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SENATE BILL 5377

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State of Washington

65th Legislature

2017 Regular Session

By Senator Sheldon

Read first time 01/20/17. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to vote count requirements for homeowners'  
2 associations; and amending RCW 64.38.025.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 64.38.025 and 2011 c 189 s 8 are each amended to  
5 read as follows:

6 (1) Except as provided in the association's governing documents  
7 or this chapter, the board of directors shall act in all instances on  
8 behalf of the association. In the performance of their duties, the  
9 officers and members of the board of directors shall exercise the  
10 degree of care and loyalty required of an officer or director of a  
11 corporation organized under chapter 24.03 RCW.

12 (2) The board of directors shall not act on behalf of the  
13 association to amend the articles of incorporation, to take any  
14 action that requires the vote or approval of the owners, to terminate  
15 the association, to elect members of the board of directors, or to  
16 determine the qualifications, powers, and duties, or terms of office  
17 of members of the board of directors; but the board of directors may  
18 fill vacancies in its membership of the unexpired portion of any  
19 term.

20 (3) Within thirty days after adoption by the board of directors  
21 of any proposed regular or special budget of the association, the

1 board shall set a date for a meeting of the owners to consider  
2 ratification of the budget not less than fourteen nor more than sixty  
3 days after mailing of the summary. (~~Unless at that meeting the~~  
4 ~~owners of a majority of the votes in the association are allocated or~~  
5 ~~any larger percentage specified in the governing documents reject the~~  
6 ~~budget, in person or by proxy, the budget is ratified, whether or not~~  
7 ~~a quorum is present.)) At the meeting of the owners, the majority of  
8 valid ballots cast by those in the association present, by person or  
9 by proxy, determines the proposed budget vote. In the event the  
10 proposed budget is rejected or the required notice is not given, the  
11 periodic budget last ratified by the owners shall be continued until  
12 such time as the owners ratify a subsequent budget proposed by the  
13 board of directors.~~

14 (4) As part of the summary of the budget provided to all owners,  
15 the board of directors shall disclose to the owners:

16 (a) The current amount of regular assessments budgeted for  
17 contribution to the reserve account, the recommended contribution  
18 rate from the reserve study, and the funding plan upon which the  
19 recommended contribution rate is based;

20 (b) If additional regular or special assessments are scheduled to  
21 be imposed, the date the assessments are due, the amount of the  
22 assessments per each owner per month or year, and the purpose of the  
23 assessments;

24 (c) Based upon the most recent reserve study and other  
25 information, whether currently projected reserve account balances  
26 will be sufficient at the end of each year to meet the association's  
27 obligation for major maintenance, repair, or replacement of reserve  
28 components during the next thirty years;

29 (d) If reserve account balances are not projected to be  
30 sufficient, what additional assessments may be necessary to ensure  
31 that sufficient reserve account funds will be available each year  
32 during the next thirty years, the approximate dates assessments may  
33 be due, and the amount of the assessments per owner per month or  
34 year;

35 (e) The estimated amount recommended in the reserve account at  
36 the end of the current fiscal year based on the most recent reserve  
37 study, the projected reserve account cash balance at the end of the  
38 current fiscal year, and the percent funded at the date of the latest  
39 reserve study;

1 (f) The estimated amount recommended in the reserve account based  
2 upon the most recent reserve study at the end of each of the next  
3 five budget years, the projected reserve account cash balance in each  
4 of those years, and the projected percent funded for each of those  
5 years; and

6 (g) If the funding plan approved by the association is  
7 implemented, the projected reserve account cash balance in each of  
8 the next five budget years and the percent funded for each of those  
9 years.

10 (5) The owners by a majority vote of the voting power in the  
11 association present, in person or by proxy, and entitled to vote at  
12 any meeting of the owners at which a quorum is present, may remove  
13 any member of the board of directors with or without cause.

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