elections to include special elections.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 9 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Goodman, Jinkins, Kirby, Klippert, Orwall, Roberts and Shea.

Minority Report: Do not pass. Signed by 2 members: Representatives O'Ban, Assistant Ranking Minority Member; Nealey.

Staff: Omeara Harrington (786-7136).

Background:

Homeowners' associations are organizations whose membership is comprised of the property owners within a residential development. Homeowners' associations generally levy and collect assessments, manage and maintain common property for the benefit of the residents, and enforce covenants that govern developments. The authority to carry out these functions comes from governing documents, such as the declaration of covenants, conditions, and

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restrictions. A person who purchases property within a subdivision governed by a homeowners' association becomes a member of the association and generally must abide by the restrictive covenants.

Restrictive covenants in governing documents may regulate such matters as the architectural design of homes, schemes of landscaping, and the size and placement of mailboxes. Governing documents cannot prohibit the outdoor display of political yard signs by an owner or resident on the owner's or resident's property before any primary or general election. However, reasonable regulations may be imposed on the placement and manner in which the sign is displayed.

"General election" is defined in statute as an election required to be held on a fixed date recurring at regular intervals, and "primary election" is defined as a procedure for winnowing candidates for public office to a final list of two as part of a special or general election. In addition to primary and general elections are "special elections," which are defined as any election that is not a general election.

Summary of Amended Bill:

The statute preventing a homeowners' association's governing documents from prohibiting the outdoor display of political yard signs before any primary or general election is amended to add special elections. The statute applies retroactively to any existing governing documents.

Amended Bill Compared to Original Bill:

Rather than preventing homeowners' association governing documents from prohibiting the outdoor display of political yard signs before a public election, the current law applying to primary and general elections is restored, and special elections are added. The date of the retroactivity clause is changed to match the effective date of the act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) None.

(Opposed) None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.